

**CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
DECEMBER 1, 2020**

Paul S. Leon
Mayor

Debra Dorst-Porada
Mayor pro Tem

Alan D. Wapner
Council Member

Jim W. Bowman
Council Member

Ruben Valencia
Council Member



Sheila Mautz
City Clerk

James R. Milhiser
Treasurer

Scott Ochoa
City Manager

Ruben Duran
City Attorney

SPECIAL AND URGENT NOTICE

In accordance with the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20) and the Governor's Stay at Home Order (Executive Order N-33-20), the Ontario City Council Meetings are being conducted via teleconference to limit in-person attendance at the upcoming meeting of the City of Ontario City Council and Housing Authority.

Members of the public may utilize alternative measures established by the City of Ontario to view the City Council meetings and/or to address the Mayor and City Council Members.

The meeting will be live broadcast on local cable Channel 3 as well as internet live streamed: www.ontarioca.gov/Agendas/CityCouncil

We appreciate your understanding during this unprecedented time of social distancing under the Stay at Home Order. These procedures may be modified in the future as social and public gathering protocols change.

WELCOME to a meeting of the Ontario City Council.

- All documents for public review are on file with the Records Management/City Clerk's Department located at 303 East B Street, Ontario, CA 91764.
- Anyone wishing to provide public comment or to address the City Council have been provided alternative measures including U.S. mail, email, a website comment form, and the ability to call in and speak to the City Council. All public comments received by the established deadline for this meeting will be included as part of the official meeting record.
- In accordance with State Law, remarks during public comment are to be limited to subjects within Council's jurisdiction. Remarks on other agenda items will be limited to those items.

ORDER OF BUSINESS The regular City Council and Housing Authority meeting begins with Closed Session and Closed Session Comment at 5:30 p.m., Public Comment at 6:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

CALL TO ORDER (*OPEN SESSION*)

5:30 p.m.

ROLL CALL

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

CLOSED SESSION PUBLIC COMMENT

Members of the public who wish to address a closed session agenda item may do so by mailing comments to the City Clerk's Office, or by calling (909) 395-2900 between 5:00 - 5:30 p.m. or by emailing PublicComments@ontarioca.gov no later than 4:00 p.m. on the day of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

CLOSED SESSION

- GC 54957, PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Employee: Gricelda Perez

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 0210-204-12 through 0210-204-15, 0210-204-20 through 0210-204-23, 0210-204-38 and 0210-204-39; City Negotiator: Scott Ochoa or his designee; Negotiating parties: American General Design, Inc. (d/b/a/ Adept Development); Under negotiation: Price and terms of payment.

In attendance: Dorst-Porada, Wapner, Bowman, Valencia, Mayor/Chairman Leon

PLEDGE OF ALLEGIANCE

Council Member Bowman

INVOCATION

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

Members of the public who wish to provide a general comment or address a specific agenda item may do so by mailing comments to the City Clerk's Office, or by calling (909) 395-2900 between 6:00 – 6:30 p.m. or by emailing PublicComments@ontarioca.gov no later than 5:00 p.m. on the day of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

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

CONSENT CALENDAR

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

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

1. APPROVAL OF MINUTES

Minutes for the special meeting of the City Council and Housing Authority of November 2, 2020, and the regular meeting of the City Council and Housing Authority of November 3, 2020.

2. BILLS/PAYROLL

Bills October 30, 2020 through November 12, 2020 and **Payroll** October 25, 2020 through November 7, 2020, when audited by the Finance Committee.

3. AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT (FILE NO. PDA20-001) BETWEEN THE CITY OF ONTARIO AND ONTARIO SCHAEFER HOLDINGS, LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP 20298 (FILE NO. PMTT19-015), A 10.49-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF LA AVENIDA DRIVE AND MANITOBA PLACE, WITHIN THE PROPOSED LOW-MEDIUM DENSITY RESIDENTIAL LAND USE DISTRICT OF THE AVENUE SPECIFIC PLAN (APN: 0218-652-27)

That the City Council consider and adopt an ordinance approving the Development Agreement (File No. PDA20-001) between the City of Ontario and Ontario Schaefer Holdings, LLC., to establish the terms and conditions for the development of Tentative Tract Map 20298 (File No. PMTT19-015), a 10.49 - acre property located at the northeast corner of La Avenida Drive and Manitoba Place, within the proposed Low-Medium Density Residential land use district of The Avenue Specific Plan (APN: 0218-652-27).

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA20-001, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND ONTARIO SCHAEFER HOLDINGS, LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP 20298 (FILE NO. PMTT19-015), A 10.49 ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF LA AVENIDA DRIVE AND MANITOBA PLACE, WITHIN THE PROPOSED LOW-MEDIUM DENSITY RESIDENTIAL LAND USE DISTRICT OF THE AVENUE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 0218-652-27.

4. A ZONE CHANGE (FILE NO. PZC19-002) ON 41.35 ACRES OF LAND, FROM LDR-5 (LOW DENSITY RESIDENTIAL (2.1 TO 5.0 DU/AC)), CC (COMMUNITY COMMERCIAL), AND SP (SPECIFIC PLAN), TO 33.75 ACRES OF IL (LIGHT INDUSTRIAL) AND 7.6 ACRES OF CC (COMMUNITY COMMERCIAL) ZONED LAND AND A SPECIFIC PLAN AMENDMENT (FILE NO. PSPA19-010) RESCINDING THE TUSCANA VILLAGE SPECIFIC PLAN. THE PROJECT SITE IS LOCATED AT THE NORTHWEST CORNER OF RIVERSIDE DRIVE AND MILLIKEN AVENUE (APNS: 1083-361-01, 1083-361-04 AND 1083-361-07)

That the City Council consider and adopt an ordinance approving a Zone Change (File No. PZC19-002) on 41.35 acres of land from LDR-5 (Low Density Residential – 2.1 to 5.0 dwelling units per acre), CC (Community Commercial), and SP (Specific Plan) to 33.75 acres of IL (Light Industrial) and 7.6 acres of CC (Community Commercial) zoned land and a Specific Plan Amendment (File No. PSPA19-010) rescinding the Tuscana Village Specific Plan.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NOS. PZC19-002 AND PSPA19-010, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DESIGNATION ON 41.35 ACRES OF LAND FROM LDR-5 (LOW DENSITY RESIDENTIAL - 2.1 TO 5.0 DU/AC), CC (COMMUNITY COMMERCIAL), AND SP (SPECIFIC PLAN) TO 33.75 ACRES OF IL (LIGHT INDUSTRIAL) AND 7.6 ACRES OF CC (COMMUNITY COMMERCIAL) ZONED LAND AND A SPECIFIC PLAN AMENDMENT RESCINDING THE TUSCANA VILLAGE SPECIFIC PLAN, LOCATED AT THE NORTHWEST CORNER OF RIVERSIDE DRIVE AND MILLIKEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF - APNS: 1083-361-01, 1083-361-04 AND 1083-361-07.

5. ***AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT (FILE NO. PDA19-001) BETWEEN THE CITY OF ONTARIO AND EUCLID LAND VENTURE, LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE PARCEL MAP 20016 (FILE NO. PMTT18-011), AN 85.6-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF MERRILL AVENUE AND EUCLID AVENUE, WITHIN THE INDUSTRIAL AND BUSINESS PARK LAND USE DISTRICTS OF THE ONTARIO RANCH BUSINESS PARK SPECIFIC PLAN (APNS: 1054-011-01, 1054-011-02, 1054-011-04, 1054-021-01, 1054-021-02, 1054-271-01, 1054-271-02, 1054-271-03, 1054-281-01, 1054-281-02 AND 1054-281-03***

That the City Council consider and adopt an ordinance approving the Development Agreement (File No. PDA19-001) between the City of Ontario and Euclid Land Venture, LLC., to establish the terms and conditions for the development of Tentative Parcel Map 20016 (File No. PMTT18-011), an 85.6-acre property located at the northeast corner of Merrill Avenue and Euclid Avenue, within the Industrial and Business Park land use districts of the Ontario Ranch Business Park Specific Plan (APNs: 1054-011-01, 1054-011-02, 1054-011-04, 1054-021-01, 1054-021-02, 1054-271-01, 1054-271-02, 1054-271-03, 1054-281-01, 1054-281-02 and 1054-281-03.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA19-001, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND EUCLID LAND VENTURE, LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE PARCEL MAP 20016 (FILE NO. PMTT18-011), A 85.6-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF MERRILL AVENUE AND EUCLID AVENUE, WITHIN THE INDUSTRIAL AND BUSINESS PARK LAND USE DISTRICTS OF THE ONTARIO RANCH BUSINESS PARK SPECIFIC PLAN AND MAKING FINDINGS IN SUPPORT THEREOF - APNS: 1054-011-01, 1054-011-02, 1054-011-04, 1054-021-01, 1054-021-02, 1054-271-01, 1054-271-02, 1054-271-03, 1054-281-01, 1054-281-02 AND 1054-281-03.

6. ***AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 57 (NEUHOUSE)***

That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 57 (Neuhouse).

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 57 (NEUHOUSE).

7. ***A DEVELOPMENT CODE AMENDMENT PROPOSING TO: [1] REVISE CURRENT PROVISIONS REGARDING THE REGULATION OF ACCESSORY DWELLING UNITS AND RESCIND AN URGENCY ORDINANCE PREVIOUSLY APPROVED BY THE CITY COUNCIL ON JANUARY 21, 2020; [2] REVISE CURRENT MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT PROVISIONS TO FACILITATE THE ESTABLISHMENT OF THE DOWNTOWN DISTRICT PLAN; [3] ESTABLISH PROVISIONS REGULATING THE DEVELOPMENT OF SMALL LOT INFILL SUBDIVISIONS; [4] REVISE PROVISIONS REGULATING MASSAGE SERVICES AND MASSAGE ESTABLISHMENTS, AND ESTABLISHING AN ADMINISTRATIVE APPROVAL PROCEDURE FOR MASSAGE ESTABLISHMENTS; AND [5] ADJUST AND CLARIFY CERTAIN DEVELOPMENT CODE PROVISIONS WITHIN CHAPTER 2.0 (ADMINISTRATION AND PROCEDURES), CHAPTER 3.0 (NONCONFORMING LOTS, LAND USES, STRUCTURES, AND SIGNS), CHAPTER 5.0 (ZONING AND LAND USE), CHAPTER 6.0 (DEVELOPMENT AND SUBDIVISION REGULATIONS), CHAPTER 7.0 (HISTORIC PRESERVATION), CHAPTER 8.0 (SIGN REGULATIONS), AND CHAPTER 9.0 (DEFINITIONS AND GLOSSARY)***

That the City Council consider and adopt an ordinance approving File No. PDCA18-003, a Development Code Amendment proposing to:

- A. Revise current provisions regarding the regulation of accessory dwelling units and rescind an urgency ordinance previously approved by the City Council on January 21, 2020;
- B. Revise current MU-1 (Downtown Mixed Use) zoning district provisions to facilitate the establishment of the Downtown District Plan;
- C. Establish provisions regulating the development of small lot infill subdivisions;
- D. Revise provisions regulating massage services and massage establishments, and establishing an administrative approval procedure for massage establishments; and
- E. Adjust and clarify certain Development Code provisions within Chapter 2.0 (Administration and Procedures), Chapter 3.0 (Nonconforming Lots, Land Uses, Structures, and Signs), Chapter 5.0 (Zoning and Land Use), Chapter 6.0 (Development and Subdivision Regulations), Chapter 7.0 (Historic Preservation), Chapter 8.0 (Sign Regulations), and Chapter 9.0 (Definitions and Glossary).

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA18-003, A DEVELOPMENT CODE AMENDMENT PROPOSING TO: [1] REVISE CURRENT PROVISIONS REGARDING THE REGULATION OF ACCESSORY DWELLING UNITS AND RESCIND AN URGENCY ORDINANCE PREVIOUSLY APPROVED BY THE CITY COUNCIL ON JANUARY 21, 2020; [2] REVISE CURRENT MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT PROVISIONS TO FACILITATE THE ESTABLISHMENT OF THE DOWNTOWN DISTRICT PLAN; [3] ESTABLISH PROVISIONS REGULATING THE DEVELOPMENT OF SMALL LOT INFILL SUBDIVISIONS; [4] REVISE PROVISIONS

REGULATING MASSAGE SERVICES AND MASSAGE ESTABLISHMENTS, AND ESTABLISHING AN ADMINISTRATIVE APPROVAL PROCEDURE FOR MASSAGE ESTABLISHMENTS; AND [5] MODIFY, ADJUST, AND CLARIFY CERTAIN DEVELOPMENT CODE PROVISIONS WITHIN CHAPTER 2.0 (ADMINISTRATION AND PROCEDURES), CHAPTER 3.0 (NONCONFORMING LOTS, LAND USES, STRUCTURES, AND SIGNS), CHAPTER 5.0 (ZONING AND LAND USE), CHAPTER 6.0 (DEVELOPMENT AND SUBDIVISION REGULATIONS), CHAPTER 7.0 (HISTORIC PRESERVATION), CHAPTER 8.0 (SIGN REGULATIONS), AND CHAPTER 9.0 (DEFINITIONS AND GLOSSARY), AND MAKING FINDINGS IN SUPPORT THEREOF.

8. *STORMWATER PERMIT PARTICIPATION AND JOINT DEFENSE AGREEMENT*

That the City Council approve and authorize the City Manager to execute the Municipal Separate Storm Sewer System (MS4) Stormwater Permit Participation and Joint Defense Agreement (on file with the Record Management Department) between San Bernardino County, City of Ontario, the County Flood Control District, and fifteen co-permittee agencies.

9. *APPROVAL OF THE UPDATED INVESTMENT POLICY (2020)*

That the City Council consider and approve an update to the City of Ontario's Investment Policy.

10. *FISCAL YEAR 2020-21 FIRST QUARTER BUDGET UPDATE REPORT*

That the City Council approve the budget adjustments and recommendations as listed in the Fiscal Year 2020-21 First Quarter Budget Update Report.

11. *A RESOLUTION CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY FOR THE 2020 CORONAVIRUS PANDEMIC*

That the City Council adopt a resolution continuing the Proclamation of Local Emergency for the 2020 Coronavirus Pandemic until further notice with an update scheduled for the December 15, 2020 City Council Meeting, unless canceled sooner.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROCLAIMING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY AND DIRECT THE EMERGENCY ORGANIZATION OF THE CITY OF ONTARIO TO TAKE ALL NECESSARY STEPS FOR THE PROTECTION OF LIFE, HEALTH AND SAFETY IN THE CITY OF ONTARIO.

12. *AWARD OF A CONSTRUCTION CONTRACT TO CP CONSTRUCTION, INC., FOR THE SAN ANTONIO AVENUE WATER TRANSMISSION MAIN, PHASE 1*

That the City Council approve the plans and specifications and award Contract No. UT 1013 (on file in the Records Management Department) to CP Construction, Inc. of Ontario, California, for the construction of the San Antonio Avenue Water Transmission Main, Phase 1, in the amount of \$1,900,210 plus a 15% contingency of \$285,032, for a total amount of \$2,185,242; and authorize the City Manager to execute said contract and file a notice of completion at the conclusion of all construction activities related to the project.

13. AWARD OF A CONSTRUCTION CONTRACT TO E.L. ENGINEERING CORP., FOR ON-CALL PLUMBING SERVICES

That the City Council authorize the City Manager to execute a three-year Construction Contract (on file in the Records Management Department) with E.L. Engineering Corp., of La Verne, California, for on-call plumbing services in the amount of \$450,000; and authorize the option to extend the agreements for up to two additional years.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

14. INTRODUCTION OF AN ORDINANCE ADDING SECTION 2-10.09, "ELECTRONIC FILING OF CAMPAIGN DISCLOSURE STATEMENTS AND STATEMENTS OF ECONOMIC INTEREST," TO THE CITY OF ONTARIO MUNICIPAL CODE

That the City Council introduce and waive further reading of an Ordinance adding Section 2-10.09 to the Ontario Municipal Code – Electronic Filing of Campaign Disclosure Statements and Statements of Economic Interest.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 10 OF TITLE 2, ADDING NEW SECTION 2-10.09 TO THE ONTARIO MUNICIPAL CODE, RELATING TO ELECTRONIC FILING OF CAMPAIGN STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS AND FINDING THE ACTION EXEMPT FROM CEQA.

STAFF MATTERS

City Manager Ochoa

COUNCIL MATTERS

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

ADJOURNMENT

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council // Housing Authority // Other // (GC 54957.1)
December 1, 2020

ROLL CALL: Dorst-Porada __, Wapner __, Bowman __, Valencia __, Mayor / Chairman Leon __.

STAFF: City Manager / Executive Director __, City Attorney __

In attendance: Dorst-Porada __, Wapner __, Bowman __, Valencia __, Mayor / Chairman Leon __.

- GC 54957, PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Employee: Gricelda Perez

No Reportable Action	Continue	Approved
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Disposition: _____

In attendance: Dorst-Porada __, Wapner __, Bowman __, Valencia __, Mayor / Chairman Leon __.

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APNS: 0210-204-12 through 0210-204-15, 0210-204-20 through 0210-204-23, 0210-204-38 and 0210-204-39; City Negotiator: Scott Ochoa or his designee; Negotiating parties: American General Design, Inc. (d/b/a/ Adept Development); Under negotiation: Price and terms of payment.

Reported by:

City Attorney / City Manager / Executive Director

**SPECIAL ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
NOVEMBER 2, 2020
(Not Official Until Approved)**

JOINT MEETINGS

A Special Meeting of the Ontario City Council/Ontario Housing Authority was held on Monday, November 2, 2020, at the Ontario City Hall, 303 East B Street, Ontario, California.

CALLED TO ORDER – OPEN SESSION

Mayor Leon called the joint City Council and Ontario Housing Authority meetings at 9:00 a.m.

SPECIAL AND URGENT ANNOUNCEMENT

In accordance with the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20), the Ontario City Council Meetings are being conducted via teleconference to limit in-person attendance at meetings of the City of Ontario City Council and Housing Authority.

Members of the public were advised to utilize alternative measures to view the City Council meetings and/or to address the Mayor and City Council Members.

The meeting was live broadcast on local cable Channel 3 as well as internet live streamed at www.ontarioca.gov/Agendas/CityCouncil.

ROLL CALL

PRESENT:	Mayor/Chairman	Paul S. Leon
	Mayor pro Tem/Vice Chairman	Debra Dorst-Porada
	Council/Authority Members:	Alan D. Wapner, Jim W. Bowman, and Ruben Valencia (all participating via teleconference).

ABSENT: Council/Authority Members: None.

Also present were City Manager/Executive Director Scott Ochoa, City Attorney/Legal Counsel Ruben Duran and City Clerk/Secretary Sheila Mautz.

The Pledge of Allegiance was led by Council Member Bowman.

PUBLIC COMMENT

Assistant City Clerk Isbell reported there were no written comments and no web submissions, and no callers wishing to address the City Council.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

1. A RESOLUTION RATIFYING THE PROCLAMATION OF A LOCAL EMERGENCY AND DIRECTING THE EMERGENCY ORGANIZATION OF THE CITY OF ONTARIO TO TAKE NECESSARY STEPS FOR THE PROTECTION OF LIFE, HEALTH, AND SAFETY IN THE CITY OF ONTARIO REGARDING A SANTA ANA WINDSTORM.

The City Council approved and adopted a resolution to ratify the Proclamation of Local Emergency and directing the emergency organization of the City of Ontario to take the necessary steps for the protection of life, health, and safety in the City of Ontario regarding a Santa Ana windstorm.

RESOLUTION NO. 2020-179 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY AND DIRECTING THE EMERGENCY ORGANIZATION OF THE CITY OF ONTARIO TO TAKE THE NECESSARY STEPS FOR THE PROTECTION OF LIFE, HEALTH AND SAFETY IN THE CITY OF ONTARIO REGARDING A SANTA ANA WINDSTORM.

MOTION: Moved by Council Member Valencia, seconded by Council Member Bowman and carried by unanimous roll call vote of those present to adopt Resolution No. 2020-179.

2. FURTHER IMPLEMENTATION OF CALIFORNIA PUBLIC EMPLOYEE RETIREMENT SYSTEM (CALPERS) TWO-YEARS ADDITIONAL SERVICE CREDIT FOR DESIGNATED CLASSIFICATIONS, DEPARTMENTS OR ORGANIZATIONAL UNITS

The City Council, by motion, adopted a resolution to ensure timely implementation of the two-years additional service credit in accordance with California Government Code section 20903 for designated classifications, departments or organizational units.

RESOLUTION NO. 2020-180 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RESCINDING RESOLUTION NO. 2020-066 AND APPROVING AN AMENDED AND RESTATED RESOLUTION AUTHORIZING A DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT.

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous roll call vote of those present to adopt Resolution No. 2020-180.

STAFF MATTERS

City Manager Ochoa had no comments.

COUNCIL MATTERS

Mayor Leon moved to waive council matters.

MOTION: Moved by Mayor Leon, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous roll call vote of those present to waive Council Matters.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 9:10 a.m.

Respectfully submitted,

SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:

PAUL S. LEON, MAYOR/CHAIRMAN

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
NOVEMBER 3, 2020
*(Not Official Until Approved)***

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, November 3, 2020, at the Ontario City Hall, 303 East B Street, Ontario, California.

CLOSED SESSION

Mayor Leon called the City Council/Ontario Housing Authority meetings to order at 6:30 p.m.

SPECIAL AND URGENT ANNOUNCEMENT

In accordance with the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20), the Ontario City Council Meetings are being conducted via teleconference to limit in-person attendance at meetings of the City of Ontario City Council and Housing Authority.

Members of the public were advised to utilize alternative measures to view the City Council meetings and/or to address the Mayor and City Council Members.

The meeting was live broadcast on local cable Channel 3 as well as internet live streamed at www.ontarioca.gov/Agendas/CityCouncil.

CALL TO ORDER – OPEN SESSION

Mayor Leon called the City Council and Ontario Housing Authority meetings to order at 6:36 p.m.

ROLL CALL

PRESENT:	Mayor/Chairman	Paul S. Leon
	Mayor pro Tem/Vice Chair	Debra Dorst-Porada
	Council/Authority Members:	Alan D. Wapner, Jim W. Bowman and Ruben Valencia (all participating via teleconference)

ABSENT:	Council/Authority Members:	None
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Also present were City Manager/Executive Director Scott Ochoa, City Attorney/Legal Counsel Ruben Duran and City Clerk/Secretary Sheila Mautz (all participating via teleconference).

The Pledge of Allegiance was led by Council Member Wapner.

Mayor Leon led a moment of silent reflection in lieu of the Invocation.

PUBLIC COMMENTS

Assistant City Clerk Isbell reported that there were no written comments presented, however, there was one web submission as follows:

Assistant City Clerk Isbell further reported that there were no callers wishing to address the City Council.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa asked that Council continue public hearing Item No. 09.

CONSENT CALENDAR

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman and carried by unanimous roll call vote of those present, to approve the Consent Calendar as presented.

1. APPROVAL OF MINUTES

City Council approved Minutes for the regular meeting of the City Council and Housing Authority of October 6, 2020.

2. BILLS/PAYROLL

City Council approved **Bills** for the period October 8, 2020 through October 15, 2020 in the amount of \$5,079,670.14 and **Payroll** for the period September 27, 2020 through October 10, 2020 in the amount of \$6,972,749.50 when audited by the Finance Committee.

3. A FUNDING AGREEMENT WITH SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT AND CITY OF CHINO FOR THE SAN ANTONIO AVENUE STORM DRAIN PROJECT

The City Council approved a funding agreement totaling \$23,360,000 with the San Bernardino County Flood Control District (SBCFCD) and the City of Chino for funding of the design and construction of the San Antonio Avenue Storm Drain

Project, from Sultana-Cypress Storm Drain to Phillips Street and easterly to Oakland Avenue; and authorized the City Manager to execute said Agreement and future administrative amendments to the Agreement.

4. ACCEPT A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; ADOPT A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 55 (PARKLANE) AND TO AUTHORIZE THE ASSOCIATED LEVY OF SPECIAL TAXES; AND ADOPT A RESOLUTION TO INCUR BONDED INDEBTEDNESS

That the City Council considered and:

- A. Accepted a written petition from Lennar Homes of California, located in Corona, California, to create a Community Facilities District, and to waived certain procedural matters, under the Mello-Roos Community Facilities Act of 1982;
- B. Adopted a Resolution of Intention to establish City of Ontario Community Facilities District No. 55 (Parklane) (the “CFD”), authorized the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, December 15, 2020; and
- C. Adopted a Resolution to Incur Bonded Indebtedness of proposed Community Facilities District No. 55 (Parklane).

RESOLUTION NO. 2020-181 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT, PROPOSED TO BE NAMED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 55 (PARKLANE), AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

RESOLUTION NO. 2020-182 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO INCUR BONDED INDEBTEDNESS OF THE PROPOSED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 55 (PARKLANE).

5. A RESOLUTION CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY FOR THE 2020 CORONAVIRUS PANDEMIC

The City Council adopted a resolution continuing the Proclamation of Local Emergency for the 2020 Coronavirus Pandemic until further notice with an update scheduled for the December 1, 2020 City Council Meeting, unless canceled sooner.

RESOLUTION NO. 2020-183 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROCLAIMING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY AND DIRECT THE EMERGENCY ORGANIZATION OF THE CITY OF ONTARIO TO TAKE ALL NECESSARY STEPS FOR THE PROTECTION OF LIFE, HEALTH AND SAFETY IN THE CITY OF ONTARIO.

6. **A ZONE CHANGE (FILE NO. PZC19-003) TO CHANGE THE ZONING DESIGNATION ON 0.21-ACRE OF LAND, FROM AR-2 (AGRICULTURAL RESIDENTIAL - 0 TO 2.0 DU/AC) TO MDR-11 (LOW-MEDIUM DENSITY RESIDENTIAL - 5.1 TO 11.0 DU/AC), LOCATED ON A LAND LOCKED PARCEL WEST OF 1524 AND 1526 SOUTH EUCLID AVENUE - APN: 1050-061-16**

City Council considered and adopted an ordinance approving a zone change (File No. PZC19-003) to create consistency between the zoning and the proposed General Plan land use designation of the subject property. Ordinance was first read and introduced on October 20, 2020.

ORDINANCE NO. 3169 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC19-003, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DESIGNATION ON .21 ACRES OF LAND FROM AR-2, AGRICULTURAL RESIDENTIAL (0-2 DU/AC), TO MDR-11, LOW-MEDIUM DENSITY RESIDENTIAL (5.1-11 DU/AC), FOR A LAND LOCKED PARCEL LOCATED WEST OF 1524 AND 1526 SOUTH EUCLID AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 1050-061-16.

7. **A RESOLUTION ESTABLISHING THE USE AND ACCEPTANCE OF ELECTRONIC AND DIGITAL SIGNATURES ON DOCUMENTS BY THE CITY OF ONTARIO WHEN CONDUCTING CITY BUSINESS**

The City Council adopted a resolution allowing the use and acceptance of electronic and digital signatures by the City of Ontario ("City") when conducting City business and directed the City Manager, or designee, to implement guidelines for the use and acceptance of electronic and digital signatures by the City.

RESOLUTION NO. 2020-184 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING THE USE AND ACCEPTANCE OF ELECTRONIC AND DIGITAL SIGNATURES ON DOCUMENTS BY THE CITY OF ONTARIO WHEN CONDUCTING CITY BUSINESS.

8. **A RESOLUTION REQUESTING RECOGNITION OF SUB-REGIONS WITHIN SAN BERNARDINO COUNTY FOR THE PURPOSE OF DETERMINING TIER DESIGNATIONS UNDER THE STATE'S "BLUEPRINT FOR A SAFER ECONOMY"**

The City Council adopted the resolution requesting recognition of sub-regions within San Bernardino County for the purpose of determining tier designations under the State’s “Blueprint for a Safer Economy”.

RESOLUTION NO. 2020-185 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REQUESTING RECOGNITION FOR THE PURPOSE OF DETERMINING TIER DESIGNATIONS UNDER THAT STATE’S “BLUEPRINT FOR A SAFER ECONOMY”

PUBLIC HEARINGS

9. PUBLIC HEARING REGARDING ECONOMIC DEVELOPMENT SUBSIDY REPORT AND RETENTION AGREEMENT BETWEEN THE CITY OF ONTARIO AND KIENLE MOTOR SPORTS, LLC, PURSUANT TO GOVERNMENT CODE SECTION 53083; AND CONSIDERATION OF A RESOLUTION ACCEPTING THE ECONOMIC DEVELOPMENT SUBSIDY REPORT, APPROVING THE OPERATING COVENANT AGREEMENT AND MAKING RELATED FINDINGS

The City Council took the following actions:

A. Held the public hearing;

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department.

There were no written communications.

Mayor Leon opened the public hearing asking those persons interested in this item to speak. Hearing no one, Mayor Leon continued the public hearing to the next regular meeting of November 17, 2020.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACCEPTING THE ECONOMIC DEVELOPMENT SUBSIDY REPORT PREPARED PURSUANT TO GOVERNMENT CODE SECTION 53083 REGARDING THE DEVELOPMENT OF A PORSCHE FACILITY BY KIENLE MOTOR SPORTS, LLC, IN THE CITY OF ONTARIO AND APPROVING AN OPERATING COVENANT AGREEMENT.

MOTION: Moved by Council Member Bowman, seconded by Mayor Leon and carried by unanimous roll call vote of those present to continue the public hearing to November 17, 2020.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

10. INTRODUCTION OF AN ORDINANCE REGARDING THE ADOPTION OF CAMPAIGN FINANCE LIMITS, PURSUANT TO ASSEMBLY BILL 571

The City Council introduced and waived further reading of an ordinance regarding the adoption of campaign finance limits, pursuant to Assembly Bill 571.

City Attorney Duran gave a brief explanation of the ordinance.

ORDINANCE NO. 3170 (First Reading) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 10 OF TITLE 2 OF THE ONTARIO MUNICIPAL CODE RELATING TO CAMPAIGN CONTRIBUTION LIMITS.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman and carried by unanimous roll call vote of those present to introduce for its first reading, Ordinance No. 3170.

STAFF MATTERS

City Manager Ochoa made no announcements.

COUNCIL MATTERS

Mayor Leon asked that Council Matters be waived to the next meeting. There was consensus from Council.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 6:45 p.m. to the next regular meetings to be held on Tuesday, November 17, 2020.

Respectfully submitted,

SHEILA MAUTZ, CITY CLERK/SECRETARY


APPROVED:

PAUL S. LEON, MAYOR/CHAIRMAN

CITY OF ONTARIO

Agenda Report
December 1, 2020

SECTION: CONSENT CALENDAR

Department: Development Administration
Prepared By: Derrick E Womble
Staff Member Presenting:
Scott Murphy, AICP, Executive Director
Development Agency
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 3

SUBJECT: AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT (FILE NO. PDA20-001) BETWEEN THE CITY OF ONTARIO AND ONTARIO SCHAEFER HOLDINGS, LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP 20298 (FILE NO. PMTT19-015), A 10.49-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF LA AVENIDA DRIVE AND MANITOBA PLACE, WITHIN THE PROPOSED LOW-MEDIUM DENSITY RESIDENTIAL LAND USE DISTRICT OF THE AVENUE SPECIFIC PLAN (APN: 0218-652-27)

RECOMMENDATION: That the City Council consider and adopt an ordinance approving the Development Agreement (File No. PDA20-001) between the City of Ontario and Ontario Schaefer Holdings, LLC., to establish the terms and conditions for the development of Tentative Tract Map 20298 (File No. PMTT19-015), a 10.49-acre property located at the northeast corner of La Avenida Drive and Manitoba Place, within the proposed Low-Medium Density Residential land use district of The Avenue Specific Plan (APN: 0218-652-27).

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Invest in the Growth and Evolution of the City's Economy

Operate in a Businesslike Manner

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

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

FISCAL IMPACT: The proposed Development Agreement (File No. PDA20-001) will not have an immediate impact on the City's budget. The Development Agreement will provide funding from the formation of a Community Facilities District (CFD) for City services and facilities required to support The Avenue Specific Plan development, thereby mitigating the increased costs associated with such services. In addition, the City will receive public service funding fees plus development impact, compliance processing, licensing, and permitting fees. No General City revenue will be used to support the Ontario Ranch development.

BACKGROUND & ANALYSIS: On November 17, 2020, the City Council introduced and waived further reading of an ordinance approving the Development Agreement (File No. PDA20-001). On February 16, 2007, the City Council approved The Avenue Specific Plan (File No. PSP05-003), which addressed potential development of approximately 568 acres of land, including up to 2,875 residential

units, 130,680 square feet of commercial space, pocket parks and public trails. On January 27, 2010, the City Council adopted a compressive update to The Ontario Plan (File No. PGPA06-001).

The Ontario Ranch financial commitments required for construction of properties within a specific plan are substantial. Therefore, in order to adequately forecast these costs and gain assurance that the project may proceed under the existing policies, rules and regulations, Ontario Schaefer Holdings, LLC (“Owner”) has requested that the City enter into negotiations to create a Development Agreement (“Agreement”).

In accordance with California Government Code Section 65865, which in part states that “[a]ny city... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property...” and California Government Code Section 65865.52, which in part states that “a Development Agreement shall specify the duration of the Agreement, the permitted uses of the property... and may include conditions, terms, restrictions...,” the City of Ontario adopted Resolution No. 2002-100 setting forth the procedures and requirements for consideration of Development Agreements. Furthermore, the Financing and Construction Agreement with the NMC Builders, LLC (NMC Builders), requires those developments wishing to use the infrastructure it created to enter into Development Agreements with the City of Ontario. Pursuant to these procedures and requirements, staff entered into negotiations with the Owner to create a Development Agreement for consideration by the Planning Commission and City Council.

The proposed Agreement (File No. PDA20-001) is based upon the model Development Agreement that was developed in coordination with the City Attorney and legal counsel for NMC Builders. This model Development Agreement is consistent with the provisions of the Construction Agreement. The terms of the agreement between NMC Builders’ members requires that members of the LLC enter into Development Agreements that are consistent with the provisions of the Construction Agreement.

Originally, the 10.49-acre property was part of a future middle school site which included the adjacent property (approx. 10.22 acres) directly east, and totaled 20.71 acres. The Mountain View School District (“School District”) recently conducted a school site analysis for Ontario Ranch and concluded the they did not need the site as a middle school to meet the educational needs for Ontario Ranch residents. Therefore, the Owner is proposing a General Plan Amendment (File No. PGPA19-008) to modify the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01) component of The Ontario Plan, changing the land use designation on 10.49 acres of land from School to Low-Medium Density Residential, in conjunction with modification of the Future Buildout Table (Exhibit LU-03) to be consistent with the proposed land use designation change, and an Amendment to The Avenue Specific Plan (File No. PSPA19-011), changing the land use designation on the project site from School to Low-Medium Density Residential, generally located at the northeast corner of La Avenida Drive and Manitoba Place. Additionally, the Owner is proposing a Development Agreement to allow for the construction of necessary public infrastructure to serve the property and quantify fees associated with Project development.

The Agreement proposes to include 10.49 acres of land within the proposed Low-Medium Density Residential land use district of The Avenue Specific Plan, as shown on the attached Exhibit “A”. The Agreement grants the Owner a vested right to develop Tentative Tract Map 20298 (File No. PMTT19-015) provided the Owner complies with the terms and conditions of the Specific Plan and EIR.

The Tentative Tract Map 20298 (see Exhibit “B”) is located at the northeast corner of La Avenida Drive and Manitoba Place and proposes to subdivide approximately 10.49 acres of land into 106 numbered lots and 19 lettered lots for residential, public/private streets, landscaped neighborhood edges, and

common open space purposes.

The term of the Agreement is for ten (10) years, with a five (5) year option to renew. The main points of the Agreement address funding for all new City expenses created by the project, which includes: Development Impact Fees (DIF) for construction of public improvements (i.e. streets and bridges, sewer, water, storm drain and fiber); public service funding to ensure adequate provisions of public services (police, fire and other public services); the creation of a Community Facilities District (CFD) for the maintenance of public facilities.

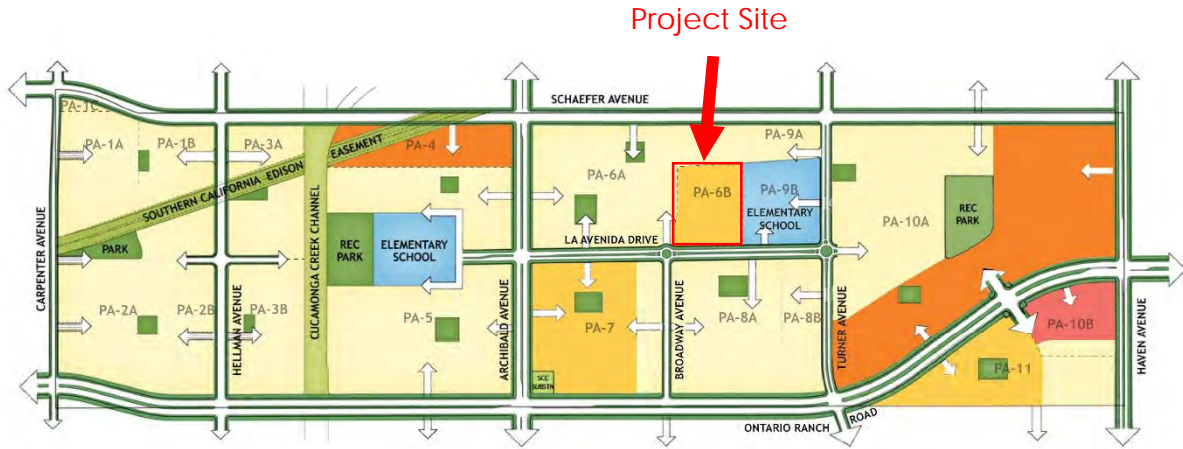
In considering the application at their meeting on October 27, 2020, the Planning Commission found that the Development Agreement was consistent with State law, The Ontario Plan, and the City's Development Agreement policies, previously approved for Ontario Ranch developments. As a result, the Planning Commission adopted Resolution No. PC20-073 recommending City Council approval of the Development Agreement with a 4-0 vote.

HOUSING ELEMENT COMPLIANCE: Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the Planning Commission finds that based upon the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (2,875) and density (2-12 du/ac) specified in the Available Land Inventory.

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

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with an Addendum to The Ontario Plan (File No. PGPA06-001) EIR (SCH# 2008101140) adopted and certified by City Council on January 27, 2010. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.

Exhibit "A"
 Proposed - The Avenue Specific Plan Land Use Map



LEGEND

- | | |
|--------------------------------|----------------------|
| LOW DENSITY RESIDENTIAL | SCHOOL |
| LOW MEDIUM DENSITY RESIDENTIAL | PARK |
| MEDIUM DENSITY RESIDENTIAL | SCE EASEMENT |
| RETAIL/COMMERCIAL | STORM DRAIN EASEMENT |



NOTE: The locations of the parks are conceptual and will be determined as part of the tract map approval process.

Exhibit "B" - Tentative Tract Map 20298
Northern Portion

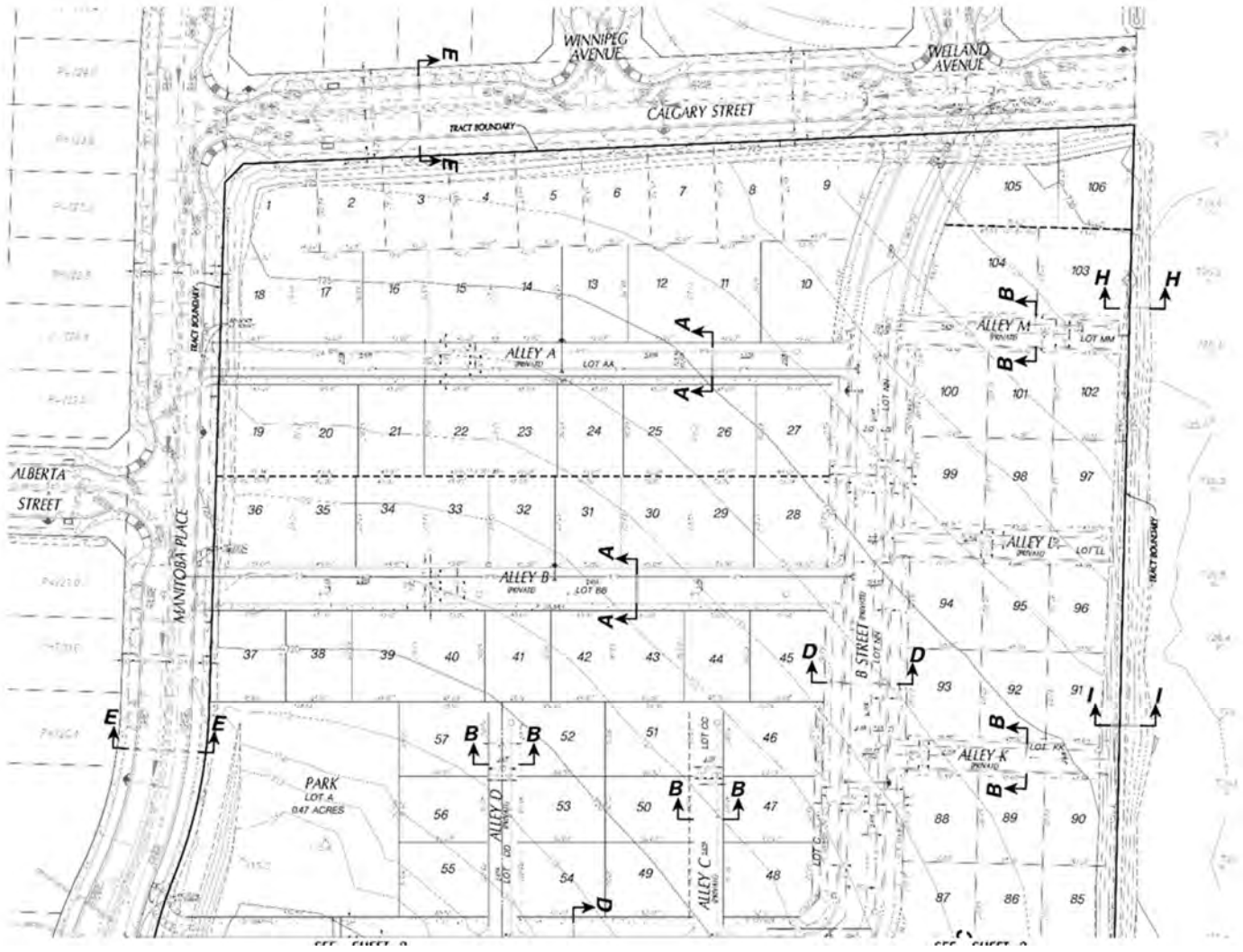
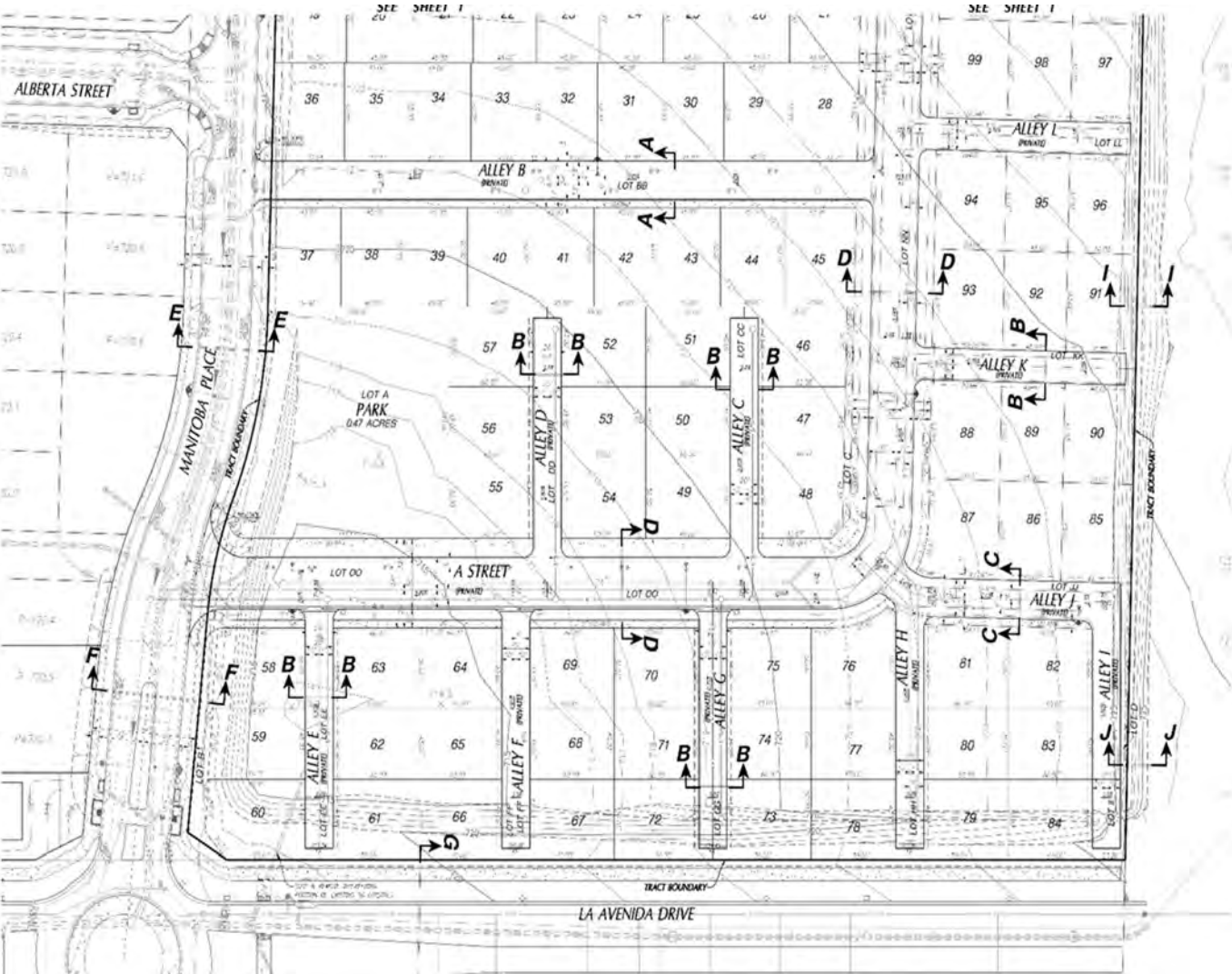


Exhibit "B" – Tentative Tract Map 20298 (continued)
Southern Portion



FILE NO(S): PDA20-001

SUBJECT: A Development Agreement (File No. PDA20-001) between the City of Ontario and Ontario Schaefer Holdings, LLC., to establish the terms and conditions for the development of Tentative Tract Map 20298 (File No. PMTT19-015), a 10.49 acre property located at the northeast corner of La Avenida Drive and Manitoba Place, within the proposed Low-Medium Density Residential land use district of The Avenue Specific Plan (APN: 0218-652-27). **Submitted by Ontario Schaefer Holdings, LLC. City Council action is required.**

PROPERTY OWNER: Ontario Schaefer Holdings, LLC., a Delaware limited liability company

RECOMMENDED ACTION: That the Planning Commission consider and recommend City Council adoption of an ordinance approving the Development Agreement (File No. PDA20-001) between the City of Ontario and Ontario Schaefer Holdings, LLC., pursuant to the facts and reasons contained in the staff report and attached resolution.


PROJECT SETTING: The project site is comprised of 10.49 acres of land located at the northeast corner of La Avenida and Manitoba Place, within the proposed low-medium density land use district of The Avenue Specific Plan, and is depicted in Figure 1: Project Location, below.

PROJECT ANALYSIS:

(1) Background — On February 16, 2007, the City Council approved The Avenue Specific Plan (File No. PSP05-003), which addressed potential development of approximately 568 acres of land including up to 2,875 residential units, 130,680 square feet of commercial space, pocket parks and public trails. On January 27, 2010, the City Council adopted a compressive update to The Ontario Plan (File No. PGPA06-001).



Figure 1: Project Location

Case Planner:	Derrick Womble, Administrative Officer
Planning Director Approval:	
Submittal Date:	05/20/20

Hearing Body	Date	Decision	Action
DAB	N/A	N/A	N/A
PC	10/27/20	Approval	Recommend
CC	11/17/20		Final

The Ontario Ranch financial commitments required for construction of properties within a specific plan are substantial. Therefore, in order to adequately forecast these costs and gain assurance that the project may proceed under the existing policies, rules and regulations, Ontario Schaefer Holdings, LLC (“Owner”) has requested that the City enter into negotiations to create a Development Agreement (“Agreement”).

In accordance with California Government Code Section 65865, which in part states that that “[a]ny city... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property...” and California Government Code Section 65865.52, which in part states that “a Development Agreement shall specify the duration of the Agreement, the permitted uses of the property... and may include conditions, terms, restrictions...,” the City of Ontario adopted Resolution No. 2002-100 setting forth the procedures and requirements for consideration of Development Agreements. Furthermore, the Financing and Construction Agreement with the NMC Builders, LLC (NMC Builders), requires those developments wishing to use the infrastructure it created to enter into Development Agreements with the City of Ontario. Pursuant to these procedures and requirements, staff entered into negotiations with the Owner to create a Development Agreement for consideration by the Planning Commission and City Council.

The proposed Agreement (File No. PDA20-001) is based upon the model Development Agreement that was developed in coordination with the City Attorney and legal counsel for NMC Builders. This model Development Agreement is consistent with the provisions of the Construction Agreement. The terms of the agreement between NMC Builders’ members requires that members of the LLC enter into Development Agreements that are consistent with the provisions of the Construction Agreement.

(2) Staff Analysis — Originally, the 10.49-acre Property was part of a future school site, included with the adjacent property (approx. 10.22 acres) directly east, totaling approximately 20.71 acres. The Mountain View School District (“School District”) recently conducted a school site analysis for Ontario Ranch, and concluded the School District needed approximately 10 acres of land to meet the educational needs for Ontario Ranch residents. Therefore, the Owner is proposing a General Plan Amendment (File No. PGPA19-008) to modify the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01) component of The Ontario Plan, changing the land use designation on 10.49 acres of land, from School to Low-Medium Density Residential, in conjunction with modification of the Future Buildout Table (Exhibit LU-03) to be consistent with the proposed land use designation change, and an Amendment to The Avenue Specific Plan (File No. PSPA19-011), changing the land use designation on the project site, from School to Low-Medium Density Residential, generally located at the northeast corner of La Avenida Drive and Manitoba Place.

Additionally, the Owner is proposing an Agreement to include the 10.49-acre site within The Avenue Specific Plan to allow for the construction of necessary public infrastructure to serve the Property and quantify fees associated with Project development.

The Agreement proposes to include 10.49 acres of land within the proposed Low-Medium Density Residential land use district of The Avenue Specific Plan, as shown on the attached Exhibit "A". The Agreement grants the Owner a vested right to develop Tentative Tract Map 20298 (File No. PMTT19-015), provided the Owner complies with the terms and conditions of the Specific Plan and EIR.

The Tentative Tract Map 20298 (see Exhibit "B") is located at the northeast corner of La Avenida Drive and Manitoba Place, and proposes to subdivide approximately 10.49 acres of land into 106 numbered lots and 19 lettered lots for residential, public/private streets, landscaped neighborhood edges, and common open space purposes.

The term of the Agreement is for ten (10) years, with a five (5) year option to renew. The main points of the agreement address funding for all new City expenses created by the project, which includes: Development Impact Fees (DIF) for construction of public improvements (i.e. streets and bridges, sewer, water, storm drain and fiber); Public Service Funding to ensure adequate provisions of public services (police, fire and other public services); the creation of a Community Facilities District (CFD) for the maintenance of public facilities.

Staff finds that the Agreement is consistent with State law, The Ontario Plan, and the City's Development Agreement policies. As a result, staff is recommending approval of the application to the Planning Commission. If the Planning Commission finds the Development Agreement is acceptable, a recommendation of approval to the City Council would be appropriate.

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

(1) City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner
- Pursue City's Goals and Objectives by Working with Other Governmental Agencies
- Focus Resources in Ontario's Commercial and Residential Neighborhoods
- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
- Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

(2) Vision.

Distinctive Development:

- Commercial and Residential Development

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

(3) Governance.

Decision Making:

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

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

(4) Policy Plan (General Plan)

Land Use Element:

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

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

- LU1-6 Complete Community: We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario. (Refer to Complete Community Section of Community Economics Element).

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

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

Housing Element:

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

➤ H2-4 New Model Colony. We support a premier lifestyle community in the New Model Colony distinguished by diverse housing, highest design quality, and cohesive and highly amenitized neighborhoods.

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

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

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

Community Economics Element:

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

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

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

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

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

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

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

Safety Element:

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

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

Community Design Element:

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

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

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

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

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

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

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

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

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

- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
 - Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
 - Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the “outdoor living room”), as appropriate; and
 - Landscaped parkways, with sidewalks separated from the curb.
- CD2-7 Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques.
- CD2-8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.
- CD2-9 Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.
- CD2-10 Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.
- CD2-11 Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.
- CD2-12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.
- CD2-13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

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

- CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.

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

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

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

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

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

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

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

HOUSING ELEMENT COMPLIANCE: Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the Planning Commission finds that based upon the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (2,875) and density (2-12 du/ac) specified in the Available Land Inventory.

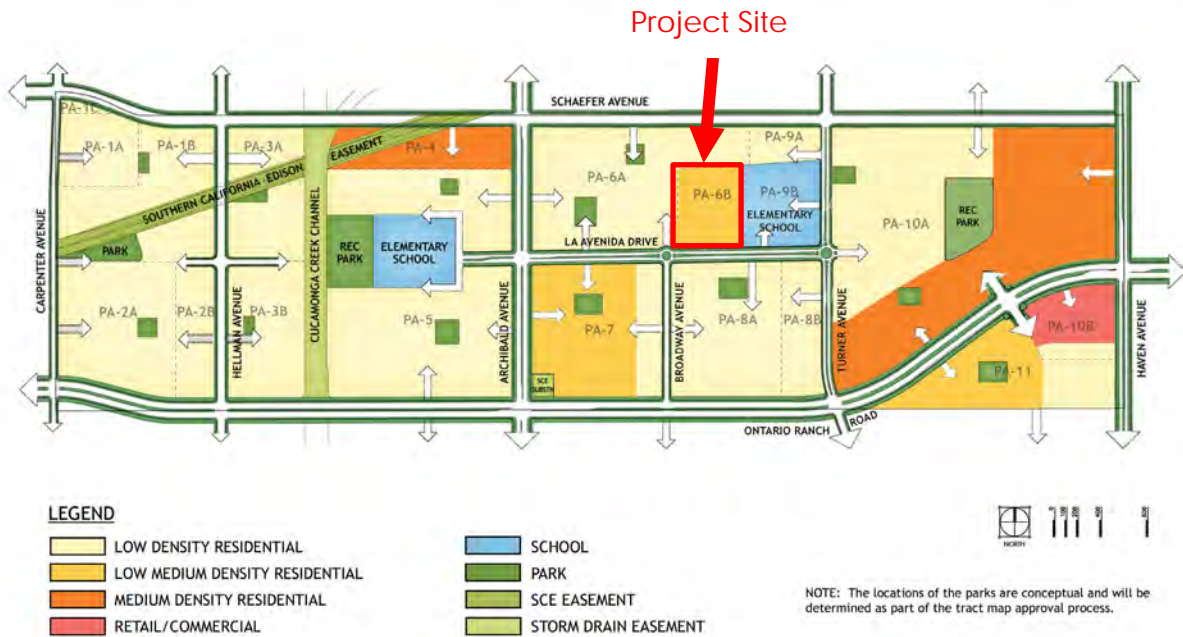
AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development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

ENVIRONMENTAL REVIEW: The 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 environmental impacts of this project were previously reviewed in conjunction with an Addendum to The Ontario Plan (File No. PGPA06-001) EIR (SCH# 2008101140) adopted and certified by City Council on January 27, 2010. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.

Exhibit "A"
 Proposed - The Avenue Specific Plan Land Use Map

Land Use Plan

Exhibit 8 - Land Use Plan



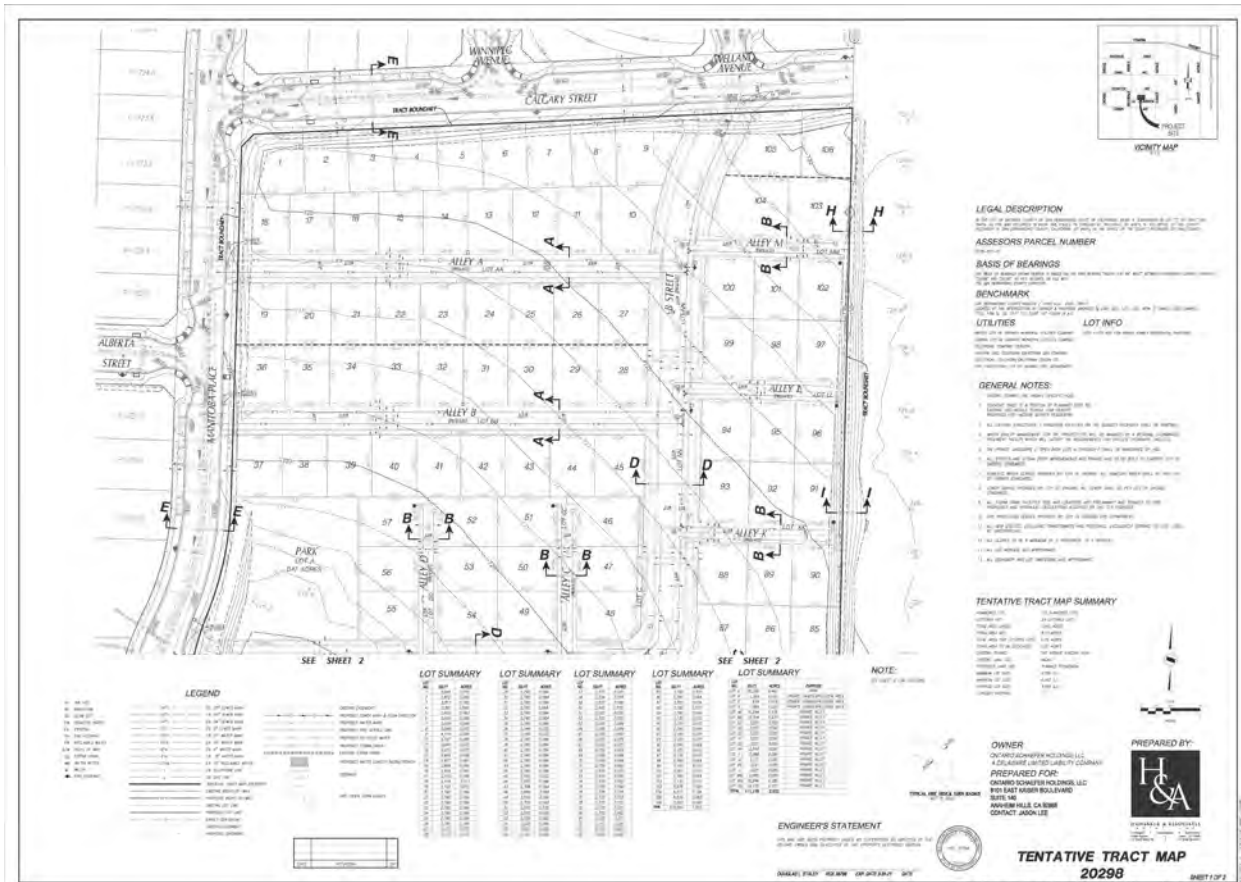
The Avenue
 SPECIFIC PLAN

The New Model Colony Ontario, California

Land Use Plan

3-3

Exhibit "B"
 Tentative Tract Map 20298



RESOLUTION NO. PC20-073

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE A DEVELOPMENT AGREEMENT (FILE NO. PDA20-001) BETWEEN THE CITY OF ONTARIO AND ONTARIO SCHAEFER HOLDINGS, LLC, TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP 20298 (FILE NO. PMTT19-015), A 10.49 ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF LA AVENIDA DRIVE AND MANITOBA PLACE WITHIN THE PROPOSED LOW-MEDIUM DENSITY RESIDENTIAL LAND USE DISTRICT OF THE AVENUE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-652-27.

WHEREAS, Ontario Schaefer Holdings, LLC ("Applicant") has filed an Application for the approval of a Development Agreement, File No. PDA20-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to approximately 10.49 acres of land generally located at the northeast corner of La Avenida and Manitoba Place within the proposed Low-Medium Density Residential land use district of The Avenue Specific Plan, and is presently vacant; and

WHEREAS, on February 16, 2007, the City Council adopted Ordinance No. 2851, approving The Avenue Specific Plan (File No. PSP05-003), which addressed potential development of approximately 568 acres of land, including up to 2,875 residential units, 130,680 square feet of commercial space, pocket parks and public trails; and

WHEREAS, on January 27, 2010, the City Council adopted Resolution Nos. 2010-003, 2010-004, 2010-005, 2010-006, approving a comprehensive update to The Ontario Plan (File No. PGPA06-001); and

WHEREAS, the Applicant is proposing a General Plan Amendment (File No. PGPA19-008) to modify the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01) component of The Ontario Plan, changing the land use designation on 10.49 acres of land, from School to Low-Medium Density Residential, in conjunction with modification of the Future Buildout Table (Exhibit LU-03) to be consistent with the proposed land use designation change, and an Amendment to The Avenue Specific Plan (File No. PSPA19-011), changing the land use designation on the project site, from School to Low-Medium Density Residential, generally located at the northeast corner of La Avenida Drive and Manitoba Place; and

WHEREAS, the proposed entitlements require a Development Agreement to establish the terms and conditions of development for the Project; and

WHEREAS, a Tentative Tract Map 20298 (File No. PMTT19-015) to subdivide approximately 10.49 acres of land into 106 numbered lots and 19 lettered lots, located at the northeast corner of La Avenida Drive and Manitoba Place, within the proposed Low-Medium Density Residential land use district of The Avenue Specific Plan, has been submitted in conjunction with the Development Agreement; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with File No. PGPA06-001, an Addendum to The Ontario Plan for which an Environmental Impact Report — State Clearinghouse No. 2008101140 — (hereinafter referred to as "Certified EIR") was adopted by the City Council on January 27, 2010, and this Application introduces no new significant environmental impacts; and

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

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

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

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

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing

procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on October 27, 2020, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

(1) The environmental impacts of this project were previously reviewed in conjunction with File No. PGPA06-001, a(n) Addendum to The Ontario Plan for which a Certified EIR was adopted by the City Council on January 27, 2010.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the Planning Commission finds that based upon the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (2,875) and density (2-12 du/ac) specified in the Available Land Inventory.

SECTION 4: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual

development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as "ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the recommending authority for the Project, the Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the PLANNING COMMISSION, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

a. The Development Agreement applies to approximately 10.49 acres of land located at the northeast corner of La Avenida Drive and Manitoba Place, within the proposed Low-Medium Density Residential land use district of The Avenue Specific Plan.

b. The Development Agreement establishes parameters for the development of the proposed Low-Medium Density Residential land use district of The Avenue Specific Plan. The Development Agreement also grants the Owner, the right to develop, the ability to quantify the fees; and establish the terms and conditions that apply to those projects. These terms and conditions are consistent with The Ontario Plan Policy Plan (General Plan), design guidelines and development standards for the proposed amendment (File No. PSPA19-011) to The Avenue Specific Plan.

c. The Agreement grants the Owner a vested right to develop Tentative Tract Map 20298 as long as the Owner, complies with the terms and conditions of the Specific Plan and EIR. Tentative Tract Map 20298 is located at the northeast corner of La Avenida Drive and Manitoba Place, and proposes to subdivide approximately 10.49 acres of land into 106 numbered lots and 19 lettered lots.

d. The Development Agreement has been prepared in conformance with the goals and policies of The Ontario Plan Policy Plan (General Plan); and

e. The Development Agreement does not conflict with the Land Use Policies of The Ontario Plan Policy Plan (General Plan) and will provide for development, within the district, in a manner consistent with the Policy Plan and with related development; and

f. This Development Agreement will promote the goals and objectives of the Land Use Element of the Policy Plan; and

g. This Development Agreement will not be materially injurious or detrimental to the adjacent properties and will have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were previously analyzed in conjunction with File No. PGPA06-001, an Addendum to The Ontario Plan for which a Certified EIR was adopted by the City Council on January 27, 2010. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.

SECTION 6: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE the herein described Application, subject to the Development Agreement (File No. PDA20-001) 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 27th day of October 2020, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



Jim Willoughby
Planning Commission Chairman

ATTEST:



Rudy Zeledon
Planning Director and
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC20-073, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on October 27, 2020, by the following roll call vote, to wit:

AYES: DeDiemar, Reyes, Ricci, Willoughby

NOES: None

ABSENT: Gage

ABSTAIN: Gregorek



Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

File No. PDA20-001

DEVELOPMENT AGREEMENT

By and Between

**The City of Ontario,
a California municipal corporation**

and

**Ontario Schaefer Holdings, LLC
a Delaware limited liability company**

(Development Agreement to follow this page)

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

CITY OF ONTARIO
CITY CLERK / RECORDS MANAGEMENT
303 EAST "B" STREET
ONTARIO, CA 91764-4196

Exempt from Fees Per Gov. Code § 6103

Space above this line for Recorder's Use Only

FILE NO. PDA20-001

DEVELOPMENT AGREEMENT

By and Between

**City of Ontario,
a California municipal corporation**

and

**Ontario Schaefer Holdings, LLC,
a Delaware limited liability company**

_____, **2020**

San Bernardino County, California

DEVELOPMENT AGREEMENT FILE NO. PDA20-001

This Development Agreement (hereinafter "Agreement") is dated for reference purposes only as of the ____ day of _____, 2020 by and among the City of Ontario, a California municipal corporation (hereinafter "CITY"), and ONTARIO SCHAEFER HOLDINGS, LLC, a Delaware limited liability company (hereinafter "OWNER");

RECITALS

WHEREAS, CITY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Section 65864, et seq. of the Government Code; and

WHEREAS, OWNER has requested CITY to enter into a development agreement and proceedings have been taken in accordance with the rules and regulations of CITY; and

WHEREAS, by electing to enter into this Agreement, CITY shall bind future City Councils of CITY by the obligations specified herein and limit the future exercise of certain governmental and proprietary powers of CITY; and

WHEREAS, the terms and conditions of this Agreement have undergone extensive review by CITY and the City Council and have been found to be fair, just and reasonable; and

WHEREAS, the best interests of the citizens of the CITY and the public health, safety and welfare will be served by entering into this Agreement; and

WHEREAS, all of the procedures of the California Environmental Quality Act have been met with respect to the Project and The Avenue Specific Plan (State Clearinghouse No. 2005071109 (the "FEIR"). The City Council found and determined that the FEIR was prepared in accordance with the requirements of the California Environmental Quality Act and adequately describes the impacts of the project described in the FEIR, which included consideration of this Agreement; and

WHEREAS, this Agreement and the Project are consistent with the CITY's Comprehensive General Plan and The Avenue Specific Plan; and

WHEREAS, all actions taken and approvals given by CITY have been duly taken or approved in accordance with all applicable legal requirements for notice, public hearings, findings, votes, and other procedural matters; and

WHEREAS, development of the Property in accordance with this Agreement will provide substantial benefits to CITY and will further important policies and goals of CITY; and

WHEREAS, this Agreement will eliminate uncertainty in planning and provide for the orderly development of the Property, ensure progressive installation of necessary improvements, provide for public services appropriate to the development of the Project, and generally serve the purposes for which development agreements under Sections 65864 et seq. of the Government Code are intended; and

WHEREAS, OWNER has incurred and will in the future incur substantial costs in excess of the generally applicable requirements in order to assure vesting of legal rights to develop the Property in accordance with this Agreement.

WHEREAS, the Property is located in an area of the City of Ontario that has been known as the “New Model Colony” area and the New Model Colony area has now been renamed as “Ontario Ranch.”

WHEREAS, the property developer/owners are made aware of the South Archibald Trichloroethylene (TCE) Plume Disclosure Letter (Exhibit “G”). Property owner may wish to provide the attached Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000004658

COVENANTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. DEFINITIONS AND EXHIBITS.

1.1 Definitions. The following terms when used in this Agreement shall be defined as follows:

1.1.1 “Agreement” means this Development Agreement.

1.1.2 “CITY” means the City of Ontario, California, a California municipal corporation.

1.1.3 “Construction Agreement” means that certain Agreement for the Financing and Construction of Phases I and II Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony, entered into between the CITY and NMC Builders as of the 4th day of October, 2005, and all amendments thereto and “Construction Agreement Amendment” means that First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve and

Easterly Portion of the New Model Colony entered into between the CITY and NMC Builders as of the 21st day of August 2012.

1.1.4 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of public infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of buildings and structures; and the installation of landscaping. "Development" does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.1.5 "Development Approvals" means all permits and other entitlements for use subject to approval or issuance by CITY in connection with development of the Property including, but not limited to:

- (a) specific plans and specific plan amendments;
- (b) tentative and final subdivision and parcel maps;
- (c) development plan review;
- (d) conditional use permits (including model home use permits), public use permits and plot plans;
- (e) zoning;
- (f) grading and building permits.

1.1.7 "Development Impact Fee" means a monetary exaction, other than a tax or special assessment, whether characterized as a fee or a tax and whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on an ad hoc basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, and, for purposes of this Agreement only, includes fees collected under development agreements adopted pursuant to Article 2.5 of the Government Code (commencing with Section 65864) of Chapter 4, For purposes of this Agreement only, "Development Impact Fee" shall not include processing fees and charges imposed by CITY to cover the estimated actual costs to CITY of processing applications for Development Approvals or for monitoring compliance with any Development Approvals granted or issued, including, without limitation, fees for zoning variances; zoning changes; use permits; building inspections; building permits; filing and processing applications and petitions filed with the local agency formation commission or conducting preliminary proceedings or proceedings under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5 of the Government Code; the processing of maps under the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government

Code; or planning services under the authority of Chapter 3 (commencing with Section 65100) of Division 1 of Title 7 of the Government Code, fees and charges as described in Sections 51287, 56383, 57004, 65104, 65456, 65863.7, 65909.5, 66013, 66014, and 66451.2 of the Government Code, Sections 17951, 19132.3, and 19852 of the Health and Safety Code, Section 41901 of the Public Resources Code, and Section 21671.5 of the Public Utilities Code, as such codes may be amended or superceded, including by amendment or replacement.

1.1.8 “Development Plan” means the Existing Development Approvals and the Existing Land Use Regulations applicable to development of the Property.

1.1.9 “Effective Date” means the date that the ordinance approving this Agreement goes into effect.

1.1.10 “Existing Development Approvals” means all Development Approvals approved or issued prior to the Effective Date. Existing Development Approvals includes the Approvals incorporated herein as Exhibit “C” and all other Approvals which are a matter of public record on the Effective Date.

1.1.11 “Existing Land Use Regulations” means all Land Use Regulations in effect on the Effective Date. Existing Land Use Regulations includes the Regulations incorporated herein as Exhibit “D” and all other Land Use Regulations that are in effect and a matter of public record on the Effective Date.

1.1.12 “General Plan” means the General Plan adopted on January 27, 2010, by Resolution Nos. R2010-003, R2010-004, R2010-005 and R2010-006.

1.1.13 “Improvement” or “Improvements” means those public improvements required to support the development of the Project as described in the tract map conditions for Tract Map No. 20298 as further described in Exhibit “F”.

1.1.14 “Land Use Regulations” means all ordinances, resolutions, codes, rules, regulations and official policies of CITY governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, timing and phasing of development, the maximum height and size of buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. “Land Use Regulations” does not include any CITY ordinance, resolution, code, rule, regulation or official policy, governing:

- (a) the conduct of businesses, professions, and occupations;
- (b) taxes and assessments;
- (c) the control and abatement of nuisances;
- (d) the granting of encroachment permits and the conveyance of similar rights and interests that provide for the use of or the entry upon public property;

(e) the exercise of the power of eminent domain.

1.1.15 “Mortgagee” means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns.

1.1.16 “Model Units” means a maximum of twelve (12) model units, private common recreation facilities and sales facilities constructed by OWNER prior to the construction of any Production Units and not offered for sale and occupancy for a period of time after the issuance of permits for Production Units.

1.1.17 “OWNER” means the persons and entities listed as owner on page 1 of this Agreement and their permitted successors in interest to all or any part of the Property.

1.1.18 “Production Unit(s)” means all units constructed for sale and occupancy by OWNER and excludes the specified number of Model Units constructed by OWNER for promotion of sales.

1.1.19 “Project” means the development of the Property contemplated by the Development Plan, as such Plan may be further defined, enhanced or modified pursuant to the provisions of this Agreement.

1.1.20 “Property” means the real property described on Exhibit “A” and shown on Exhibit “B” to this Agreement.

1.1.21 “Reservations of Authority” means the rights and authority excepted from the assurances and rights provided to OWNER under this Agreement and reserved to CITY under Section 3.6 of this Agreement.

1.1.22 “Specific Plan” means that certain specific plan adopted by the City Council, and entitled, “The Avenue Specific Plan.”

1.1.23 “Storm Water Treatment Capacity Availability” means a designated portion of the total Storm Water Treatment Capacity Availability made available through the completion of construction of a Phase of regional storm water treatment facilities by the NMC Builders LLC as described in the Construction Agreement Amendment. The amount, in acres, of Storm Water Treatment Capacity Availability required for the issuance of a grading permit shall be based upon the factors and assumptions listed in the Construction Agreement Amendment.

1.1.24 “Subsequent Development Approvals” means all Development Approvals required subsequent to the Effective Date in connection with development of the Property.

1.1.25 “Subsequent Land Use Regulations” means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

1.1.26 “Water Availability Equivalent (WAE)” means a designated portion of the total Net MDD made available through the construction of each Phase described in the Water Phasing Plan of the Construction Agreement. The number of Water Availability Equivalents (of portions thereof) required for the issuance of each building permit shall be based upon water demand factors and assumptions listed in the Construction Agreement and Construction Agreement Amendment as “Water Availability Equivalents by Land Use” for each land use category.

1.2 Exhibits. The following documents are attached to, and by this reference made a part of, this Agreement:

Exhibit “A” — Legal Description of the Property.

Exhibit “B” — Map showing Property and its location.

Exhibit “C” — Existing Development Approvals.

Exhibit “D” — Existing Land Use Regulations.

Exhibit “E” — Description of Infrastructure Improvements

Exhibit “F” — Depiction of Infrastructure Improvements

Exhibit “G” - Form of Plume Disclosure Letter

2. GENERAL PROVISIONS.

2.1 Binding Effect of Agreement. The Property is hereby made subject to this Agreement. Development of the Property is hereby authorized and shall be carried out only in accordance with the terms of this Agreement.

2.2 Ownership of Property. OWNER represents and covenants that it is the owner of the fee simple title to the Property or a portion thereof, or has the right to acquire fee simple title to the Property or a portion thereof from the current owner(s) thereof. To the extent OWNER does not own fee simple title to the Property, OWNER shall obtain written consent from the current fee owner of the Property agreeing to the terms of this Agreement and the recordation thereof.

2.3 Term. The term of this Agreement shall commence on the Effective Date and shall continue for an initial term of ten (10) years thereafter unless this term is modified or extended pursuant to the provisions of this Agreement. The term of this Agreement may be extended for an additional five (5) years following expiration of the initial ten (10) year term, provided the following have occurred:

(a) OWNER provides at least 180 days written notice to CITY prior to expiration of the initial term; and

(b) In non-mixed use and residential use only projects, the OWNER shall have obtained, as applicable, building permits for at least seventy percent (70%) of the actual number of residential units permitted under this Agreement; and

(c) OWNER is not then in uncured default of this Agreement.

2.4 Assignment.

2.4.1 Right to Assign. OWNER shall have the right to sell, transfer or assign the Property in whole or in part (provided that no such partial transfer shall violate the Subdivision Map Act, Government Code Section 66410, et seq.), to any person, partnership, limited liability company, joint venture, firm or corporation at any time during the term of this Agreement; provided, however, that any such sale, transfer or assignment shall include the assignment and assumption of the rights, duties and obligations arising under or from this Agreement and be made in strict compliance with the following:

(a) No sale, transfer or assignment of any right or interest under this Agreement shall be made unless made together with the sale, transfer or assignment of all or a part of the Property. OWNER may be required to provide disclosure that the Property is within the South Archibald Trichloroethylene (TCE) Plume. OWNER may wish to provide the attached Disclosure Letter (Exhibit "G") as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq.(b) Concurrent with any such sale, transfer or assignment, or within fifteen (15) business days thereafter, OWNER shall notify CITY's City Manager, in writing, of such sale, transfer or assignment and shall provide CITY with: (1) an executed agreement, in a form reasonably acceptable to CITY, by the purchaser, transferee or assignee and providing therein that the purchaser, transferee or assignee expressly and unconditionally assumes all the duties and obligations of OWNER under this Agreement with respect to the portion of the Property so sold, transferred or assigned; and (2) the payment of the applicable processing charge to cover the CITY's review and consideration of such sale, transfer or assignment.

(b) Any sale, transfer or assignment not made in strict compliance with the foregoing conditions shall constitute a default by OWNER under this Agreement. Notwithstanding the failure of any purchaser, transferee or assignee to execute the agreement required by Paragraph (a) of this Section 2.4.1, the burdens of this Agreement shall be binding upon such purchaser, transferee or assignee, but the benefits of this Agreement shall not inure to such purchaser, transferee or assignee until and unless such agreement is executed. The CITY's City Manager shall have the authority to review, consider and either approve, conditionally approve, or deny any proposed sale, transfer or assignment that is not made in compliance with this Section 2.4.

2.4.2 Release of Transferring Owner. Notwithstanding any sale, transfer or assignment, a transferring OWNER shall continue to be obligated under this Agreement unless such transferring owner is given a release in writing by CITY, which

release shall be provided by CITY upon the full satisfaction by such transferring owner of the following conditions:

(a) OWNER no longer has a legal or equitable interest in all or any part of the portion of the Property sold, transferred or assigned.

(b) OWNER is not then in default under this Agreement.

(c) OWNER has provided CITY with the notice and executed agreement required under Paragraph (b) of Section 2.4.1 above.

(d) The purchaser, transferee or assignee provides CITY with security equivalent to any security previously provided by OWNER to secure performance of its obligations hereunder.

2.4.3 Effect of Assignment and Release of Obligations. In the event of a sale, transfer or assignment pursuant to the provisions of Section 2.4.2 above:

(a) The assignee shall be liable for the performance of all obligations of OWNER with respect to transferred property, but shall have no obligations with respect to the portions of the Property, if any, not transferred (the "Retained Property").

(b) The owner of the Retained Property shall be liable for the performance of all obligations of OWNER with respect to Retained Property, but shall have no further obligations with respect to the transferred property.

(c) The assignee's exercise, use and enjoyment of the Property or portion thereof shall be subject to the terms of this Agreement to the same extent as if the assignee were the OWNER.

2.4.4 Subsequent Assignment. Any subsequent sale, transfer or assignment after an initial sale, transfer or assignment shall be made only in accordance with and subject to the terms and conditions of this Section 2.4.

2.4.5 Termination of Agreement with Respect to Individual Lots Upon Sale to Public and Completion of Construction. The provisions of Section 2.4.1 shall not apply to the sale or lease (for a period longer than one year) of any lot which has been finally subdivided and is individually (and not in "bulk") sold or leased to a member of the public or other ultimate user. Notwithstanding any other provisions of this Agreement, this Agreement shall terminate with respect to any lot and such lot shall be released and no longer be subject to this Agreement without the execution or recordation of any further document upon satisfaction of both of the following conditions:

(a) The lot has been finally subdivided and individually (and not in "bulk") sold or leased (for a period longer than one year) to a member of the public or other ultimate user; and,

(b) A certificate of occupancy has been issued for a building on the lot, and the fees set forth under Section 4 of this Agreement have been paid.

2.5 Amendment or Cancellation of Agreement. This Agreement may be amended or cancelled in whole or in part only in the manner provided for in Government Code Section 65868.1. Any amendment of this Agreement, which amendment has been requested by OWNER, shall be considered by the CITY only upon the payment of the applicable processing charge. This provision shall not limit any remedy of CITY or OWNER as provided by this Agreement. Either Party or successor in interest, may propose an amendment to or cancellation, in whole or in part, of this Agreement. Any amendment or cancellation shall be by mutual consent of the parties or their successors in interest except as provided otherwise in this Agreement or in Government Code Section 65865.1. For purposes of this Section, the term "successor in interest" shall mean any person having a legal or equitable interest in the whole of the Property, or any portion thereof as to which such person wishes to amend or cancel this Agreement. The procedure for proposing and adopting an amendment to, or cancellation of, in whole or in part, this Agreement shall be the same as the procedure for adopting and entering into this Agreement in the first instance. Notwithstanding the foregoing sentence, if the CITY initiates the proposed amendment to, or cancellation of, in whole or in part, this Agreement, CITY shall first give notice to the OWNER of its intention to initiate such proceedings at least sixty (60) days in advance of the giving the public notice of intention to consider the amendment or cancellation.

2.5.1 Amendment to Reflect Consistency With Future Amendments to the Construction Agreement. To the extent any future amendment to the Construction Agreement provides for modifications to rights or obligations that differ from or alter the same or similar rights or obligations contained in this Development Agreement, OWNER reserves the right to request an amendment to the Development Agreement to reflect any or all of such modifications.

2.6 Termination. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

(a) Expiration of the stated term of this Agreement as set forth in Section 2.3, subject to Section 11.11.

(b) Entry of a final judgment setting aside, voiding or annulling the adoption of the ordinance approving this Agreement.

(c) The adoption of a referendum measure overriding or repealing the ordinance approving this Agreement.

(d) Completion of the Project in accordance with the terms of this Agreement including issuance of all required occupancy permits and acceptance by CITY or applicable public agency of all required dedications.

Termination of this Agreement shall not constitute termination of any other land use entitlements approved for the Property. Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such termination or with respect to any default in the performance of the provisions of this Agreement which has occurred prior to such termination or with respect to any obligations which are specifically set forth as surviving this Agreement. Upon such termination, any public facilities and services mitigation fees paid pursuant to Section 4.2 of this Agreement by OWNER to CITY for residential units on which construction has not yet begun shall be refunded to OWNER by CITY.

2.7 Notices.

(a) As used in this Agreement, "notice" includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment or other communication required or permitted hereunder.

(b) All notices shall be in writing and shall be considered given either: (i) when delivered in person, including, without limitation, by courier, to the recipient named below; or (ii) on the date of delivery shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, and postage and postal charges prepaid, and addressed to the recipient named below. All notices shall be addressed as follows:

If to CITY:

Scott Ochoa, City Manager
City of Ontario
303 East "B" Street
Ontario, CA 91764

with a copy to:

Ruben Duran, City Attorney
Best Best & Krieger, LLP
2855 East Guasti Road, Suite 400
Ontario, CA 91761

If to OWNER:

Ontario Schaefer Holdings, LLC
c/o RCCD, Inc.
8101 E. Kaiser Blvd., Suite 140
Anaheim Hills, CA 92808
Attn: Richard Cisakowski
Phone: (714) 637-4405
Email:rc@distinguishedhomes.com

with a copy to:

Smiley Wang-Ekval, LLP
3200 Park Center Drive, Suite 250
Costa Mesa, CA 92626
Attn: Kraig C. Kilger, Esq.
Phone: (714) 445-1000
Email: kkilger@swelawfirm.com

(c) Either party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a party or an officer or representative of a party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by the change.

3. DEVELOPMENT OF THE PROPERTY.

3.1 Rights to Develop. Subject to the terms of this Agreement including the Reservations of Authority, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the Development Plan. The Project shall remain subject to all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan.

3.2 Effect of Agreement on Land Use Regulations. Except as otherwise provided under the terms of this Agreement including the Reservations of Authority, the rules, regulations and official policies governing permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings, and the design, improvement and construction standards and specifications applicable to development of the Property shall be the Existing Land Use Regulations. In connection with any Subsequent Development Approval, CITY shall exercise discretion in accordance with the same manner as it exercises its discretion under its police powers, including the Reservations of Authority set forth herein; provided however, that such discretion shall not prevent development of the Property for the uses and to the density or intensity of development set forth in this Agreement.

3.3 Timing of Development. The parties acknowledge that OWNER cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of OWNER, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Since the California Supreme Court held in Pardee Construction Co. v. City of Camarillo (1984) 37 Ca1. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that OWNER shall have the right to develop the Property in such order and at such rate and

at such times as OWNER deems appropriate within the exercise of its subjective business judgment.

3.4 Requirement for Public Infrastructure Improvements. Development of the Property is contingent in part on the phasing of area-wide infrastructure improvements over which the OWNER has control. The issuance of building permits by CITY for Model Units and Production Units is, in general, contingent on OWNER's completion of needed infrastructure improvements as described in the attached Exhibit "E" and depicted in the attached Exhibit "F", and the availability of improvements and services to serve the Property.

3.4.1 Attached hereto as Exhibit "F" is a depiction of the infrastructure improvements needed for the development of the Property.

3.4.2 Subject to the prior submittal by OWNER and approval by CITY of a plan to provide sufficient public infrastructure for the construction of a maximum number of Twelve(12) Model Units, private common recreation facilities and sales facilities. CITY may issue a maximum of Twelve (12) building permits for Model Units, private common recreation facilities and sales facilities. The plan to be submitted by OWNER for CITY approval shall describe the utilities and other infrastructure necessary to provide sufficient fire protection and other public health and safety requirements for the Model Units and other facilities.

3.5 Changes and Amendments. The parties acknowledge that refinement and further development of the Project will require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Development Approvals. In the event OWNER finds that a change in the Existing Development Approvals is necessary or appropriate, OWNER shall apply for a Subsequent Development Approval to effectuate such change and CITY shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. If approved, any such change in the Existing Development Approvals shall be incorporated herein as an addendum to Exhibit "C", and may be further changed from time to time as provided in this Section. Unless otherwise required by law, as determined in CITY's reasonable discretion, a change to the Existing Development Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

- (a) Alter the permitted uses of the Property as a whole; or,
 - (b) Increase the density or intensity of use of the Property as a whole;
- or,
- (c) Increase the maximum height and size of permitted buildings; or,
 - (d) Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or,

(e) Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

3.6 Reservations of Authority.

3.6.1 Limitations, Reservations and Exceptions. Notwithstanding any other provision of this Agreement, the CITY shall not be prevented from applying new rules, regulations and policies upon the OWNER, nor shall a development agreement prevent the CITY from denying or conditionally approving any subsequent development project application on the basis of such new rules, regulations and policies where the new rules, regulations and policies consist of the following:

- (a) Processing fees by CITY to cover costs of processing applications for development approvals or for monitoring compliance with any development approvals;
- (b) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records and any other matter of procedure;
- (c) Regulations, policies and rules governing engineering and construction standards and specifications applicable to public and private improvements, including all uniform codes adopted by the CITY and any local amendments to those codes adopted by the CITY; provided however that, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the standards and specifications that are expressly identified in the Specific Plan;
- (d) Regulations that may conflict with this Agreement and the Development Plan but that are reasonably necessary to protect the residents of the project and/or of the immediate community from a condition perilous to their health or safety;
- (e) Regulations that do not conflict with those rules, regulations and policies set forth in this Agreement or the Development Plan;
- (f) Regulations that may conflict but to which the OWNER consents.

3.6.2 Subsequent Development Approvals. This Agreement shall not prevent CITY, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations that do not conflict with the Development Plan, nor shall this Agreement prevent CITY from denying or conditionally approving any Subsequent Development Approvals on the basis of the Existing Land Use Regulations or any Subsequent Land Use Regulation not in conflict with the Development Plan.

3.6.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provisions impractical to enforce. In the event OWNER alleges that such State or Federal laws or regulations preclude or prevent compliance with one or more provisions of this Agreement, and the CITY does not agree, the OWNER may, at its sole cost and expense, seek declaratory relief (or other similar non-monetary remedies); provided however, that nothing contained in this Section 3.6.3 shall impose on CITY any monetary liability for contesting such declaratory relief (or other similar non-monetary relief).

3.6.4 Intent. The parties acknowledge and agree that CITY is restricted in its authority to limit its police power by contract and that the foregoing limitations, reservations and exceptions are intended to reserve to CITY all of its police power which cannot be so limited. This Agreement shall be construed, contrary to its stated terms if necessary, to reserve to CITY all such power and authority which cannot be restricted by contract.

3.7 Public Works; Utilities. If OWNER is required by this Agreement to construct any public works facilities which will be dedicated to CITY or any other public agency upon completion, and if required by applicable laws to do so, OWNER shall perform such work in the same manner and subject to the same requirements as would be applicable to CITY or such other public agency should it have undertaken such construction. As a condition of development approval, OWNER shall connect the Project to all utilities necessary to provide adequate water, recycled water, sewer, gas, electric, and other utility service to the Project. As a further condition of development approval, OWNER shall contract with the CITY for CITY-owned or operated utilities for this purpose, for such price and on such terms as may be available to similarly situated customers in the CITY.

3.7.1 OWNER agrees that development of the Project shall require the construction of street improvements as described in Exhibit "E" and depicted in Exhibit "F". OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the street improvements as described in Exhibit "E" and depicted in Exhibit "F".

3.7.2 OWNER agrees that development of the Property shall require the extension of permanent water and recycled water utility infrastructure as described in Exhibit "E" and depicted in Exhibit "F" consisting generally of the construction of the extension of permanent water and recycled water utility improvements to serve the Property. OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the water and

recycled water Improvements as described in Exhibit “E” and depicted in Exhibit “F”. OWNER also agrees that recycled water shall be available and utilized by OWNER for all construction-related water uses including prior to, and during, any grading of the Property.

3.7.3 OWNER agrees that the development of the Property shall require the extension of permanent storm drain improvements, as described in the attached Exhibit “E” and depicted in Exhibit “F” consisting generally of the construction of the extension of storm drain improvements to serve the Property. OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the storm drain Improvements as described in Exhibit “E” and depicted in Exhibit “F”.

3.7.4 OWNER agrees that development of the Property shall require the extension of permanent sewer improvements, at OWNER’s sole cost and expense, as described in the attached Exhibit “E” and depicted in Exhibit “F” consisting generally of the construction of the extension of sewer infrastructure to serve the Property. OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the sewer improvements as described in Exhibit “E” and depicted in Exhibit “F”.

3.7.5 OWNER agrees that development of the Property shall require the extension of permanent fiber optic communications infrastructure, at OWNER’s sole cost and expense, as described in the attached Exhibit “E” and depicted in Exhibit “F” consisting generally of the construction of the extension of fiber optic communications infrastructure to serve the Property. OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the fiber optic communications infrastructure as described in Exhibit “E” and depicted in Exhibit “F”.

3.8 Acquisition of Offsite Provision of Real Property Interests. In any instance where OWNER is required by any Development Approval or Land Use Regulation and the Construction Agreement to construct any public improvement on land not owned by OWNER (“Offsite Improvements”), the CITY and OWNER shall cooperate in acquiring the necessary legal interest (“Offsite Property”) in accordance with the procedures set forth in Section 2.4 of the Construction Agreement. This Section 3.8 is not intended by the parties to impose upon the OWNER an enforceable duty to acquire land or construct any public improvements on land not owned by OWNER, except to the extent that the OWNER elects to proceed with the development of the Project, and then only in accordance with valid conditions imposed by the CITY upon the development of the Project under the Subdivision Map Act or other legal authority.

3.8.1 CITY Acquisition of Non-Construction Agreement Offsite Property. In the event OWNER is required to construct any public improvements on land not owned by OWNER, but such requirement is not based upon the Construction Agreement, Sections 3.8.1 and 3.8.2 shall control the acquisition of the necessary property interest(s) (“Non-Construction Agreement Offsite Property”).

If the OWNER is unable to acquire such Non-Construction Agreement Offsite Property, and following the written request from the OWNER to CITY, CITY agrees to use reasonable and diligent good faith efforts to acquire the Non-Construction Agreement Offsite Property from the owner or owners of record by negotiation to the extent permitted by law and consistent with this Agreement. If CITY is unable to acquire the Non-Construction Agreement Offsite Property by negotiation within thirty (30) days after OWNER'S written request, CITY shall, initiate proceedings utilizing its power of eminent domain to acquire that Non-Construction Agreement Subject Property at a public hearing noticed and conducted in accordance with California Code of Civil Procedure Section 1245.235 for the purpose of considering the adoption of a resolution of necessity concerning the Non-Construction Agreement Offsite Property, subject to the conditions set forth in this Section 3.8. The CITY and OWNER acknowledge that the timelines set forth in this Section 3.8.1 represent the maximum time periods which CITY and OWNER reasonably believe will be necessary to complete the acquisition of any Non-Construction Agreement Offsite Property. CITY agrees to use reasonable good faith efforts to complete the actions described within lesser time periods, to the extent that it is reasonably able to do so, consistent with the legal constraints imposed upon CITY.

3.8.2 Owner's Option to Terminate Proceedings. CITY shall provide written notice to OWNER no later than fifteen (15) days prior to making an offer to the owner of the Non-Construction Agreement Offsite Property. At any time within that fifteen (15) day period, OWNER may, at its option, notify CITY that it wants CITY to cease all acquisition proceedings with respect to that Non-Construction Agreement Offsite Property, whereupon CITY shall cease such proceedings. CITY shall provide written notice to OWNER no later than fifteen (15) days prior to the date of the hearing on CITY'S intent to consider the adoption of a resolution of necessity as to any Non-Construction Agreement Offsite Property. At any time within that fifteen (15) day period, OWNER may, at its option, notify CITY that it wants CITY to cease condemnation proceedings, whereupon CITY shall cease such proceedings. If OWNER does not notify CITY to cease condemnation proceedings within said fifteen (15) day period, then the CITY may proceed to consider and act upon the Non-Construction Agreement Offsite Property resolution of necessity. If CITY adopts such resolution of necessity, then CITY shall diligently institute condemnation proceedings and file a complaint in condemnation and seek an order of immediate possession with respect to the Non-Construction Agreement Offsite Property.

3.9 Regulation by Other Public Agencies. It is acknowledged by the parties that other public agencies not within the control of CITY possess authority to regulate aspects of the development of the Property separately from or jointly with CITY and this Agreement does not limit the authority of such other public agencies. CITY agrees to cooperate fully, at no cost to CITY, with OWNER in obtaining any required permits or compliance with the regulations of other public agencies provided such cooperation is not in conflict with any laws, regulations or policies of the CITY.

3.10 Tentative Tract Maps; Extension. With respect to applications by OWNER for tentative subdivision maps for portions of the Property, CITY agrees that OWNER may file and process tentative maps in accordance with Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the California Government Code and the applicable provisions of CITY's subdivision ordinance, as the same may be amended from time to time. In accordance with the provisions of Section 66452.6 of the Government Code, each tentative subdivision map or tentative parcel map, heretofore or hereafter approved in connection with development of the Property, shall be deemed to have been granted an extension of time to and until the date that is five (5) years following the Effective Date.; The CITY's City Council may, in its discretion, extend any such map for an additional period of up to five (5) years beyond its original term, so long as the subdivider files a written request for an extension with the City prior to the expiration of the initial five (5) year term.

4. PUBLIC BENEFITS.

4.1 Intent. The parties acknowledge and agree that development of the Property will result in substantial public needs that will not be fully met by the Development Plan and further acknowledge and agree that this Agreement confers substantial private benefits on OWNER that should be balanced by commensurate public benefits. Accordingly, the parties intend to provide consideration to the public to balance the private benefits conferred on OWNER by providing more fully for the satisfaction of the public needs resulting from the Project.

4.2 Development Impact Fees.

4.2.1 Amount of Development Impact Fee. Development Impact Fees (DIF) shall be paid by OWNER. The Development Impact Fee amounts to be paid by OWNER shall be the amounts that are in effect at the time such amounts are due. Nothing contained in this Agreement shall affect the ability of the CITY to impose new Development Impact Fees or amend the amounts of existing Development Impact Fees. Additionally, nothing contained in this Agreement shall affect the ability of other public agencies that are not controlled by CITY to impose and amend, from time to time, Development Impact Fees established or imposed by such other public agencies, even though such Development Impact Fees may be collected by CITY.

4.2.2 Time of Payment. The Development Impact Fees required pursuant to Section 4.2.1 shall be paid to CITY prior to the issuance of building permit for each applicable residential or other unit, except for the Open Space and Habitat Acquisition Development Impact fee, which shall be paid by OWNER to CITY prior to the issuance of a grading permit. Deferral of the payment of Development Impact Fees may be granted pursuant to a separate agreement approved by City pursuant to City policy.

4.2.3 Parkland and Quimby Act Fees. Pursuant to the General Plan (Ontario Plan) Goal PR1, Policy PR1-5 (achievement of a park standard of 5 acres of

parkland per 1,000 residents) OWNER shall provide improved parks, developed in accordance with the City's park standards in an amount equal to two (2) acres per 1,000 of projected population without credit, reimbursement, offset or consideration from City. Such areas shall either be dedicated to the City or transferred to a homeowners' association. If approved by the CITY's City Manager, OWNER may satisfy this requirement through the development of non-public recreation facilities such as private recreational clubhouses or pool facilities. Credit for such private recreational facilities areas shall be limited to a maximum of 50% of the foregoing park development requirement. If OWNER's Project does not provide dedicated and developed park acreage equal to two (2) acres per 1,000 projected population, OWNER shall pay a fee in-lieu equal to the per acre estimated costs of acquisition and development of parkland in the City's Development Impact Fee for the calculated park acreage deficiency (e.g. Estimated Costs of Acquisition & Development multiplied by the Park Acreage deficiency). Such in-lieu fee shall be due and payable prior to issuance of the first building permit issued to OWNER and such in-lieu fee shall be based on the estimated costs of acquisition and development of parkland in the City's Development Impact Fee Program in effect at the time the payment becomes due and payable to the City. Any park dedication and/or improvements in excess of such two (2) acres per thousand standard, provided such park has been developed in accordance with the City's park standards and is open to the public generally, shall entitle OWNER to a credit toward its obligations under the Quimby Act (Gov. Code, § 64477) and the City's implementing ordinance and/or resolution (collectively "**Quimby Act Obligations**"), and to the extent OWNER's Quimby Act Obligations are satisfied, OWNER shall be entitled to have the City acquire such developed and publicly available parks as Non-Program Interests in accordance with Section 4.3.3 below.

4.3 Responsibility for Construction of Public Improvements.

4.3.1 Timely Construction of Public Infrastructure. The phasing of the areawide infrastructure construction within the New Model Colony will be as approved by the CITY. OWNER shall be responsible for the timely construction and completion of all public infrastructure required for the Project as shown on the attached Exhibit "F" and any and all tentative tract map conditions. Unless otherwise specified in the subdivision agreement/tract map conditions, all other required Improvements for each Tract Map, shall be completed and operational prior to, and as a condition precedent to, OWNER requesting and CITY's granting of the first building permit for production units for each such Tract Map. All Infrastructure and Improvements shall be completed as required by the Subdivision Agreement/Tract Map conditions for Tract Nos. 20298.

4.3.2 Construction of DIF Program Infrastructure (Construction Agreement). To the extent OWNER is required to construct and completes construction of public improvements that are included in CITY's Development Impact Fee Program and the Construction Agreement between CITY and NMC Builders LLC, CITY agrees that CITY shall issue DIF Credit in accordance with the provisions of the

Construction Agreement and any amendments thereto. Use of DIF Credit issued to OWNER as a member of NMC Builders LLC to offset OWNER's DIF payment obligations shall also be subject to the provisions of the Construction Agreement and any amendments thereto.

4.3.3 Construction of DIF Program Infrastructure (Non-Construction Agreement). To the extent OWNER is required to construct and completes construction of public improvements that are included in CITY's Development Impact Fee Program and such public improvements are not included the Construction Agreement between CITY and NMC Builders LLC, CITY agrees that CITY shall issue DIF Credit in accordance with the provisions of a separate Fee Credit Agreement between CITY and OWNER. Limitation on the use of DIF Credit issued to OWNER to offset OWNER's DIF payment obligations shall also be subject to the provisions of a separate Fee Credit Agreement. CITY and OWNER agree that the Fee Credit Agreement between CITY and OWNER shall comply with CITY's adopted policies applicable to such agreements.

4.4 Affordable Housing Requirement.

4.4.1 Affordable Housing- Number of Units. OWNER shall provide a minimum number of affordable housing units, equivalent to 10% of the OWNER's total approved residential units within the Project, that are affordable to very low, low and moderate income households. Such requirement for affordable housing shall be met through one, or a combination of one or more, of the options provided in the following Sections 4.3.2.1 through 4.3.2.1. For the purposes of this Section, any term not defined in this Agreement shall be as defined by California Community Redevelopment Law (California Health and Safety Code Section 33000 et seq.).

4.4.2 Affordability Spread. Of the total number of residential dwelling units specified in Section 4.4.1, to be constructed or rehabilitated pursuant to Sections 4.4.2.1 or 4.4.2.2 respectively, thirty percent (30%) shall be available to very low income, thirty percent (30%) shall be available to low income and forty percent (40%) shall be available to moderate income households. "**Households**" shall be as defined by California Health and Safety Code Section 50053.

4.4.2.1 New Construction. If OWNER elects to fully or partially satisfy the affordable housing requirement by the construction of new residential units, it shall construct and restrict the affordability of residential dwelling units within its Project or, at OWNER's option and with the approval of the City, within another project elsewhere within the City. The affordable units constructed shall be intermingled with other units as part of the Project, and shall be built to the same construction, design and aesthetic standards, as well as number of rooms, as other units constructed as part of that OWNER's Project. In addition, the percentage ratio of affordable units offered for sale versus those offered for rent shall equal the percentage ratio of other units offered for sale versus for rent within OWNER's Project. Such construction shall be completed no later than the date that is five (5)

years following the issuance of the first building permit for OWNER's Project; provided however that to the extent OWNER has not constructed the required percentage of units, based on the number of building permits for non-restricted units, OWNER shall, prior to the issuance of such building permits, provide security (in the form and substance approved by the City Manager and City Attorney) to City in order to ensure the faithful completion of such required percentage of construction of affordable units. If OWNER elects the option of constructing new affordable units, a detailed Affordable Housing Agreement specifying terms for the allowable monthly housing costs or rents (as applicable) and maintenance and occupancy standards shall be prepared, executed and recorded against such units as a condition to the issuance of a building permit. The Affordable Housing Agreement shall hold a recorded priority position senior to any other non-statutory lien or encumbrance affecting the unit.

4.4.2.2 Rehabilitation. If OWNER elects to fully or partially satisfy the affordable housing requirement by the substantial rehabilitation of existing residential units in the City, it shall substantially rehabilitate and restrict the affordability of, the number of residential units specified in Section 4.4.1, provided that such units shall be provided elsewhere within the City. The rehabilitation work shall be substantial and of high quality and shall also address any deferred property maintenance issues on the property. "**Substantial rehabilitation**" shall mean rehabilitated multi-family rented dwelling units with three or more units and the value of the rehabilitation constitutes 25 percent of the after rehabilitation value of the dwelling, inclusive of land value pursuant to Health and Safety Code Section 33413(b)(2)(A)(iii-iv) as such section exists as of the Effective Date. If OWNER chooses the option of rehabilitation of existing housing units within the City, a detailed Affordable Housing Agreement specifying the terms for the allowable month housing costs or rents (as applicable) and maintenance and occupancy standards shall be prepared, executed and recorded against such units as a condition to the issuance of a building permit. Such rehabilitation shall be completed no later than the date that is five (5) years following the issuance of the first building permit for OWNER's Project; provided however that to the extent OWNER has not rehabilitated the required percentage of units, based on the number of building permits, OWNER shall, prior to the issuance of such building permits, provide security (in the form and substance approved by the CITY's City Manager and City Attorney) to the City in order to ensure the faithful completion of such required percentage of rehabilitation.

4.4.2.3 In-Lieu Fee. If OWNER has not fully complied with the requirements of Section 4.3.1 by providing the minimum number of affordable units through the construction of new affordable units or by the substantial rehabilitation of existing units, shall pay an "**Affordability In-Lieu Fee**". If OWNER has not provided any affordable residential units by construction or rehabilitation, the Affordability In-Lieu fee shall be equal to

Two Dollars Sixty-Three Cents (\$2.63) per square foot of residential development within OWNER's Project or, if pre-paid as set forth below, Two Dollars Thirty Cents (\$2.30) per square foot of residential development within OWNER's Project. If OWNER has partially complied with the requirements of Section 4.4.1 by construction or rehabilitation of less than the minimum number of units, then the Affordability In-lieu Fee shall be recalculated and reduced in consideration of the number and type of affordable units provided. The Affordability In-Lieu Fee shall be paid by OWNER to City no later than prior to the issuance of each building permit within OWNER's Project based on the square footage of the residential unit for which such building permit is sought; provided however that OWNER may, at OWNER's election, pre-pay such Affordability In-Lieu Fee by paying such Affordability In-Lieu Fee within thirty (30) days following the earliest discretionary approval by the City for OWNER's Project, including, but not limited to, any general plan amendment, specific plan adoption, development agreement, tentative map approval, variance, conditional use permit, or resolution of intention to form any public financing mechanism. The Two Dollars, Sixty Three Cents (\$2.63) and the Two Dollars Thirty Centers (\$2.30) per square foot amounts shall automatically be increased annually, commencing on July 1, 2021, and automatically each July 1 thereafter. Such adjustment shall be based on the percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year. The pre-paid Affordability In-Lieu Fee shall be calculated based on the maximum floor area ratio (FAR) permitted within the General Plan and any applicable FAR contained within the Specific Plan, whichever is greater, and the Maximum Development Density. For purposes of this Agreement, "**Maximum Development Density**" shall be determined by multiplying the OWNER's Project's density for residential development potential as set forth in the General Plan or the Specific Plan, whichever is less, by the net acreage of land within OWNER's Project. All "Affordability In-Lieu Fees" collected by the City shall be used to promote the construction of affordable housing within the City.

4.4.2.4 Affordability Covenants. Prior to the issuance of the first building permit for any affordable unit, the City and OWNER shall enter into an Affordable Housing Agreement. Affordability shall be assured for a period of forty-five (45) years for for-sale units and fifty-five (55) years for rentals. For rental units, base rents shall be established by the City and rental adjustments required by the City shall be performed on an annual basis. In addition, the Affordable Housing Agreement shall impose maximum occupancy limits of 2 occupants per bedroom plus 1 additional occupant per dwelling unit, and a requirement for the owner or tenant to properly maintain each dwelling unit.

4.4.2.5 Transfer of Affordable Project. No transfer of title to any affordable housing project shall occur without the prior written consent of the City. In

the event OWNER transfers title to any affordable housing project required to be constructed pursuant to this Agreement to a non-profit entity, or other entity, that receives an exemption from ad valorem real property taxes, the City shall be required to assure payment of an annual in lieu fee to the City on July 1 of each year equal to one-tenth of one percent (0.1%) of the assessed value of such project. The City may permit OWNER to satisfy this obligation by recorded covenants against the property and enforceable against said entity by the City. Any such covenants shall be approved by the Planning Director and the City Attorney.

4.5 Schools Obligations.

4.5.1 Written Evidence of Compliance with Schools Obligations.

OWNER shall, either through joint or individual agreements between OWNER and the applicable school district(s), satisfy its new school obligations. The new school obligations for the Mountain View School District in the Ontario Ranch area have been projected to include the acquisition or dedication of school sites for, and construction of, up to eight (8) schools. Of these eight (8) schools, six (6) are to be elementary (K-5) grade schools and two (2) are to be middle grade schools. The new school obligations for the Chaffey Joint Union High School District in the Ontario Ranch area have been projected to include the dedication of a school site for, and construction of, an additional high school. The new school obligations for the applicable school district shall be met by a combination of the following: (1) designating and dedicating school site(s) within the Property as set forth in the General Plan, and/or (2) paying school impact fees, (3) entering into a joint mitigation agreement or individual mitigation agreements, or (4) any combination of the foregoing. Written evidence of approval by the applicable school district that OWNER has met their school obligations may be required by the City as the condition to the issuance by the City of any entitlements for OWNER's Project. In the event OWNER is unable to provide such written evidence from the applicable school district(s), the City shall have the right to decline to honor any DIF Credit, Certificates of MDD Availability, Certificates of Storm Water Treatment Capacity Availability, or any combination thereof, presented by such OWNER, without liability to the City. To the extent that a joint mitigation agreement is approved by the applicable school district(s), and OWNER is a participant in good standing in such mitigation agreement, OWNER shall be deemed to have mitigated its new school obligations under this Section 4.5.

4.6 Public Services Funding Fee.

4.6.1 Requirement for Payment of Public Services Funding Fee. In order to ensure that the adequate provision of public services, including without limitation, police, fire and other public safety services, are available to the residents of each Project in a timely manner, OWNER shall pay to CITY a "**Public Services Funding Fee.**" The Public Services Funding Fee shall apply to residential and non-residential uses as set forth below.

4.6.2 Public Services Funding Fee Amount. OWNER shall pay a Public Services Funding fee in the total amount of Two Thousand One Hundred Twelve dollars (\$2,112.00) per residential dwelling unit. The Public Services Funding Fee shall be paid in one (1) installment within one hundred eighty (180) calendar days after the Effective Date or in two (2) installments, at OWNER's option, as follows:

4.6.2.1 First Installment (Residential uses). The First Installment of the Public Services Funding Fee shall be One Thousand Fifty-Six dollars (\$1,056) per residential dwelling unit. The First Installment shall be based upon the "**Maximum Development Density**" of the OWNER Project, as defined in Section 3.7.2.3 of the First Amended and Restated Construction Agreement. The First Installment shall be due and payable 30 days following the Effective Date.

If the First installment amount is not paid for all residential dwelling units within the Project (based on the Maximum Development Density, or the number of units described on "B Maps" if approved) by January 1, 2021, the amount of the First Installment shall be increased. Such increase shall be based on the percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year. Additionally, the amount shall be further increased automatically by the percentage increase in the Consumer Price Index (Los Angeles-Anaheim-Riverside) on each January 1 thereafter.

4.6.2.2 Second Installment (Residential Uses). The Second Installment of the Public Services Funding Fee shall be One Thousand Fifty-Six dollars (\$1,056) per residential unit. The Second Installment shall be paid at the time of the issuance of each building permit for the Project. The amount of the Second Installment shall increase automatically by percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year on January 1st of each year, beginning on January 1, 2021. OWNER may exercise the option to pay the Second Installment amount for all residential units, a portion of the residential units, or for the remainder of the residential units within OWNER's Project on or before each December 31st, before the Second Installment amount is automatically increased.

4.6.2.3 Single Installment (Non-residential Uses). A single installment payment of the Public Services Funding Fee shall be required in the amount of Sixty Three Cents (\$.63) per square foot of non-residential buildings. The single installment for non-residential uses shall be due and payable prior to the issuance of the building permit for a non-residential building. The amount of the Single Installment for non-residential uses shall automatically increase by percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year on January 1st of each year,

beginning on January 1, 2021. OWNER may exercise the option to pay any single installment amounts for the remainder of the non-residential square footage within the Project on or before December 31st, before the Single Installment amount is automatically increased.

4.7 Net MDD/Water Availability Equivalents.

4.7.1 NMC Builders LLC Membership. OWNER shall become a member of NMC Builders LLC, pursuant to the terms and conditions of the operating agreement of NMC Builders LLC. CITY acknowledges that the OWNER is a current "Member" of NMC Builders LLC. OWNER'S failure to maintain membership in NMC Builders LLC is and shall be a Default under this Agreement.

4.7.2 Assigned Net MDD/Water Availability Equivalents. The CITY has agreed with NMC Builders LLC to reserve exclusively for Members of NMC Builders, including OWNER, Net MDD made available through the construction of water system improvements funded by NMC Builders LLC. NMC Builders has assigned to OWNER its allocable share of the Net MDD issued by CITY. The provisions of the Construction Agreement Amendment requires that the CITY shall not approve a final tract map or issue building permits or certificates of occupancy for the area of development within the New Model Colony served by the water system improvements funded by NMC Builders LLC, except to the bearer of an Assignment of Net MDD Water Availability.

4.7.3 Use of Assigned Net MDD Water Availability. OWNER shall provide evidence of sufficient Net MDD Water Availability Equivalents (or portions thereof) prior to and as a condition precedent to, the CITY's approval of any and all tract maps for the Property. The amount of Net MDD Water Availability Equivalents required for CITY's approval of a tract map shall be based upon water demand factors and assumptions listed in Exhibit C-2R of the Construction Agreement Amendment as "Water Demand Equivalents by Land Use" for each land use category. CITY and OWNER agree that the Net MDD Water Availability has been determined to be 50.88 MDD.

4.7.4 Requirement for other Water System Improvements. A Certificate of Net MDD Availability is evidence only of available water capacity and does not satisfy any other conditions applicable to an OWNER's Project, including those relating to design and construction of master-planned potable water and recycled water transmission and distribution system for the respective pressure zone and other public infrastructure requirements.

4.8 Storm Water Capacity Availability.

4.8.1 Requirement for Storm Water Treatment Capacity Availability. OWNER shall provide evidence of sufficient Storm Water Treatment Capacity Availability

as reserved in a Certificate of Storm Water Treatment Capacity Availability the same manner and subject to the same limitations as provided for the assignment of Certificates of Net MDD Availability in Section 4.7.3 of this Agreement.

4.8.2 Use of Storm Water Treatment Capacity Availability. The amount of Storm Water Treatment Capacity Availability required for the issuance of a grading permit to OWNER shall be based upon the net residential acreage of the area to be graded regardless of the corresponding use. CITY and OWNER agree that the evidence of Storm Water Treatment Capacity Availability for the Project shall be based on the net acreage of OWNER's Project as defined in the Construction Agreement Amendment and as of the Effective Date such net acreage has been determined to be 10.49 acres.

4.8.3 Requirement for other Storm Water Improvements. The Certificate of Storm Water Treatment Capacity Availability is evidence only of available storm water treatment capacity and does not satisfy any other conditions applicable to a particular development project, including those relating to on-site water treatment, water quality, connection to the storm water collection system, or other public infrastructure requirements.

4.9 Maintenance of Open Space. OWNER shall provide for the ongoing maintenance of all park, common areas and open space areas within the Project as more particularly set forth in the Specific Plan, through a homeowners' association as approved by the CITY. Covenants, conditions and restrictions establishing any homeowners' association shall be approved by the Planning Director and City Attorney.

4.10 Compliance with Public Benefits Requirements.

4.10.1 Failure to Provide Public Benefits. In the event OWNER fails or refuses to comply with any condition referenced in Section 4.1 through 4.10, or challenges (whether administratively or through legal proceedings) the imposition of such conditions, OWNER shall be deemed in default of this Agreement pursuant to Section 8.4 hereof, thereby entitling the City to any and all remedies available to it, including, without limitation, the right of the City to withhold OWNER's Project-related building permits, certificates of occupancy, or discretionary approvals, without liability.

5. FINANCING OF PUBLIC IMPROVEMENTS.

5.1 Financing Mechanism(s). In accordance with the Memorandum of Agreement between the CITY and NMC Builders, CITY will cooperate with OWNER in the formation of a CFD, or CFDs, to include all of the Project, to provide a financing mechanism to reimburse the OWNER for funds paid to NMC Builders LLC for OWNER's share of the costs of public infrastructure pursuant to the Construction Agreement and to acquire other public facilities constructed by OWNER subject to the provisions of the Memorandum of Agreement between CITY and NMC Builders LLC.

Notwithstanding such reimbursements and acquisitions, OWNER shall remain entitled to DIF Credits as provided for in Article 3 of the Construction Agreement and/or as provided for in a separate Fee Credit Agreement between CITY and OWNER. OWNER agrees that, prior to the recordation of any tract map for the Property, the Property shall be included in a CFD to finance City services through annual special taxes that will initially be \$1,687.50 per Single Family Detached Dwelling Unit, \$1,462.41 per Multiple-Family Dwelling Unit, \$1,226.39 per Gated Apartment Community Dwelling Unit, and \$.32 per square foot for Non-Residential buildings. These amounts shall be subject to an automatic increase at a rate not to exceed four (4%) percent per year. CITY shall be the sole and exclusive lead agency in the formation of any CFD, assessment district or other public financing mechanism within the Property; provided however, that the proceeds of any such CFD, assessment district, or financing mechanism may be used, subject to restrictions that may be imposed by applicable law, for the purposes of acquiring, constructing or maintaining public facilities to be owned or operated by other public agencies, including, without limitation those facilities owned or operated by a school district. In addition to the rights of the CITY pursuant to section 5.1 hereof, CITY shall have the right, but not the obligation, to condition the formation of any CFD, assessment district or other public financing mechanism within the Property on the OWNER mitigating all Project-related impacts to the applicable school district(s) as required by such school district(s). Written evidence by such school district(s) may be required by the CITY as the condition to the formation of any CFD, assessment district or other public financing mechanism within the Property, or any steps preliminary thereto, including, without limitation, the adoption of any resolution of intention to form such CFD, assessment district or other public financing mechanism within the Property. It is not the intent of the parties hereto, by this provision, to prohibit or otherwise limit the City's ability to take any and all necessary steps requisite to the formation of the CFD to finance City services through annual special taxes as set forth in this Section 5.1. Formation of any CFD, assessment district or other public financing mechanism within the Property, shall be subject to CITY's ability to make all findings required by applicable law and complying with all applicable legal procedures and requirements including, without limitation, CITY's public financing district policies as such policies may be amended from time to time. Notwithstanding the foregoing, it is acknowledged and agreed by the parties that nothing contained in this Agreement shall be construed as requiring CITY or the CITY's City Council to form any such district or to issue and sell bonds.

6. REVIEW FOR COMPLIANCE.

6.1 Periodic and Special Reviews.

6.1.1 Time for and Initiation of Periodic Review. The CITY shall review this Agreement every twelve (12) months from the Effective Date in order to ascertain the good faith compliance by the OWNER with the terms of this Agreement. The OWNER shall submit an Annual Monitoring Report to CITY, in a form acceptable to the CITY's City Manager, along with any applicable processing charge within ten (10) days after each anniversary date of the Effective Date of this Agreement.

Within fifteen (15) days after the receipt of the Annual Monitoring Report, CITY shall review the Annual Monitoring Report. Prior to the expiration of the fifteen (15) day review period, CITY shall either issue a notice of continuing compliance or a notice of non-compliance and a notice of CITY's intent to conduct a Special Review pursuant to Sections 6.1.2 through 6.1.6. Issuance of a notice of continuing compliance may be issued by the CITY's City Manager or his designee.

6.1.2 Initiation of Special Review. A special review may be called either by agreement between the parties or by initiation in one or more of the following ways:

- (1) Recommendation of the CITY's planning staff;
- (2) Affirmative vote of at least four (4) members of the CITY's Planning Commission; or
- (3) Affirmative vote of at least three (3) members of the CITY's City Council.

6.1.3 Notice of Special Review. The CITY's City Manager shall begin the special review proceeding by giving notice that the CITY intends to undertake a special review of this Agreement to the OWNER. Such notice shall be given at least ten (10) days in advance of the time at which the matter will be considered by the CITY's Planning Commission.

6.1.4 Public Hearing. The CITY's Planning Commission shall conduct a hearing at which the OWNER must demonstrate good faith compliance with the terms of this Agreement. The burden of proof on this issue is upon the OWNER.

6.1.5 Findings Upon Public Hearing. The CITY's Planning Commission shall determine upon the basis of substantial evidence whether or not the OWNER has, for the period under review, complied in good faith with the terms and conditions of this Agreement.

6.1.6 Procedure Upon Findings.

(a) If the CITY's Planning Commission finds and determines on the basis of substantial evidence that the OWNER has complied in good faith with the terms and conditions of this Agreement during the period under review, the review for that period is concluded.

(b) If the CITY's Planning Commission finds and determines on the basis of substantial evidence that the OWNER has not complied in good faith with the terms and conditions of this Agreement during the period under review, the CITY's

Planning Commission may recommend to the CITY's City Council to modify or terminate this Agreement.

(c) The OWNER may appeal a determination pursuant to paragraph (b) to the CITY's City Council in accordance with the CITY's rule for consideration of appeals in zoning matters generally.

6.2 Proceedings Upon Modification or Termination. If, upon a finding under Section 6.1.6(b), the CITY determines to proceed with modification or termination of this Agreement, the CITY shall give notice to the property OWNER of its intention so to do. The notice shall contain:

(a) The time and place of the hearing;

(b) A statement as to whether or not the CITY proposes to terminate or to modify this Agreement; and

(c) Other information that the CITY considers necessary to inform the OWNER of the nature of the proceeding.

6.3 Hearing on Modification or Termination. At the time and place set for the hearing on modification or termination, the OWNER shall be given an opportunity to be heard. The OWNER shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. The burden of proof on this issue shall be on the OWNER. If the CITY's City Council finds, based upon substantial evidence in the administrative record, that the OWNER has not complied in good faith with the terms and conditions of the agreement, the CITY's City Council may terminate or modify this Agreement and impose those conditions to the action it takes as it considers necessary to protect the interests of the CITY. The decision of the CITY's City Council shall be final, subject only to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

6.4 Certificate of Agreement Compliance. If, at the conclusion of a Periodic or Special Review, OWNER is found to be in compliance with this Agreement, CITY shall, upon written request by OWNER, issue a Certificate of Agreement Compliance ("Certificate") to OWNER stating that after the most recent Periodic or Special Review and based upon the information known or made known to the CITY's Planning Director and City Council that (1) this Agreement remains in effect and (2) OWNER is not in default. The Certificate shall be in recordable form, shall contain information necessary to communicate constructive record notice of the finding of compliance, shall state whether the Certificate is issued after a Periodic or Special Review and shall state the anticipated date of commencement of the next Periodic Review. OWNER may record the Certificate with the County Recorder. Whether or not the Certificate is relied upon by assignees or other transferees or OWNER, CITY shall not be bound by a Certificate if a default existed at the time of the Periodic or Special Review, but was concealed from or otherwise not known to the CITY's Planning Director or City Council.

7. [RESERVED]

8. DEFAULT AND REMEDIES.

8.1 Remedies in General. It is acknowledged by the parties that CITY would not have entered into this Agreement if it were to be liable in damages under this Agreement, or with respect to this Agreement or the application thereof.

In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement, except that CITY shall not be liable in damages to OWNER, or to any successor in interest of OWNER, or to any other person, and OWNER covenants not to sue for damages or claim any damages:

(a) For any breach of this Agreement or for any cause of action which arises out of this Agreement; or

(b) For the taking, impairment or restriction of any right or interest conveyed or provided under or pursuant to this Agreement; or

(c) Arising out of or connected with any dispute, controversy or issue regarding the application or interpretation or effect of the provisions of this Agreement.

8.2 Specific Performance. The parties acknowledge that money damages and remedies at law generally are inadequate and specific performance and other non-monetary relief are particularly appropriate remedies for the enforcement of this Agreement and should be available to all parties for the following reasons:

(a) Money damages are unavailable against CITY as provided in Section 8.1 above.

(b) Due to the size, nature and scope of the project, it may not be practical or possible to restore the Property to its natural condition once implementation of this Agreement has begun. After such implementation, OWNER may be foreclosed from other choices it may have had to utilize the Property or portions thereof. OWNER has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate OWNER for such efforts.

8.3 Release. Except for nondamage remedies, including the remedy of specific performance and judicial review as provided for in Section 6.5, OWNER, for itself, its successors and assignees, hereby releases the CITY, its officers, agents and employees from any and all claims, demands, actions, or suits of any kind or nature arising out of any liability, known or unknown, present or future, including, but not limited to, any claim or liability, based or asserted, pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution, or any other law or ordinance which seeks to impose any other liability or damage, whatsoever, upon the CITY because it entered into this Agreement or because of the terms of this Agreement.

8.4 Termination or Modification of Agreement for Default of OWNER. Subject to the provisions contained in Section 6.3 herein, CITY may terminate or modify this Agreement for any failure of OWNER to perform any material duty or obligation of OWNER under this Agreement, or to comply in good faith with the terms of this Agreement (hereinafter referred to as "default"); provided, however, CITY may terminate or modify this Agreement pursuant to this Section only after providing written notice to OWNER of default setting forth the nature of the default and the actions, if any, required by OWNER to cure such default and, where the default can be cured, OWNER has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

8.5 Termination of Agreement for Default of CITY. OWNER may terminate this Agreement only in the event of a default by CITY in the performance of a material term of this Agreement and only after providing written notice to CITY of default setting forth the nature of the default and the actions, if any, required by CITY to cure such default and, where the default can be cured, CITY has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

9. THIRD PARTY LITIGATION.

9.1 General Plan Litigation. CITY has determined that this Agreement is consistent with its General Plan, as such General Plan exists as of the Effective Date, and that the General Plan meets all requirements of law. OWNER has reviewed the General Plan and concurs with CITY's determination. CITY shall have no liability in damages under this Agreement for any failure of CITY to perform under this Agreement or the inability of OWNER to develop the Property as contemplated by the Development Plan of this Agreement as the result of a judicial determination that on the Effective Date, or at any time thereafter, the General Plan, or portions thereof, are invalid or inadequate or not in compliance with law.

9.2 Third Party Litigation Concerning Agreement. OWNER shall defend, at its expense, including attorneys' fees, indemnify, and hold harmless CITY, its agents, officers and employees from any claim, action or proceeding against CITY, its agents, officers, or employees to attack, set aside, void, or annul the approval of this Agreement or the approval of any permit granted pursuant to this Agreement. CITY shall promptly notify OWNER of any such claim, action or proceeding, and CITY shall cooperate in the defense. If CITY fails to promptly notify OWNER of any such claim, action or proceeding, or if CITY fails to cooperate in the defense, OWNER shall not thereafter be responsible to defend, indemnify, or hold harmless CITY. CITY may in its discretion participate in the defense of any such claim, action or proceeding.

9.3 Indemnity. In addition to the provisions of 9.2 above, OWNER shall indemnify and hold CITY, its officers, agents, employees and independent contractors free and harmless from any liability whatsoever, based or asserted upon any act or omission of OWNER, its officers, agents, employees, subcontractors and independent contractors, for property damage, bodily injury, or death (OWNER's employees included) or any other element of damage of any kind or nature, relating to or in any way connected with or arising from the activities contemplated hereunder, including, but not limited to, the study, design, engineering, construction, completion, failure and conveyance of the public improvements, save and except claims for damages arising through the sole active negligence or sole willful misconduct of CITY. OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents, employees and independent contractors in any legal action based upon such alleged acts or omissions. CITY may in its discretion participate in the defense of any such legal action.

9.4 Environment Assurances. OWNER shall indemnify and hold CITY, its officers, agents, and employees free and harmless from any liability, based or asserted, upon any act or omission of OWNER, its officers, agents, employees, subcontractors, predecessors in interest, successors, assigns and independent contractors for any violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under or about the Property, including, but not limited to, soil and groundwater conditions, and OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents and employees in any action based or asserted upon any such alleged act or omission. CITY may in its discretion participate in the defense of any such action.

9.5 Reservation of Rights. With respect to Sections 9.2, 9.3 and 9.4 herein, CITY reserves the right to either (1) approve the attorney(s) which OWNER selects, hires or otherwise engages to defend CITY hereunder, which approval shall not be unreasonably withheld, or (2) conduct its own defense, provided, however, that OWNER shall reimburse CITY forthwith for any and all reasonable expenses incurred for such defense, including attorneys' fees, upon billing and accounting therefor.

9.6 Survival. The provisions of this Sections 9.1 through 9.6, inclusive, shall survive the termination of this Agreement.

10. MORTGAGEE PROTECTION.

The parties hereto agree that this Agreement shall not prevent or limit OWNER, in any manner, at OWNER's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. CITY acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with OWNER and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. CITY will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or

modification is consistent with the intent and purposes of this Agreement. Any Mortgagee of the Property shall be entitled to the following rights and privileges:

(a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Property made in good faith and for value, unless otherwise required by law.

(b) The Mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, which Mortgagee, has submitted a request in writing to the CITY in the manner specified herein for giving notices, shall be entitled to receive written notification from CITY of any default by OWNER in the performance of OWNER's obligations under this Agreement.

(c) If CITY timely receives a request from a Mortgagee requesting a copy of any notice of default given to OWNER under the terms of this Agreement, CITY shall provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default to OWNER. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

(d) Any Mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. Notwithstanding any other provision of this Agreement to the contrary, no Mortgagee shall have an obligation or duty under this Agreement to perform any of OWNER's obligations or other affirmative covenants of OWNER hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by OWNER is a condition precedent to the performance of a covenant by CITY, the performance thereof shall continue to be a condition precedent to CITY's performance hereunder, and further provided that any sale, transfer or assignment by any Mortgagee in possession shall be subject to the provisions of Section 2.4 of this Agreement.

11. MISCELLANEOUS PROVISIONS.

11.1 Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the San Bernardino County Recorder by the City Clerk within the ten (10) days after the CITY executes this Agreement, as required by Section 65868.5 of the Government Code. If the parties to this Agreement or their successors in interest amend or cancel this Agreement as provided for herein and in Government Code Section 65868, or if the CITY terminates or modifies the agreement as provided for herein and in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of this Agreement, the City Clerk shall have notice of such action recorded with the San Bernardino County Recorder.

11.2 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the parties, and there are no oral or written

representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

11.3 Severability. If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provision of the Public Benefits set forth in Section 4 of this Agreement, including the payment of the fees set forth therein, are essential elements of this Agreement and CITY would not have entered into this Agreement but for such provisions, and therefore in the event such provisions are determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

11.4 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

11.5 Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

11.6 Singular and Plural. As used herein, the singular of any word includes the plural.

11.7 Joint and Several Obligations. Subject to Section 2.4, if at any time during the term of this Agreement the Property is owned, in whole or in part, by more than one owner, all obligations of such owners under this Agreement shall be joint and several, and the default of any such owner shall be the default of all such owners. Notwithstanding the foregoing, no owner of a single lot which has been finally subdivided and sold to such owner as a member of the general public or otherwise as an ultimate user shall have any obligation under this Agreement except as provided under Section 4 hereof.

11.8 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

11.9 Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's

right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

11.10 No Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

11.11 Force Majeure. Neither party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by floods, earthquakes, other Acts of God, fires, wars, riots or similar hostilities, strikes and other labor difficulties beyond the party's control, (including the party's employment force), government regulations, court actions (such as restraining orders or injunctions), or other causes beyond the party's control. If any such events shall occur, the term of this Agreement and the time for performance by either party of any of its obligations hereunder may be extended by the written agreement of the parties for the period of time that such events prevented such performance, provided that the term of this Agreement shall not be extended under any circumstances for more than five (5) years.

11.12 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

11.13 Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon every portion of the Property; (b) runs with the Property and each portion thereof; and, (c) is binding upon each party and each successor in interest during ownership of the Property or any portion thereof.

11.14 Counterparts. This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.

11.15 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of San Bernardino, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

11.16 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint

venture or other association of any kind is formed by this Agreement. The only relationship between CITY and OWNER is that of a government entity regulating the development of private property and the owner of such property.

11.17 Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement. The CITY's City Manager may delegate his powers and duties under this Agreement to an Assistant City Manager or other management level employee of the CITY.

11.18 Eminent Domain. No provision of this Agreement shall be construed to limit or restrict the exercise by CITY of its power of eminent domain.

11.19 Agent for Service of Process. In the event OWNER is not a resident of the State of California or it is an association, partnership or joint venture without a member, partner or joint venturer resident of the State of California, or it is a foreign corporation, then in any such event, OWNER shall file with the Planning Director, upon its execution of this Agreement, a designation of a natural person residing in the State of California, giving his or her name, residence and business addresses, as its agent for the purpose of service of process in any court action arising out of or based upon this Agreement, and the delivery to such agent of a copy of any process in any such action shall constitute valid service upon OWNER. If for any reason service of such process upon such agent is not feasible, then in such event OWNER may be personally served with such process out of this County and such service shall constitute valid service upon OWNER. OWNER is amenable to the process so served, submits to the jurisdiction of the Court so obtained and waives any and all objections and protests thereto. OWNER for itself, assigns and successors hereby waives the provisions of the Hague Convention (Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil or Commercial Matters, 20 U.S.T. 361, T.I.A.S. No. 6638).

11.20 Estoppel Certificate. Within thirty (30) business days following a written request by any of the parties, the other party shall execute and deliver to the requesting party a statement certifying that (i) either this Agreement is unmodified and in full force and effect or there have been specified (date and nature) modifications to the Agreement, but it remains in full force and effect as modified; and (ii) either there are no known current uncured defaults under this Agreement or that the responding party alleges that specified (date and nature) defaults exist. The statement shall also provide any other reasonable information requested. The failure to timely deliver this statement shall constitute a conclusive presumption that this Agreement is in full force and effect without modification except as may be represented by the requesting party and that there are no uncured defaults in the performance of the requesting party, except as may

be represented by the requesting party. OWNER shall pay to CITY all costs incurred by CITY in connection with the issuance of estoppel certificates under this Section 11.20 prior to CITY's issuance of such certificates.

11.21 Authority to Execute. The person or persons executing this Agreement on behalf of OWNER warrants and represents that he or she/they have the authority to execute this Agreement on behalf of his or her/their corporation, partnership or business entity and warrants and represents that he or she/they has/have the authority to bind OWNER to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth below.

[SIGNATURES CONTAINED ON FOLLOWING PAGE]

**SIGNATURE PAGE
TO DEVELOPMENT AGREEMENT FILE NO. PDA20-001**

"OWNER"

ONTARIO SCHAEFER HOLDINGS, LLC
a Delaware limited liability company

By: Ontario Schaefer Associates, LLC, a
Delaware limited liability company, its
Managing Member

By: Avenue Associates Investments, LLC,
a Delaware limited liability company, its
Administrative member

By: RCCD Inc., a California corporation,
its Manager

By: _____

Name: Richard Cisakowski

Its: President

Date: _____

"CITY"

CITY OF ONTARIO

By: _____

Scott Ochoa

City Manager

Date: _____

ATTEST:

APPROVED AS TO FORM:
BEST BEST & KRIEGER, LLP

City Attorney

City Clerk, Ontario

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, 20____, before me _____,
Date *Insert Name and Title of the Officer*

personally appeared _____
Name(s) of Signer(s)

_____ ,
who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, 20____, before me _____,
Date *Insert Name and Title of the Officer*

personally appeared _____
Name(s) of Signer(s)

_____ ,
who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

**EXHIBIT "A"
TO DEVELOPMENT AGREEMENT**

Legal Description of Property

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

LETTERED LOT "Z" OF TRACT NO. 18419 IN THE CITY OF ONTARIO, AS PER MAP RECORDED IN [BOOK 348, PAGES 79](#) THROUGH 91, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, CALIFORNIA.

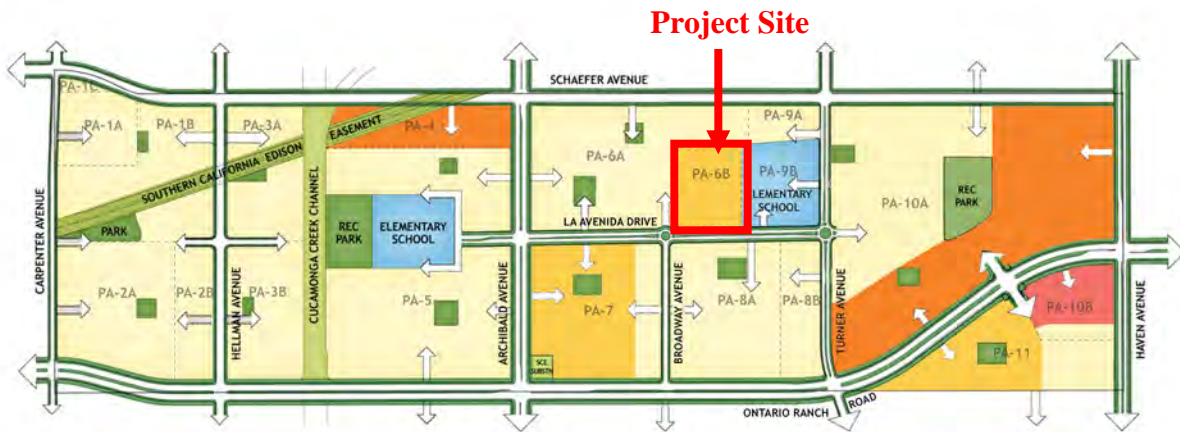
[APN: 0218-652-27-0-000](#)

EXHIBIT "B" TO DEVELOPMENT AGREEMENT

Map showing Property and its location

Land Use Plan

Exhibit 8 - Land Use Plan



LEGEND

- | | |
|--|--|
| LOW DENSITY RESIDENTIAL | SCHOOL |
| LOW MEDIUM DENSITY RESIDENTIAL | PARK |
| MEDIUM DENSITY RESIDENTIAL | SCE EASEMENT |
| RETAIL/COMMERCIAL | STORM DRAIN EASEMENT |



NOTE: The locations of the parks are conceptual and will be determined as part of the tract map approval process.

The Avenue
SPECIFIC PLAN

The New Model Colony Ontario, California

Land Use Plan

3-3

EXHIBIT "C"
TO DEVELOPMENT AGREEMENT

Existing Development Approvals

On November 28, 2006, the Planning Commission:

- a) Issued Resolution No. PC06-141, recommending City Council adopt and certify The Avenue Specific Plan Environmental Impact Report.
- b) Issued Resolution PC06-142, recommending the City Council approve a General Plan Amendment (File No. PGPA06-006).
- c) Issued Resolution No. PC06-143, recommending City Council approval of The Avenue Specific Plan (PSP05-003).

On December 9, 2006, the City Council:

- a) Adopted Resolution No. 2006-131, certifying The Avenue Specific Plan Environmental Impact Report (SCH No. 2005071109).
- b) Adopted Resolution No. 2006-132, approving the General Plan Amendment (File No. PGPA06-006).

On January 16, 2007, the City Council:

- a) Adopted Ordinance No. 2851, approving The Avenue Specific Plan (PSP05-003).

On February 2, 2010, the City Council:

- a) Adopted Resolution No. 2010-010 certifying the Supplemental Environmental Impact Report for an Amendment to The Avenue Specific Plan (File No. PSPA07-004).
- b) Adopted Resolution No. 2010-011 approving an amendment to The Avenue Specific Plan (File No. PSPA07-004).

On May 27, 2014, the Planning Commission:

- a) Issued Resolution No. PC14-042 recommending City Council approval of an Addendum to The Avenue Specific Plan Environmental Impact Report (SCH #2005071109).
- b) Issued Resolution No. PC14-043 recommending City Council approval of an Amendment to The Avenue Specific Plan (File No. PSPA13-003).

**EXHIBIT "C" Continued
TO DEVELOPMENT AGREEMENT**

On June 14, 2014, the City Council:

- a) Adopted Resolution No. 2017-068 approving an Addendum to The Avenue Specific Plan Environmental Impact Report (SCH #2005071109).
- b) Adopted Resolution No. 2017-069 approving an Amendment to The Avenue Specific Plan (File No. PSPA13-003).

EXHIBIT "D"
TO DEVELOPMENT AGREEMENT

Existing Land Use Regulations

These documents are listed for reference only:

1. The Avenue Specific Plan (File No. PSP05-003), Ordinance No. 2851.
2. The Avenue Specific Plan Environmental Impact Report (SCH#2005071109).
3. Supplemental Environmental Impact Report for an Amendment to The Avenue Specific Plan (File No. PSPA07-004).
4. Amendment to The Avenue Specific Plan (File No. PSPA13-003)
5. City of Ontario Municipal Code
 - a. Six – Sanitation & Health
 - b. Seven – Public Works
 - c. Eight – Building Regulations
 - d. Nine – Development Code
 - e. Ten – Parks & Recreation

EXHIBIT "E"
TO DEVELOPMENT AGREEMENT

Description of Infrastructure Improvements

RECYCLED WATER [RW]

1. 8" RW main in Manitoba Place, from La Avenida, past "A" Street to southern boundary of Lot A to serve Lot A.

SEWER [SW]

2. In order to accommodate the change in land use for The Avenue Specific Plan (Planning Area 6B), additional sewage flow capacity is required for the Project. OWNER shall pay the CITY within thirty (30) days of the Effective Date of this Agreement, in the amount of Eleven Thousand Two Hundred Fifty Two Dollars (\$11,252), and such payment shall be used by the CITY to purchase additional capacity from the Inland Empire Utilities Agency (IEUA) necessary to support Property development.

OWNER shall design, construct, and complete all in tract improvements including but not limited to, sewer, water, recycled water, storm drain, fiber, and street improvements necessary to serve the Property.

EXHIBIT "F"
TO DEVELOPMENT AGREEMENT

Depiction of Infrastructure Improvements

[SEE ATTACHMENT]



- LEGEND**
- WATER
 - SEWER
 - STORM DRAIN
 - RECLAIMED WATER
 - EXISTING FIBER OPTICS
 - FIBER OPTICS
- NOTE**
- PROJECT AND UTILITY SHOWN APPROXIMATE TO BE CHECKED FOR THE PROJECT AND SHOWN IN SET DRAW.

OWNER
 WINDY SCHAEFER HOLDINGS, A LIMITED LIABILITY COMPANY

PREPARED FOR:
 ONTARIO SCHAEFER HOLDINGS, LLC
 8191 EAST KASPER BOULEVARD
 SUITE 140
 ANNEHILLS, CA 92888
 CONTACT: JASON LEE



**EXHIBIT F
 INFRASTRUCTURE IMPROVEMENTS**

PLotted by: Jason Lee Date: Sep 11, 2020 12:55:57 PM File: F:\2020\Engineering\SA\170 2020\Site\Plan\Exhibit F.dwg

EXHIBIT "G"
TO DEVELOPMENT AGREEMENT

Form of Plume Disclosure Letter



ONTARIO MUNICIPAL UTILITIES COMPANY

PAUL S. LEON
MAYOR

DEBRA DORST-PORADA
MAYOR PRO TEM

ALAN D. WAPNER
JIM W. BOWMAN
RUBEN VALENCIA
COUNCIL MEMBERS

March 2017

AL C. BOLING
CITY MANAGER

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
TREASURER

SCOTT BURTON
UTILITIES GENERAL MANAGER

DISCLOSURE NOTICE
SOUTH ARCHIBALD TRICHLOROETHYLENE PLUME

Dear Property Owner/Developer/Applicant:

The City of Ontario ("City") has approved or will be approving development in the Ontario Ranch area in the next few years, subject to the appropriate and required statutory process. This letter is intended to serve as notice to all potential property owners of the existence of a groundwater plume, known as the South Archibald Trichloroethylene (TCE) Plume which may exist in, under or near owner's property.

The groundwater plume is in an area in the central Chino Basin south of the Pomona Freeway, west of Turner Avenue, east of Grove Avenue, and north of Kimball Avenue. The plume primarily consists of TCE, a discontinued industrial solvent, and is subject to a clean-up under the oversight and direction of the Santa Ana Regional Water Quality Control Board ("Regional Board").

The Regional Board's approved clean-up procedure involves the removal and treatment of groundwater containing TCE via groundwater wells to reduce the plume concentrations and control its migration. In addition, the City is providing potable water supplies for domestic purposes to residences with private domestic wells affected by the plume. Finally, the Regional Board will continue to monitor all impacted areas and private domestic wells to ensure that residents' health and the environment are properly safeguarded. These remedial actions are documented in a Remedial Action Plan approved by the Regional Board in September 2016.

Further and current information may be found on the Regional Board's Geotracker website at https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.

Property owners may wish to include this letter as a part of a Real Estate Transfer Disclosure under California Civil Code Section 1102 et seq.

1425 SOUTH BON VIEW - ONTARIO, CALIFORNIA 91761-4406 - (909) 395-2605 - FAX (909) 395-2601

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA20-001, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND ONTARIO SCHAEFER HOLDINGS, LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP 20298 (FILE NO. PMTT19-015), A 10.49 ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF LA AVENIDA DRIVE AND MANITOBA PLACE, WITHIN THE PROPOSED LOW-MEDIUM DENSITY RESIDENTIAL LAND USE DISTRICT OF THE AVENUE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-652-27.

WHEREAS, Ontario Schaefer Holdings, LLC ("Applicant") has filed an Application for the approval of a Development Agreement, File No. PDA20-001, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to approximately 10.49 acres of land generally located at the northeast corner of La Avenida and Manitoba Place within the proposed Low-Medium Density Residential land use district of The Avenue Specific Plan, and is presently vacant; and

WHEREAS, on February 16, 2007, the City Council adopted Ordinance No. 2851, approving The Avenue Specific Plan (File No. PSP05-003), which addressed potential development of approximately 568 acres of land, including up to 2,875 residential units, 130,680 square feet of commercial space, pocket parks and public trails; and

WHEREAS, on January 27, 2010, the City Council adopted Resolution Nos. 2010-003, 2010-004, 2010-005, 2010-006, approving a comprehensive update to The Ontario Plan (File No. PGPA06-001); and

WHEREAS, the Applicant is proposing a General Plan Amendment (File No. PGPA19-008) to modify the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01) component of The Ontario Plan, changing the land use designation on 10.49 acres of land, from School to Low-Medium Density Residential, in conjunction with modification of the Future Buildout Table (Exhibit LU-03) to be consistent with the proposed land use designation change, and an Amendment to The Avenue Specific Plan (File No. PSPA19-011), changing the land use designation on the project site, from School to Low-Medium Density Residential, generally located at the northeast corner of La Avenida Drive and Manitoba Place; and

WHEREAS, the proposed entitlements require a Development Agreement to establish the terms and conditions of development for the Project; and

WHEREAS, a Tentative Tract Map 20298 (File No. PMTT19-015) to subdivide approximately 10.49 acres of land into 106 numbered lots and 19 lettered lots, located at the northeast corner of La Avenida Drive and Manitoba Place, within the proposed

Low-Medium Density Residential land use district of The Avenue Specific Plan, has been submitted in conjunction with the Development Agreement; 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. PGPA06-001, an Addendum to The Ontario Plan for which an Environmental Impact Report — State Clearinghouse No. 2008101140 — (hereinafter referred to as "Certified EIR") was adopted by the City Council on January 27, 2010, 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 City Council the responsibility and authority to review and act on the subject Application; and

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

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

WHEREAS, on October 27, 2020, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Resolution No. PC20-073 recommending the City Council approve the Application; and

WHEREAS, on November 17, 2020, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

(1) The environmental impacts of this project were previously reviewed in conjunction with File No. PGPA06-001, an Addendum to The Ontario Plan for which a Certified EIR was adopted by the City Council on January 27, 2010; 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 City Council; 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 City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

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

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

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

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

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

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

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

SECTION 3. *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the Planning Commission finds that based upon the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (2,875) and density (2-12 du/ac) specified in the Available Land Inventory.

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

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

a. The Development Agreement applies to approximately 10.49 acres of land located at the northeast corner of La Avenida Drive and Manitoba Place, within the proposed Low-Medium Density Residential land use district of The Avenue Specific Plan.

b. The Development Agreement establishes parameters for the development of the proposed Low-Medium Density Residential land use district of The Avenue Specific Plan. The Development Agreement also grants the Owner, the right to develop, the ability to quantify the fees; and establish the terms and conditions that apply to those projects. These terms and conditions are consistent with The Ontario Plan Policy Plan (General Plan), design guidelines and development standards for the proposed amendment (File No. PSPA19-011) to The Avenue Specific Plan.

c. The Agreement grants the Owner a vested right to develop Tentative Tract Map 20298 as long as the Owner, complies with the terms and conditions of the Specific Plan and EIR. Tentative Tract Map 20298 is located at the northeast corner of La Avenida Drive and Manitoba Place, and proposes to subdivide approximately 10.49 acres of land into 106 numbered lots and 19 lettered lots.

d. The Development Agreement has been prepared in conformance with the goals and policies of The Ontario Plan Policy Plan (General Plan); and

e. The Development Agreement does not conflict with the Land Use Policies of The Ontario Plan Policy Plan (General Plan) and will provide for development, within the district, in a manner consistent with the Policy Plan and with related development; and

f. This Development Agreement will promote the goals and objectives of the Land Use Element of the Policy Plan; and

g. This Development Agreement will not be materially injurious or detrimental to the adjacent properties and will have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were previously analyzed in conjunction with File No. PGPA06-001, an Addendum to The Ontario Plan for which a Certified EIR was adopted by the City Council on January 27, 2010. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.

SECTION 6. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described Development Agreement (File No. PDA20-001), 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. **Severability.** If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

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

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

PASSED, APPROVED, AND ADOPTED this 1st day of December 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3171 was duly introduced at a regular meeting of the City Council of the City of Ontario held November 17, 2020 and adopted at the regular meeting held December 1, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3171 duly passed and adopted by the Ontario City Council at their regular meeting held December 1, 2020 and that Summaries of the Ordinance were published on November 24, 2020 and December 8, 2020, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

File No. PDA20-001

DEVELOPMENT AGREEMENT

By and Between

**The City of Ontario,
a California municipal corporation**

and

**Ontario Schaefer Holdings, LLC
a Delaware limited liability company**

(Development Agreement to follow this page)

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

CITY OF ONTARIO
CITY CLERK / RECORDS MANAGEMENT
303 EAST "B" STREET
ONTARIO, CA 91764-4196

Exempt from Fees Per Gov. Code § 6103

Space above this line for Recorder's Use Only

FILE NO. PDA20-001

DEVELOPMENT AGREEMENT

By and Between

**City of Ontario,
a California municipal corporation**

and

**Ontario Schaefer Holdings, LLC,
a Delaware limited liability company**

December 1, 2020

San Bernardino County, California

DEVELOPMENT AGREEMENT FILE NO. PDA20-001

This Development Agreement (hereinafter "Agreement") is dated for reference purposes only as of the 1st day of December 2020 by and among the City of Ontario, a California municipal corporation (hereinafter "CITY"), and ONTARIO SCHAEFER HOLDINGS, LLC, a Delaware limited liability company (hereinafter "OWNER"):

RECITALS

WHEREAS, CITY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Section 65864, et seq. of the Government Code; and

WHEREAS, OWNER has requested CITY to enter into a development agreement and proceedings have been taken in accordance with the rules and regulations of CITY; and

WHEREAS, by electing to enter into this Agreement, CITY shall bind future City Councils of CITY by the obligations specified herein and limit the future exercise of certain governmental and proprietary powers of CITY; and

WHEREAS, the terms and conditions of this Agreement have undergone extensive review by CITY and the City Council and have been found to be fair, just and reasonable; and

WHEREAS, the best interests of the citizens of the CITY and the public health, safety and welfare will be served by entering into this Agreement; and

WHEREAS, all of the procedures of the California Environmental Quality Act have been met with respect to the Project and The Avenue Specific Plan (State Clearinghouse No. 2005071109 (the "FEIR")). The City Council found and determined that the FEIR was prepared in accordance with the requirements of the California Environmental Quality Act and adequately describes the impacts of the project described in the FEIR, which included consideration of this Agreement; and

WHEREAS, this Agreement and the Project are consistent with the CITY's Comprehensive General Plan and The Avenue Specific Plan; and

WHEREAS, all actions taken and approvals given by CITY have been duly taken or approved in accordance with all applicable legal requirements for notice, public hearings, findings, votes, and other procedural matters; and

WHEREAS, development of the Property in accordance with this Agreement will provide substantial benefits to CITY and will further important policies and goals of CITY; and

WHEREAS, this Agreement will eliminate uncertainty in planning and provide for the orderly development of the Property, ensure progressive installation of necessary

improvements, provide for public services appropriate to the development of the Project, and generally serve the purposes for which development agreements under Sections 65864 et seq. of the Government Code are intended; and

WHEREAS, OWNER has incurred and will in the future incur substantial costs in excess of the generally applicable requirements in order to assure vesting of legal rights to develop the Property in accordance with this Agreement.

WHEREAS, the Property is located in an area of the City of Ontario that has been known as the “New Model Colony” area and the New Model Colony area has now been renamed as “Ontario Ranch.”

WHEREAS, the property developer/owners are made aware of the South Archibald Trichloroethylene (TCE) Plume Disclosure Letter (Exhibit “G”). Property owner may wish to provide the attached Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000004658

COVENANTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. DEFINITIONS AND EXHIBITS.

1.1 Definitions. The following terms when used in this Agreement shall be defined as follows:

1.1.1 “Agreement” means this Development Agreement.

1.1.2 “CITY” means the City of Ontario, California, a California municipal corporation.

1.1.3 “Construction Agreement” means that certain Agreement for the Financing and Construction of Phases I and II Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony, entered into between the CITY and NMC Builders as of the 4th day of October, 2005, and all amendments thereto and “Construction Agreement Amendment” means that First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve and Easterly Portion of the New Model Colony entered into between the CITY and NMC Builders as of the 21st day of August 2012.

1.1.4 “Development” means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of public infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of buildings and structures; and the installation of landscaping. “Development” does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.1.5 “Development Approvals” means all permits and other entitlements for use subject to approval or issuance by CITY in connection with development of the Property including, but not limited to:

- (a) specific plans and specific plan amendments;
- (b) tentative and final subdivision and parcel maps;
- (c) development plan review;
- (d) conditional use permits (including model home use permits), public use permits and plot plans;
- (e) zoning;
- (f) grading and building permits.

1.1.7 “Development Impact Fee” means a monetary exaction, other than a tax or special assessment, whether characterized as a fee or a tax and whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on an ad hoc basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, and, for purposes of this Agreement only, includes fees collected under development agreements adopted pursuant to Article 2.5 of the Government Code (commencing with Section 65864) of Chapter 4, For purposes of this Agreement only, "Development Impact Fee" shall not include processing fees and charges imposed by CITY to cover the estimated actual costs to CITY of processing applications for Development Approvals or for monitoring compliance with any Development Approvals granted or issued, including, without limitation, fees for zoning variances; zoning changes; use permits; building inspections; building permits; filing and processing applications and petitions filed with the local agency formation commission or conducting preliminary proceedings or proceedings under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5 of the Government Code; the processing of maps under the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code; or planning services under the authority of Chapter 3 (commencing with Section 65100) of Division 1 of Title 7 of the Government Code, fees and charges as described in Sections 51287, 56383, 57004, 65104, 65456, 65863.7, 65909.5, 66013, 66014, and 66451.2 of the Government Code, Sections 17951, 19132.3, and 19852 of the Health and Safety Code, Section

41901 of the Public Resources Code, and Section 21671.5 of the Public Utilities Code, as such codes may be amended or superceded, including by amendment or replacement.

1.1.8 “Development Plan” means the Existing Development Approvals and the Existing Land Use Regulations applicable to development of the Property.

1.1.9 “Effective Date” means the date that the ordinance approving this Agreement goes into effect.

1.1.10 “Existing Development Approvals” means all Development Approvals approved or issued prior to the Effective Date. Existing Development Approvals includes the Approvals incorporated herein as Exhibit “C” and all other Approvals which are a matter of public record on the Effective Date.

1.1.11 “Existing Land Use Regulations” means all Land Use Regulations in effect on the Effective Date. Existing Land Use Regulations includes the Regulations incorporated herein as Exhibit “D” and all other Land Use Regulations that are in effect and a matter of public record on the Effective Date.

1.1.12 “General Plan” means the General Plan adopted on January 27, 2010, by Resolution Nos. R2010-003, R2010-004, R2010-005 and R2010-006.

1.1.13 “Improvement” or “Improvements” means those public improvements required to support the development of the Project as described in the tract map conditions for Tract Map No. 20298 as further described in Exhibit “F”.

1.1.14 “Land Use Regulations” means all ordinances, resolutions, codes, rules, regulations and official policies of CITY governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, timing and phasing of development, the maximum height and size of buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. “Land Use Regulations” does not include any CITY ordinance, resolution, code, rule, regulation or official policy, governing:

- (a) the conduct of businesses, professions, and occupations;
- (b) taxes and assessments;
- (c) the control and abatement of nuisances;
- (d) the granting of encroachment permits and the conveyance of similar rights and interests that provide for the use of or the entry upon public property;
- (e) the exercise of the power of eminent domain.

1.1.15 “Mortgagee” means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns.

1.1.16 "Model Units" means a maximum of twelve (12) model units, private common recreation facilities and sales facilities constructed by OWNER prior to the construction of any Production Units and not offered for sale and occupancy for a period of time after the issuance of permits for Production Units.

1.1.17 "OWNER" means the persons and entities listed as owner on page 1 of this Agreement and their permitted successors in interest to all or any part of the Property.

1.1.18 "Production Unit(s)" means all units constructed for sale and occupancy by OWNER and excludes the specified number of Model Units constructed by OWNER for promotion of sales.

1.1.19 "Project" means the development of the Property contemplated by the Development Plan, as such Plan may be further defined, enhanced or modified pursuant to the provisions of this Agreement.

1.1.20 "Property" means the real property described on Exhibit "A" and shown on Exhibit "B" to this Agreement.

1.1.21 "Reservations of Authority" means the rights and authority excepted from the assurances and rights provided to OWNER under this Agreement and reserved to CITY under Section 3.6 of this Agreement.

1.1.22 "Specific Plan" means that certain specific plan adopted by the City Council, and entitled, "The Avenue Specific Plan."

1.1.23 "Storm Water Treatment Capacity Availability" means a designated portion of the total Storm Water Treatment Capacity Availability made available through the completion of construction of a Phase of regional storm water treatment facilities by the NMC Builders LLC as described in the Construction Agreement Amendment. The amount, in acres, of Storm Water Treatment Capacity Availability required for the issuance of a grading permit shall be based upon the factors and assumptions listed in the Construction Agreement Amendment.

1.1.24 "Subsequent Development Approvals" means all Development Approvals required subsequent to the Effective Date in connection with development of the Property.

1.1.25 "Subsequent Land Use Regulations" means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

1.1.26 "Water Availability Equivalent (WAE)" means a designated portion of the total Net MDD made available through the construction of each Phase described in the Water Phasing Plan of the Construction Agreement. The number of Water Availability Equivalents (of portions thereof) required for the issuance of each building permit shall be based upon water demand factors and assumptions listed in the Construction Agreement and Construction Agreement Amendment as "Water Availability Equivalents by Land Use" for each land use category.

1.2 Exhibits. The following documents are attached to, and by this reference made a part of, this Agreement:

Exhibit “A” — Legal Description of the Property.

Exhibit “B” — Map showing Property and its location.

Exhibit “C” — Existing Development Approvals.

Exhibit “D” — Existing Land Use Regulations.

Exhibit “E” — Description of Infrastructure Improvements

Exhibit “F” — Depiction of Infrastructure Improvements

Exhibit “G” - Form of Plume Disclosure Letter

2. GENERAL PROVISIONS.

2.1 Binding Effect of Agreement. The Property is hereby made subject to this Agreement. Development of the Property is hereby authorized and shall be carried out only in accordance with the terms of this Agreement.

2.2 Ownership of Property. OWNER represents and covenants that it is the owner of the fee simple title to the Property or a portion thereof, or has the right to acquire fee simple title to the Property or a portion thereof from the current owner(s) thereof. To the extent OWNER does not own fee simple title to the Property, OWNER shall obtain written consent from the current fee owner of the Property agreeing to the terms of this Agreement and the recordation thereof.

2.3 Term. The term of this Agreement shall commence on the Effective Date and shall continue for an initial term of ten (10) years thereafter unless this term is modified or extended pursuant to the provisions of this Agreement. The term of this Agreement may be extended for an additional five (5) years following expiration of the initial ten (10) year term, provided the following have occurred:

(a) OWNER provides at least 180 days written notice to CITY prior to expiration of the initial term; and

(b) In non-mixed use and residential use only projects, the OWNER shall have obtained, as applicable, building permits for at least seventy percent (70%) of the actual number of residential units permitted under this Agreement; and

(c) OWNER is not then in uncured default of this Agreement.

2.4 Assignment.

2.4.1 Right to Assign. OWNER shall have the right to sell, transfer or assign the Property in whole or in part (provided that no such partial transfer shall violate

the Subdivision Map Act, Government Code Section 66410, et seq.), to any person, partnership, limited liability company, joint venture, firm or corporation at any time during the term of this Agreement; provided, however, that any such sale, transfer or assignment shall include the assignment and assumption of the rights, duties and obligations arising under or from this Agreement and be made in strict compliance with the following:

(a) No sale, transfer or assignment of any right or interest under this Agreement shall be made unless made together with the sale, transfer or assignment of all or a part of the Property. OWNER may be required to provide disclosure that the Property is within the South Archibald Trichloroethylene (TCE) Plume. OWNER may wish to provide the attached Disclosure Letter (Exhibit "G") as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq.(b) Concurrent with any such sale, transfer or assignment, or within fifteen (15) business days thereafter, OWNER shall notify CITY's City Manager, in writing, of such sale, transfer or assignment and shall provide CITY with: (1) an executed agreement, in a form reasonably acceptable to CITY, by the purchaser, transferee or assignee and providing therein that the purchaser, transferee or assignee expressly and unconditionally assumes all the duties and obligations of OWNER under this Agreement with respect to the portion of the Property so sold, transferred or assigned; and (2) the payment of the applicable processing charge to cover the CITY's review and consideration of such sale, transfer or assignment.

(b) Any sale, transfer or assignment not made in strict compliance with the foregoing conditions shall constitute a default by OWNER under this Agreement. Notwithstanding the failure of any purchaser, transferee or assignee to execute the agreement required by Paragraph (a) of this Section 2.4.1, the burdens of this Agreement shall be binding upon such purchaser, transferee or assignee, but the benefits of this Agreement shall not inure to such purchaser, transferee or assignee until and unless such agreement is executed. The CITY's City Manager shall have the authority to review, consider and either approve, conditionally approve, or deny any proposed sale, transfer or assignment that is not made in compliance with this Section 2.4.

2.4.2 Release of Transferring Owner. Notwithstanding any sale, transfer or assignment, a transferring OWNER shall continue to be obligated under this Agreement unless such transferring owner is given a release in writing by CITY, which release shall be provided by CITY upon the full satisfaction by such transferring owner of the following conditions:

(a) OWNER no longer has a legal or equitable interest in all or any part of the portion of the Property sold, transferred or assigned.

(b) OWNER is not then in default under this Agreement.

(c) OWNER has provided CITY with the notice and executed agreement required under Paragraph (b) of Section 2.4.1 above.

(d) The purchaser, transferee or assignee provides CITY with security equivalent to any security previously provided by OWNER to secure performance of its obligations hereunder.

2.4.3 Effect of Assignment and Release of Obligations. In the event of a sale, transfer or assignment pursuant to the provisions of Section 2.4.2 above:

(a) The assignee shall be liable for the performance of all obligations of OWNER with respect to transferred property, but shall have no obligations with respect to the portions of the Property, if any, not transferred (the "Retained Property").

(b) The owner of the Retained Property shall be liable for the performance of all obligations of OWNER with respect to Retained Property, but shall have no further obligations with respect to the transferred property.

(c) The assignee's exercise, use and enjoyment of the Property or portion thereof shall be subject to the terms of this Agreement to the same extent as if the assignee were the OWNER.

2.4.4 Subsequent Assignment. Any subsequent sale, transfer or assignment after an initial sale, transfer or assignment shall be made only in accordance with and subject to the terms and conditions of this Section 2.4.

2.4.5 Termination of Agreement with Respect to Individual Lots Upon Sale to Public and Completion of Construction. The provisions of Section 2.4.1 shall not apply to the sale or lease (for a period longer than one year) of any lot which has been finally subdivided and is individually (and not in "bulk") sold or leased to a member of the public or other ultimate user. Notwithstanding any other provisions of this Agreement, this Agreement shall terminate with respect to any lot and such lot shall be released and no longer be subject to this Agreement without the execution or recordation of any further document upon satisfaction of both of the following conditions:

(a) The lot has been finally subdivided and individually (and not in "bulk") sold or leased (for a period longer than one year) to a member of the public or other ultimate user; and,

(b) A certificate of occupancy has been issued for a building on the lot, and the fees set forth under Section 4 of this Agreement have been paid.

2.5 Amendment or Cancellation of Agreement. This Agreement may be amended or cancelled in whole or in part only in the manner provided for in Government Code Section 65868.1. Any amendment of this Agreement, which amendment has been requested by OWNER, shall be considered by the CITY only upon the payment of the applicable processing charge. This provision shall not limit any remedy of CITY or OWNER as provided by this Agreement. Either Party or successor in interest, may propose an amendment to or cancellation, in whole or in part, of this Agreement. Any amendment or cancellation shall be by mutual consent of the parties or their successors in interest except as provided otherwise in this Agreement or in Government Code

Section 65865.1. For purposes of this Section, the term “successor in interest” shall mean any person having a legal or equitable interest in the whole of the Property, or any portion thereof as to which such person wishes to amend or cancel this Agreement. The procedure for proposing and adopting an amendment to, or cancellation of, in whole or in part, this Agreement shall be the same as the procedure for adopting and entering into this Agreement in the first instance. Notwithstanding the foregoing sentence, if the CITY initiates the proposed amendment to, or cancellation of, in whole or in part, this Agreement, CITY shall first give notice to the OWNER of its intention to initiate such proceedings at least sixty (60) days in advance of the giving the public notice of intention to consider the amendment or cancellation.

2.5.1 Amendment to Reflect Consistency With Future Amendments to the Construction Agreement. To the extent any future amendment to the Construction Agreement provides for modifications to rights or obligations that differ from or alter the same or similar rights or obligations contained in this Development Agreement, OWNER reserves the right to request an amendment to the Development Agreement to reflect any or all of such modifications.

2.6 Termination. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

(a) Expiration of the stated term of this Agreement as set forth in Section 2.3, subject to Section 11.11.

(b) Entry of a final judgment setting aside, voiding or annulling the adoption of the ordinance approving this Agreement.

(c) The adoption of a referendum measure overriding or repealing the ordinance approving this Agreement.

(d) Completion of the Project in accordance with the terms of this Agreement including issuance of all required occupancy permits and acceptance by CITY or applicable public agency of all required dedications.

Termination of this Agreement shall not constitute termination of any other land use entitlements approved for the Property. Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such termination or with respect to any default in the performance of the provisions of this Agreement which has occurred prior to such termination or with respect to any obligations which are specifically set forth as surviving this Agreement. Upon such termination, any public facilities and services mitigation fees paid pursuant to Section 4.2 of this Agreement by OWNER to CITY for residential units on which construction has not yet begun shall be refunded to OWNER by CITY.

2.7 Notices.

(a) As used in this Agreement, “notice” includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment or other communication required or permitted hereunder.

(b) All notices shall be in writing and shall be considered given either: (i) when delivered in person, including, without limitation, by courier, to the recipient named below; or (ii) on the date of delivery shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, and postage and postal charges prepaid, and addressed to the recipient named below. All notices shall be addressed as follows:

If to CITY:

Scott Ochoa, City Manager
City of Ontario
303 East “B” Street
Ontario, CA 91764

with a copy to:

Ruben Duran, City Attorney
Best Best & Krieger, LLP
2855 East Guasti Road, Suite 400
Ontario, CA 91761

If to OWNER:

Ontario Schaefer Holdings, LLC
c/o RCCD, Inc.
8101 E. Kaiser Blvd., Suite 140
Anaheim Hills, CA 92808
Attn: Richard Cisakowski
Phone: (714) 637-4405
Email:rc@distinguishedhomes.com

with a copy to:

Smiley Wang-Ekvall, LLP
3200 Park Center Drive, Suite 250
Costa Mesa, CA 92626
Attn: Kraig C. Kilger, Esq.
Phone: (714) 445-1000
Email: kkilger@swelawfirm.com

(c) Either party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a party or an officer or representative of a party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by the change.

3. DEVELOPMENT OF THE PROPERTY.

3.1 Rights to Develop. Subject to the terms of this Agreement including the Reservations of Authority, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the Development Plan. The Project shall remain subject to all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan.

3.2 Effect of Agreement on Land Use Regulations. Except as otherwise provided under the terms of this Agreement including the Reservations of Authority, the rules, regulations and official policies governing permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings, and the design, improvement and construction standards and specifications applicable to development of the Property shall be the Existing Land Use Regulations. In connection with any Subsequent Development Approval, CITY shall exercise discretion in accordance with the same manner as it exercises its discretion under its police powers, including the Reservations of Authority set forth herein; provided however, that such discretion shall not prevent development of the Property for the uses and to the density or intensity of development set forth in this Agreement.

3.3 Timing of Development. The parties acknowledge that OWNER cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of OWNER, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Since the California Supreme Court held in Pardee Construction Co. v. City of Camarillo (1984) 37 Ca1. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that OWNER shall have the right to develop the Property in such order and at such rate and at such times as OWNER deems appropriate within the exercise of its subjective business judgment.

3.4 Requirement for Public Infrastructure Improvements. Development of the Property is contingent in part on the phasing of area-wide infrastructure improvements over which the OWNER has control. The issuance of building permits by CITY for Model Units and Production Units is, in general, contingent on OWNER's completion of needed infrastructure improvements as described in the attached Exhibit "E" and depicted in the attached Exhibit "F", and the availability of improvements and services to serve the Property.

3.4.1 Attached hereto as Exhibit "F" is a depiction of the infrastructure improvements needed for the development of the Property.

3.4.2 Subject to the prior submittal by OWNER and approval by CITY of a plan to provide sufficient public infrastructure for the construction of a maximum number of Twelve(12) Model Units, private common recreation facilities and sales facilities. CITY may issue a maximum of Twelve (12) building permits for Model Units, private common recreation facilities and sales facilities. The plan to be submitted by OWNER for CITY approval shall describe the utilities and other infrastructure necessary to provide sufficient fire protection and other public health and safety requirements for the Model Units and other facilities.

3.5 Changes and Amendments. The parties acknowledge that refinement and further development of the Project will require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Development Approvals. In the event OWNER finds that a change in the Existing Development Approvals is necessary or appropriate, OWNER shall apply for a Subsequent Development Approval to effectuate such change and CITY shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. If approved, any such change in the Existing Development Approvals shall be incorporated herein as an addendum to Exhibit "C", and may be further changed from time to time as provided in this Section. Unless otherwise required by law, as determined in CITY's reasonable discretion, a change to the Existing Development Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

- (a) Alter the permitted uses of the Property as a whole; or,
 - (b) Increase the density or intensity of use of the Property as a whole;
- or,
- (c) Increase the maximum height and size of permitted buildings; or,
 - (d) Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or,
 - (e) Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

3.6 Reservations of Authority.

3.6.1 Limitations, Reservations and Exceptions. Notwithstanding any other provision of this Agreement, the CITY shall not be prevented from applying new rules, regulations and policies upon the OWNER, nor shall a development agreement prevent the CITY from denying or conditionally approving any subsequent development project application on the basis of such new rules, regulations and policies where the new rules, regulations and policies consist of the following:

- (a) Processing fees by CITY to cover costs of processing applications for development approvals or for monitoring compliance with any development approvals;
- (b) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records and any other matter of procedure;
- (c) Regulations, policies and rules governing engineering and construction standards and specifications applicable to public and private improvements, including all uniform codes adopted by the CITY and any local amendments to those codes adopted by the CITY; provided however that, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the standards and specifications that are expressly identified in the Specific Plan;
- (d) Regulations that may conflict with this Agreement and the Development Plan but that are reasonably necessary to protect the residents of the project and/or of the immediate community from a condition perilous to their health or safety;
- (e) Regulations that do not conflict with those rules, regulations and policies set forth in this Agreement or the Development Plan;
- (f) Regulations that may conflict but to which the OWNER consents.

3.6.2 Subsequent Development Approvals. This Agreement shall not prevent CITY, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations that do not conflict with the Development Plan, nor shall this Agreement prevent CITY from denying or conditionally approving any Subsequent Development Approvals on the basis of the Existing Land Use Regulations or any Subsequent Land Use Regulation not in conflict with the Development Plan.

3.6.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provisions impractical to enforce. In the event OWNER alleges that such State or Federal laws or regulations preclude or prevent compliance with one or more provisions of this Agreement, and the CITY does not agree, the OWNER may, at its sole cost and expense, seek declaratory relief (or other similar non-monetary remedies); provided however, that nothing contained

in this Section 3.6.3 shall impose on CITY any monetary liability for contesting such declaratory relief (or other similar non-monetary relief).

3.6.4 Intent. The parties acknowledge and agree that CITY is restricted in its authority to limit its police power by contract and that the foregoing limitations, reservations and exceptions are intended to reserve to CITY all of its police power which cannot be so limited. This Agreement shall be construed, contrary to its stated terms if necessary, to reserve to CITY all such power and authority which cannot be restricted by contract.

3.7 Public Works; Utilities. If OWNER is required by this Agreement to construct any public works facilities which will be dedicated to CITY or any other public agency upon completion, and if required by applicable laws to do so, OWNER shall perform such work in the same manner and subject to the same requirements as would be applicable to CITY or such other public agency should it have undertaken such construction. As a condition of development approval, OWNER shall connect the Project to all utilities necessary to provide adequate water, recycled water, sewer, gas, electric, and other utility service to the Project. As a further condition of development approval, OWNER shall contract with the CITY for CITY-owned or operated utilities for this purpose, for such price and on such terms as may be available to similarly situated customers in the CITY.

3.7.1 OWNER agrees that development of the Project shall require the construction of street improvements as described in Exhibit "E" and depicted in Exhibit "F". OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the street improvements as described in Exhibit "E" and depicted in Exhibit "F".

3.7.2 OWNER agrees that development of the Property shall require the extension of permanent water and recycled water utility infrastructure as described in Exhibit "E" and depicted in Exhibit "F" consisting generally of the construction of the extension of permanent water and recycled water utility improvements to serve the Property. OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the water and recycled water Improvements as described in Exhibit "E" and depicted in Exhibit "F". OWNER also agrees that recycled water shall be available and utilized by OWNER for all construction-related water uses including prior to, and during, any grading of the Property.

3.7.3 OWNER agrees that the development of the Property shall require the extension of permanent storm drain improvements, as described in the attached Exhibit "E" and depicted in Exhibit "F" consisting generally of the construction of the extension of storm drain improvements to serve the Property. OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the storm drain Improvements as described in Exhibit "E" and depicted in Exhibit "F".

3.7.4 OWNER agrees that development of the Property shall require the extension of permanent sewer improvements, at OWNER's sole cost and expense, as described in the attached Exhibit "E" and depicted in Exhibit "F" consisting generally of the construction of the extension of sewer infrastructure to serve the Property. OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the sewer improvements as described in Exhibit "E" and depicted in Exhibit "F".

3.7.5 OWNER agrees that development of the Property shall require the extension of permanent fiber optic communications infrastructure, at OWNER's sole cost and expense, as described in the attached Exhibit "E" and depicted in Exhibit "F" consisting generally of the construction of the extension of fiber optic communications infrastructure to serve the Property. OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the fiber optic communications infrastructure as described in Exhibit "E" and depicted in Exhibit "F".

3.8 Acquisition of Offsite Provision of Real Property Interests. In any instance where OWNER is required by any Development Approval or Land Use Regulation and the Construction Agreement to construct any public improvement on land not owned by OWNER ("Offsite Improvements"), the CITY and OWNER shall cooperate in acquiring the necessary legal interest ("Offsite Property") in accordance with the procedures set forth in Section 2.4 of the Construction Agreement. This Section 3.8 is not intended by the parties to impose upon the OWNER an enforceable duty to acquire land or construct any public improvements on land not owned by OWNER, except to the extent that the OWNER elects to proceed with the development of the Project, and then only in accordance with valid conditions imposed by the CITY upon the development of the Project under the Subdivision Map Act or other legal authority.

3.8.1 CITY Acquisition of Non-Construction Agreement Offsite Property. In the event OWNER is required to construct any public improvements on land not owned by OWNER, but such requirement is not based upon the Construction Agreement, Sections 3.8.1 and 3.8.2 shall control the acquisition of the necessary property interest(s) ("Non-Construction Agreement Offsite Property"). If the OWNER is unable to acquire such Non-Construction Agreement Offsite Property, and following the written request from the OWNER to CITY, CITY agrees to use reasonable and diligent good faith efforts to acquire the Non-Construction Agreement Offsite Property from the owner or owners of record by negotiation to the extent permitted by law and consistent with this Agreement. If CITY is unable to acquire the Non-Construction Agreement Offsite Property by negotiation within thirty (30) days after OWNER'S written request, CITY shall, initiate proceedings utilizing its power of eminent domain to acquire that Non-Construction Agreement Subject Property at a public hearing noticed and conducted in accordance with California Code of Civil Procedure Section 1245.235 for the purpose of considering the adoption of a resolution of necessity concerning the Non-Construction Agreement Offsite Property, subject to the conditions set forth in this Section 3.8. The CITY and OWNER acknowledge that the timelines set forth in this Section

3.8.1 represent the maximum time periods which CITY and OWNER reasonably believe will be necessary to complete the acquisition of any Non-Construction Agreement Offsite Property. CITY agrees to use reasonable good faith efforts to complete the actions described within lesser time periods, to the extent that it is reasonably able to do so, consistent with the legal constraints imposed upon CITY.

3.8.2 Owner's Option to Terminate Proceedings. CITY shall provide written notice to OWNER no later than fifteen (15) days prior to making an offer to the owner of the Non-Construction Agreement Offsite Property. At any time within that fifteen (15) day period, OWNER may, at its option, notify CITY that it wants CITY to cease all acquisition proceedings with respect to that Non-Construction Agreement Offsite Property, whereupon CITY shall cease such proceedings. CITY shall provide written notice to OWNER no later than fifteen (15) days prior to the date of the hearing on CITY'S intent to consider the adoption of a resolution of necessity as to any Non-Construction Agreement Offsite Property. At any time within that fifteen (15) day period, OWNER may, at its option, notify CITY that it wants CITY to cease condemnation proceedings, whereupon CITY shall cease such proceedings. If OWNER does not notify CITY to cease condemnation proceedings within said fifteen (15) day period, then the CITY may proceed to consider and act upon the Non-Construction Agreement Offsite Property resolution of necessity. If CITY adopts such resolution of necessity, then CITY shall diligently institute condemnation proceedings and file a complaint in condemnation and seek an order of immediate possession with respect to the Non-Construction Agreement Offsite Property.

3.9 Regulation by Other Public Agencies. It is acknowledged by the parties that other public agencies not within the control of CITY possess authority to regulate aspects of the development of the Property separately from or jointly with CITY and this Agreement does not limit the authority of such other public agencies. CITY agrees to cooperate fully, at no cost to CITY, with OWNER in obtaining any required permits or compliance with the regulations of other public agencies provided such cooperation is not in conflict with any laws, regulations or policies of the CITY.

3.10 Tentative Tract Maps; Extension. With respect to applications by OWNER for tentative subdivision maps for portions of the Property, CITY agrees that OWNER may file and process tentative maps in accordance with Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the California Government Code and the applicable provisions of CITY's subdivision ordinance, as the same may be amended from time to time. In accordance with the provisions of Section 66452.6 of the Government Code, each tentative subdivision map or tentative parcel map, heretofore or hereafter approved in connection with development of the Property, shall be deemed to have been granted an extension of time to and until the date that is five (5) years following the Effective Date.; The CITY's City Council may, in its discretion, extend any such map for an additional period of up to five (5) years beyond its original term, so long as the subdivider files a written request for an extension with the City prior to the expiration of the initial five (5) year term.

4. PUBLIC BENEFITS.

4.1 Intent. The parties acknowledge and agree that development of the Property will result in substantial public needs that will not be fully met by the Development Plan and further acknowledge and agree that this Agreement confers substantial private benefits on OWNER that should be balanced by commensurate public benefits. Accordingly, the parties intend to provide consideration to the public to balance the private benefits conferred on OWNER by providing more fully for the satisfaction of the public needs resulting from the Project.

4.2 Development Impact Fees.

4.2.1 Amount of Development Impact Fee. Development Impact Fees (DIF) shall be paid by OWNER. The Development Impact Fee amounts to be paid by OWNER shall be the amounts that are in effect at the time such amounts are due. Nothing contained in this Agreement shall affect the ability of the CITY to impose new Development Impact Fees or amend the amounts of existing Development Impact Fees. Additionally, nothing contained in this Agreement shall affect the ability of other public agencies that are not controlled by CITY to impose and amend, from time to time, Development Impact Fees established or imposed by such other public agencies, even though such Development Impact Fees may be collected by CITY.

4.2.2 Time of Payment. The Development Impact Fees required pursuant to Section 4.2.1 shall be paid to CITY prior to the issuance of building permit for each applicable residential or other unit, except for the Open Space and Habitat Acquisition Development Impact fee, which shall be paid by OWNER to CITY prior to the issuance of a grading permit. Deferral of the payment of Development Impact Fees may be granted pursuant to a separate agreement approved by City pursuant to City policy.

4.2.3 Parkland and Quimby Act Fees. Pursuant to the General Plan (Ontario Plan) Goal PR1, Policy PR1-5 (achievement of a park standard of 5 acres of parkland per 1,000 residents) OWNER shall provide improved parks, developed in accordance with the City's park standards in an amount equal to two (2) acres per 1,000 of projected population without credit, reimbursement, offset or consideration from City. Such areas shall either be dedicated to the City or transferred to a homeowners' association. If approved by the CITY's City Manager, OWNER may satisfy this requirement through the development of non-public recreation facilities such as private recreational clubhouses or pool facilities. Credit for such private recreational facilities areas shall be limited to a maximum of 50% of the foregoing park development requirement. If OWNER's Project does not provide dedicated and developed park acreage equal to two (2) acres per 1,000 projected population, OWNER shall pay a fee in-lieu equal to the per acre estimated costs of acquisition and development of parkland in the City's Development Impact Fee for the calculated park acreage deficiency (e.g. Estimated Costs of Acquisition & Development multiplied by the Park Acreage

deficiency). Such in-lieu fee shall be due and payable prior to issuance of the first building permit issued to OWNER and such in-lieu fee shall be based on the estimated costs of acquisition and development of parkland in the City's Development Impact Fee Program in effect at the time the payment becomes due and payable to the City. Any park dedication and/or improvements in excess of such two (2) acres per thousand standard, provided such park has been developed in accordance with the City's park standards and is open to the public generally, shall entitle OWNER to a credit toward its obligations under the Quimby Act (Gov. Code, § 64477) and the City's implementing ordinance and/or resolution (collectively "**Quimby Act Obligations**"), and to the extent OWNER's Quimby Act Obligations are satisfied, OWNER shall be entitled to have the City acquire such developed and publicly available parks as Non-Program Interests in accordance with Section 4.3.3 below.

4.3 Responsibility for Construction of Public Improvements.

4.3.1 Timely Construction of Public Infrastructure. The phasing of the areawide infrastructure construction within the New Model Colony will be as approved by the CITY. OWNER shall be responsible for the timely construction and completion of all public infrastructure required for the Project as shown on the attached Exhibit "F" and any and all tentative tract map conditions. Unless otherwise specified in the subdivision agreement/tract map conditions, all other required Improvements for each Tract Map, shall be completed and operational prior to, and as a condition precedent to, OWNER requesting and CITY's granting of the first building permit for production units for each such Tract Map. All Infrastructure and Improvements shall be completed as required by the Subdivision Agreement/Tract Map conditions for Tract Nos. 20298.

4.3.2 Construction of DIF Program Infrastructure (Construction Agreement). To the extent OWNER is required to construct and completes construction of public improvements that are included in CITY's Development Impact Fee Program and the Construction Agreement between CITY and NMC Builders LLC, CITY agrees that CITY shall issue DIF Credit in accordance with the provisions of the Construction Agreement and any amendments thereto. Use of DIF Credit issued to OWNER as a member of NMC Builders LLC to offset OWNER's DIF payment obligations shall also be subject to the provisions of the Construction Agreement and any amendments thereto.

4.3.3 Construction of DIF Program Infrastructure (Non-Construction Agreement). To the extent OWNER is required to construct and completes construction of public improvements that are included in CITY's Development Impact Fee Program and such public improvements are not included the Construction Agreement between CITY and NMC Builders LLC, CITY agrees that CITY shall issue DIF Credit in accordance with the provisions of a separate Fee Credit Agreement between CITY and OWNER. Limitation on the use of DIF Credit issued to OWNER to offset OWNER's DIF payment obligations shall also be subject to the provisions of a separate Fee Credit Agreement. CITY and OWNER agree that the Fee Credit

Agreement between CITY and OWNER shall comply with CITY's adopted policies applicable to such agreements.

4.4 Affordable Housing Requirement.

4.4.1 Affordable Housing- Number of Units. OWNER shall provide a minimum number of affordable housing units, equivalent to 10% of the OWNER's total approved residential units within the Project, that are affordable to very low, low and moderate income households. Such requirement for affordable housing shall be met through one, or a combination of one or more, of the options provided in the following Sections 4.3.2.1 through 4.3.2.1. For the purposes of this Section, any term not defined in this Agreement shall be as defined by California Community Redevelopment Law (California Health and Safety Code Section 33000 et seq.).

4.4.2 Affordability Spread. Of the total number of residential dwelling units specified in Section 4.4.1, to be constructed or rehabilitated pursuant to Sections 4.4.2.1 or 4.4.2.2 respectively, thirty percent (30%) shall be available to very low income, thirty percent (30%) shall be available to low income and forty percent (40%) shall be available to moderate income households. "**Households**" shall be as defined by California Health and Safety Code Section 50053.

4.4.2.1 New Construction. If OWNER elects to fully or partially satisfy the affordable housing requirement by the construction of new residential units, it shall construct and restrict the affordability of residential dwelling units within its Project or, at OWNER's option and with the approval of the City, within another project elsewhere within the City. The affordable units constructed shall be intermingled with other units as part of the Project, and shall be built to the same construction, design and aesthetic standards, as well as number of rooms, as other units constructed as part of that OWNER's Project. In addition, the percentage ratio of affordable units offered for sale versus those offered for rent shall equal the percentage ratio of other units offered for sale versus for rent within OWNER's Project. Such construction shall be completed no later than the date that is five (5) years following the issuance of the first building permit for OWNER's Project; provided however that to the extent OWNER has not constructed the required percentage of units, based on the number of building permits for non-restricted units, OWNER shall, prior to the issuance of such building permits, provide security (in the form and substance approved by the City Manager and City Attorney) to City in order to ensure the faithful completion of such required percentage of construction of affordable units. If OWNER elects the option of constructing new affordable units, a detailed Affordable Housing Agreement specifying terms for the allowable monthly housing costs or rents (as applicable) and maintenance and occupancy standards shall be prepared, executed and recorded against such units as a condition to the issuance of a building permit. The Affordable Housing Agreement shall hold a recorded priority position senior to any other non-statutory lien or encumbrance

affecting the unit.

4.4.2.2 Rehabilitation. If OWNER elects to fully or partially satisfy the affordable housing requirement by the substantial rehabilitation of existing residential units in the City, it shall substantially rehabilitate and restrict the affordability of, the number of residential units specified in Section 4.4.1, provided that such units shall be provided elsewhere within the City. The rehabilitation work shall be substantial and of high quality and shall also address any deferred property maintenance issues on the property. **“Substantial rehabilitation”** shall mean rehabilitated multi-family rented dwelling units with three or more units and the value of the rehabilitation constitutes 25 percent of the after rehabilitation value of the dwelling, inclusive of land value pursuant to Health and Safety Code Section 33413(b)(2)(A)(iii-iv) as such section exists as of the Effective Date. If OWNER chooses the option of rehabilitation of existing housing units within the City, a detailed Affordable Housing Agreement specifying the terms for the allowable month housing costs or rents (as applicable) and maintenance and occupancy standards shall be prepared, executed and recorded against such units as a condition to the issuance of a building permit. Such rehabilitation shall be completed no later than the date that is five (5) years following the issuance of the first building permit for OWNER’s Project; provided however that to the extent OWNER has not rehabilitated the required percentage of units, based on the number of building permits, OWNER shall, prior to the issuance of such building permits, provide security (in the form and substance approved by the CITY’s City Manager and City Attorney) to the City in order to ensure the faithful completion of such required percentage of rehabilitation.

4.4.2.3 In-Lieu Fee. If OWNER has not fully complied with the requirements of Section 4.3.1 by providing the minimum number of affordable units through the construction of new affordable units or by the substantial rehabilitation of existing units, shall pay an **“Affordability In-Lieu Fee”**. If OWNER has not provided any affordable residential units by construction or rehabilitation, the Affordability In-Lieu fee shall be equal to Two Dollars Sixty-Three Cents (\$2.63) per square foot of residential development within OWNER’s Project or, if pre-paid as set forth below, Two Dollars Thirty Cents (\$2.30) per square foot of residential development within OWNER’s Project. If OWNER has partially complied with the requirements of Section 4.4.1 by construction or rehabilitation of less than the minimum number of units, then the Affordability In-lieu Fee shall be recalculated and reduced in consideration of the number and type of affordable units provided. The Affordability In-Lieu Fee shall be paid by OWNER to City no later than prior to the issuance of each building permit within OWNER’s Project based on the square footage of the residential unit for which such building permit is sought; provided however that OWNER may, at OWNER’s election, pre-pay such Affordability In-Lieu Fee by paying such Affordability In-Lieu Fee within thirty (30) days following the earliest discretionary approval by the City for

OWNER's Project, including, but not limited to, any general plan amendment, specific plan adoption, development agreement, tentative map approval, variance, conditional use permit, or resolution of intention to form any public financing mechanism. The Two Dollars, Sixty Three Cents (\$2.63) and the Two Dollars Thirty Centers (\$2.30) per square foot amounts shall automatically be increased annually, commencing on July 1, 2021, and automatically each July 1 thereafter. Such adjustment shall be based on the percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year. The pre-paid Affordability In-Lieu Fee shall be calculated based on the maximum floor area ratio (FAR) permitted within the General Plan and any applicable FAR contained within the Specific Plan, whichever is greater, and the Maximum Development Density. For purposes of this Agreement, "**Maximum Development Density**" shall be determined by multiplying the OWNER's Project's density for residential development potential as set forth in the General Plan or the Specific Plan, whichever is less, by the net acreage of land within OWNER's Project. All "Affordability In-Lieu Fees" collected by the City shall be used to promote the construction of affordable housing within the City.

4.4.2.4 Affordability Covenants. Prior to the issuance of the first building permit for any affordable unit, the City and OWNER shall enter into an Affordable Housing Agreement Affordability shall be assured for a period of forty-five (45) years for for-sale units and fifty-five (55) years for rentals. For rental units, base rents shall be established by the City and rental adjustments required by the City shall be performed on an annual basis. In addition, the Affordable Housing Agreement shall impose maximum occupancy limits of 2 occupants per bedroom plus 1 additional occupant per dwelling unit, and a requirement for the owner or tenant to properly maintain each dwelling unit.

4.4.2.5 Transfer of Affordable Project. No transfer of title to any affordable housing project shall occur without the prior written consent of the City. In the event OWNER transfers title to any affordable housing project required to be constructed pursuant to this Agreement to a non-profit entity, or other entity, that receives an exemption from ad valorem real property taxes, the City shall be required to assure payment of an annual in lieu fee to the City on July 1 of each year equal to one-tenth of one percent (0.1%) of the assessed value of such project. The City may permit OWNER to satisfy this obligation by recorded covenants against the property and enforceable against said entity by the City. Any such covenants shall be approved by the Planning Director and the City Attorney.

4.5 Schools Obligations.

4.5.1 Written Evidence of Compliance with Schools Obligations.

OWNER shall, either through joint or individual agreements between OWNER and

the applicable school district(s), satisfy its new school obligations. The new school obligations for the Mountain View School District in the Ontario Ranch area have been projected to include the acquisition or dedication of school sites for, and construction of, up to eight (8) schools. Of these eight (8) schools, six (6) are to be elementary (K-5) grade schools and two (2) are to be middle grade schools. The new school obligations for the Chaffey Joint Union High School District in the Ontario Ranch area have been projected to include the dedication of a school site for, and construction of, an additional high school. The new school obligations for the applicable school district shall be met by a combination of the following: (1) designating and dedicating school site(s) within the Property as set forth in the General Plan, and/or (2) paying school impact fees, (3) entering into a joint mitigation agreement or individual mitigation agreements, or (4) any combination of the foregoing. Written evidence of approval by the applicable school district that OWNER has met their school obligations may be required by the City as the condition to the issuance by the City of any entitlements for OWNER's Project. In the event OWNER is unable to provide such written evidence from the applicable school district(s), the City shall have the right to decline to honor any DIF Credit, Certificates of MDD Availability, Certificates of Storm Water Treatment Capacity Availability, or any combination thereof, presented by such OWNER, without liability to the City. To the extent that a joint mitigation agreement is approved by the applicable school district(s), and OWNER is a participant in good standing in such mitigation agreement, OWNER shall be deemed to have mitigated its new school obligations under this Section 4.5.

4.6 Public Services Funding Fee.

4.6.1 Requirement for Payment of Public Services Funding Fee. In order to ensure that the adequate provision of public services, including without limitation, police, fire and other public safety services, are available to the residents of each Project in a timely manner, OWNER shall pay to CITY a "**Public Services Funding Fee.**" The Public Services Funding Fee shall apply to residential and non-residential uses as set forth below.

4.6.2 Public Services Funding Fee Amount. OWNER shall pay a Public Services Funding fee in the total amount of Two Thousand One Hundred Twelve dollars (\$2,112.00) per residential dwelling unit. The Public Services Funding Fee shall be paid in one (1) installment within one hundred eighty (180) calendar days after the Effective Date or in two (2) installments, at OWNER's option, as follows:

4.6.2.1 First Installment (Residential uses). The First Installment of the Public Services Funding Fee shall be One Thousand Fifty-Six dollars (\$1,056) per residential dwelling unit. The First Installment shall be based upon the "**Maximum Development Density**" of the OWNER Project, as defined in Section 3.7.2.3 of the First Amended and Restated Construction Agreement. The First Installment shall be due and payable 30 days following the Effective Date.

If the First installment amount is not paid for all residential dwelling units within the Project (based on the Maximum Development Density, or the number of units described on “B Maps” if approved) by January 1, 2021, the amount of the First Installment shall be increased. Such increase shall be based on the percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year. Additionally, the amount shall be further increased automatically by the percentage increase in the Consumer Price Index (Los Angeles-Anaheim-Riverside) on each January 1 thereafter.

4.6.2.2 Second Installment (Residential Uses). The Second Installment of the Public Services Funding Fee shall be One Thousand Fifty-Six dollars (\$1,056) per residential unit. The Second Installment shall be paid at the time of the issuance of each building permit for the Project. The amount of the Second Installment shall increase automatically by percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year on January 1st of each year, beginning on January 1, 2021. OWNER may exercise the option to pay the Second Installment amount for all residential units, a portion of the residential units, or for the remainder of the residential units within OWNER’s Project on or before each December 31st, before the Second Installment amount is automatically increased.

4.6.2.3 Single Installment (Non-residential Uses). A single installment payment of the Public Services Funding Fee shall be required in the amount of Sixty Three Cents (\$.63) per square foot of non-residential buildings. The single installment for non-residential uses shall be due and payable prior to the issuance of the building permit for a non-residential building. The amount of the Single Installment for non-residential uses shall automatically increase by percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year on January 1st of each year, beginning on January 1, 2021. OWNER may exercise the option to pay any single installment amounts for the remainder of the non-residential square footage within the Project on or before December 31st, before the Single Installment amount is automatically increased.

4.7 Net MDD/Water Availability Equivalents.

4.7.1 NMC Builders LLC Membership. OWNER shall become a member of NMC Builders LLC, pursuant to the terms and conditions of the operating agreement of NMC Builders LLC. CITY acknowledges that the OWNER is a current “Member” of NMC Builders LLC. OWNER’S failure to maintain membership in NMC Builders LLC is and shall be a Default under this Agreement.

4.7.2 Assigned Net MDD/Water Availability Equivalents. The CITY has agreed with NMC Builders LLC to reserve exclusively for Members of NMC Builders, including OWNER, Net MDD made available through the construction of water system improvements funded by NMC Builders LLC. NMC Builders has assigned to OWNER its allocable share of the Net MDD issued by CITY. The provisions of the Construction Agreement Amendment requires that the CITY shall not approve a final tract map or issue building permits or certificates of occupancy for the area of development within the New Model Colony served by the water system improvements funded by NMC Builders LLC, except to the bearer of an Assignment of Net MDD Water Availability.

4.7.3 Use of Assigned Net MDD Water Availability. OWNER shall provide evidence of sufficient Net MDD Water Availability Equivalents (or portions thereof) prior to and as a condition precedent to, the CITY's approval of any and all tract maps for the Property. The amount of Net MDD Water Availability Equivalents required for CITY's approval of a tract map shall be based upon water demand factors and assumptions listed in Exhibit C-2R of the Construction Agreement Amendment as "Water Demand Equivalents by Land Use" for each land use category. CITY and OWNER agree that the Net MDD Water Availability has been determined to be 50.88 MDD.

4.7.4 Requirement for other Water System Improvements. A Certificate of Net MDD Availability is evidence only of available water capacity and does not satisfy any other conditions applicable to an OWNER's Project, including those relating to design and construction of master-planned potable water and recycled water transmission and distribution system for the respective pressure zone and other public infrastructure requirements.

4.8 Storm Water Capacity Availability.

4.8.1 Requirement for Storm Water Treatment Capacity Availability. OWNER shall provide evidence of sufficient Storm Water Treatment Capacity Availability as reserved in a Certificate of Storm Water Treatment Capacity Availability the same manner and subject to the same limitations as provided for the assignment of Certificates of Net MDD Availability in Section 4.7.3 of this Agreement.

4.8.2 Use of Storm Water Treatment Capacity Availability. The amount of Storm Water Treatment Capacity Availability required for the issuance of a grading permit to OWNER shall be based upon the net residential acreage of the area to be graded regardless of the corresponding use. CITY and OWNER agree that the evidence of Storm Water Treatment Capacity Availability for the Project shall be based on the net acreage of OWNER's Project as defined in the Construction Agreement Amendment and as of the Effective Date such net acreage has been determined to be 10.49 acres.

4.8.3 Requirement for other Storm Water Improvements. The Certificate of Storm Water Treatment Capacity Availability is evidence only of available storm water treatment capacity and does not satisfy any other conditions applicable to a particular development project, including those relating to on-site water treatment, water quality, connection to the storm water collection system, or other public infrastructure requirements.

4.9 Maintenance of Open Space. OWNER shall provide for the ongoing maintenance of all park, common areas and open space areas within the Project as more particularly set forth in the Specific Plan, through a homeowners' association as approved by the CITY. Covenants, conditions and restrictions establishing any homeowners' association shall be approved by the Planning Director and City Attorney.

4.10 Compliance with Public Benefits Requirements.

4.10.1 Failure to Provide Public Benefits. In the event OWNER fails or refuses to comply with any condition referenced in Section 4.1 through 4.10, or challenges (whether administratively or through legal proceedings) the imposition of such conditions, OWNER shall be deemed in default of this Agreement pursuant to Section 8.4 hereof, thereby entitling the City to any and all remedies available to it, including, without limitation, the right of the City to withhold OWNER's Project-related building permits, certificates of occupancy, or discretionary approvals, without liability.

5. FINANCING OF PUBLIC IMPROVEMENTS.

5.1 Financing Mechanism(s). In accordance with the Memorandum of Agreement between the CITY and NMC Builders, CITY will cooperate with OWNER in the formation of a CFD, or CFDs, to include all of the Project, to provide a financing mechanism to reimburse the OWNER for funds paid to NMC Builders LLC for OWNER's share of the costs of public infrastructure pursuant to the Construction Agreement and to acquire other public facilities constructed by OWNER subject to the provisions of the Memorandum of Agreement between CITY and NMC Builders LLC. Notwithstanding such reimbursements and acquisitions, OWNER shall remain entitled to DIF Credits as provided for in Article 3 of the Construction Agreement and/or as provided for in a separate Fee Credit Agreement between CITY and OWNER. OWNER agrees that, prior to the recordation of any tract map for the Property, the Property shall be included in a CFD to finance City services through annual special taxes that will initially be \$1,687.50 per Single Family Detached Dwelling Unit, \$1,462.41 per Multiple-Family Dwelling Unit, \$1,226.39 per Gated Apartment Community Dwelling Unit, and \$.32 per square foot for Non-Residential buildings. These amounts shall be subject to an automatic increase at a rate not to exceed four (4%) percent per year. CITY shall be the sole and exclusive lead agency in the formation of any CFD, assessment district or other public financing mechanism within the Property; provided however, that the proceeds of any such CFD, assessment district, or financing mechanism may be used, subject to restrictions that may be imposed by applicable law, for the purposes of acquiring, constructing or maintaining public facilities to be owned or operated by other public agencies, including, without

limitation those facilities owned or operated by a school district. In addition to the rights of the CITY pursuant to section 5.1 hereof, CITY shall have the right, but not the obligation, to condition the formation of any CFD, assessment district or other public financing mechanism within the Property on the OWNER mitigating all Project-related impacts to the applicable school district(s) as required by such school district(s). Written evidence by such school district(s) may be required by the CITY as the condition to the formation of any CFD, assessment district or other public financing mechanism within the Property, or any steps preliminary thereto, including, without limitation, the adoption of any resolution of intention to form such CFD, assessment district or other public financing mechanism within the Property. It is not the intent of the parties hereto, by this provision, to prohibit or otherwise limit the City's ability to take any and all necessary steps requisite to the formation of the CFD to finance City services through annual special taxes as set forth in this Section 5.1. Formation of any CFD, assessment district or other public financing mechanism within the Property, shall be subject to CITY's ability to make all findings required by applicable law and complying with all applicable legal procedures and requirements including, without limitation, CITY's public financing district policies as such policies may be amended from time to time. Notwithstanding the foregoing, it is acknowledged and agreed by the parties that nothing contained in this Agreement shall be construed as requiring CITY or the CITY's City Council to form any such district or to issue and sell bonds.

6. REVIEW FOR COMPLIANCE.

6.1 Periodic and Special Reviews.

6.1.1 Time for and Initiation of Periodic Review. The CITY shall review this Agreement every twelve (12) months from the Effective Date in order to ascertain the good faith compliance by the OWNER with the terms of this Agreement. The OWNER shall submit an Annual Monitoring Report to CITY, in a form acceptable to the CITY's City Manager, along with any applicable processing charge within ten (10) days after each anniversary date of the Effective Date of this Agreement. Within fifteen (15) days after the receipt of the Annual Monitoring Report, CITY shall review the Annual Monitoring Report. Prior to the expiration of the fifteen (15) day review period, CITY shall either issue a notice of continuing compliance or a notice of non-compliance and a notice of CITY's intent to conduct a Special Review pursuant to Sections 6.1.2 through 6.1.6. Issuance of a notice of continuing compliance may be issued by the CITY's City Manager or his designee.

6.1.2 Initiation of Special Review. A special review may be called either by agreement between the parties or by initiation in one or more of the following ways:

- (1) Recommendation of the CITY's planning staff;
- (2) Affirmative vote of at least four (4) members of the CITY's Planning Commission; or

- (3) Affirmative vote of at least three (3) members of the CITY's City Council.

6.1.3 Notice of Special Review. The CITY's City Manager shall begin the special review proceeding by giving notice that the CITY intends to undertake a special review of this Agreement to the OWNER. Such notice shall be given at least ten (10) days in advance of the time at which the matter will be considered by the CITY's Planning Commission.

6.1.4 Public Hearing. The CITY's Planning Commission shall conduct a hearing at which the OWNER must demonstrate good faith compliance with the terms of this Agreement. The burden of proof on this issue is upon the OWNER.

6.1.5 Findings Upon Public Hearing. The CITY's Planning Commission shall determine upon the basis of substantial evidence whether or not the OWNER has, for the period under review, complied in good faith with the terms and conditions of this Agreement.

6.1.6 Procedure Upon Findings.

(a) If the CITY's Planning Commission finds and determines on the basis of substantial evidence that the OWNER has complied in good faith with the terms and conditions of this Agreement during the period under review, the review for that period is concluded.

(b) If the CITY's Planning Commission finds and determines on the basis of substantial evidence that the OWNER has not complied in good faith with the terms and conditions of this Agreement during the period under review, the CITY's Planning Commission may recommend to the CITY's City Council to modify or terminate this Agreement.

(c) The OWNER may appeal a determination pursuant to paragraph (b) to the CITY's City Council in accordance with the CITY's rule for consideration of appeals in zoning matters generally.

6.2 Proceedings Upon Modification or Termination. If, upon a finding under Section 6.1.6(b), the CITY determines to proceed with modification or termination of this Agreement, the CITY shall give notice to the property OWNER of its intention so to do. The notice shall contain:

(a) The time and place of the hearing;

(b) A statement as to whether or not the CITY proposes to terminate or to modify this Agreement; and

(c) Other information that the CITY considers necessary to inform the OWNER of the nature of the proceeding.

6.3 Hearing on Modification or Termination. At the time and place set for the hearing on modification or termination, the OWNER shall be given an opportunity to be heard. The OWNER shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. The burden of proof on this issue shall be on the OWNER. If the CITY's City Council finds, based upon substantial evidence in the administrative record, that the OWNER has not complied in good faith with the terms and conditions of the agreement, the CITY's City Council may terminate or modify this Agreement and impose those conditions to the action it takes as it considers necessary to protect the interests of the CITY. The decision of the CITY's City Council shall be final, subject only to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

6.4 Certificate of Agreement Compliance. If, at the conclusion of a Periodic or Special Review, OWNER is found to be in compliance with this Agreement, CITY shall, upon written request by OWNER, issue a Certificate of Agreement Compliance ("Certificate") to OWNER stating that after the most recent Periodic or Special Review and based upon the information known or made known to the CITY's Planning Director and City Council that (1) this Agreement remains in effect and (2) OWNER is not in default. The Certificate shall be in recordable form, shall contain information necessary to communicate constructive record notice of the finding of compliance, shall state whether the Certificate is issued after a Periodic or Special Review and shall state the anticipated date of commencement of the next Periodic Review. OWNER may record the Certificate with the County Recorder. Whether or not the Certificate is relied upon by assignees or other transferees or OWNER, CITY shall not be bound by a Certificate if a default existed at the time of the Periodic or Special Review, but was concealed from or otherwise not known to the CITY's Planning Director or City Council.

7. [RESERVED]

8. DEFAULT AND REMEDIES.

8.1 Remedies in General. It is acknowledged by the parties that CITY would not have entered into this Agreement if it were to be liable in damages under this Agreement, or with respect to this Agreement or the application thereof.

In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement, except that CITY shall not be liable in damages to OWNER, or to any successor in interest of OWNER, or to any other person, and OWNER covenants not to sue for damages or claim any damages:

(a) For any breach of this Agreement or for any cause of action which arises out of this Agreement; or

(b) For the taking, impairment or restriction of any right or interest conveyed or provided under or pursuant to this Agreement; or

(c) Arising out of or connected with any dispute, controversy or issue regarding the application or interpretation or effect of the provisions of this Agreement.

8.2 Specific Performance. The parties acknowledge that money damages and remedies at law generally are inadequate and specific performance and other non-monetary relief are particularly appropriate remedies for the enforcement of this Agreement and should be available to all parties for the following reasons:

(a) Money damages are unavailable against CITY as provided in Section 8.1 above.

(b) Due to the size, nature and scope of the project, it may not be practical or possible to restore the Property to its natural condition once implementation of this Agreement has begun. After such implementation, OWNER may be foreclosed from other choices it may have had to utilize the Property or portions thereof. OWNER has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate OWNER for such efforts.

8.3 Release. Except for nondamage remedies, including the remedy of specific performance and judicial review as provided for in Section 6.5, OWNER, for itself, its successors and assignees, hereby releases the CITY, its officers, agents and employees from any and all claims, demands, actions, or suits of any kind or nature arising out of any liability, known or unknown, present or future, including, but not limited to, any claim or liability, based or asserted, pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution, or any other law or ordinance which seeks to impose any other liability or damage, whatsoever, upon the CITY because it entered into this Agreement or because of the terms of this Agreement.

8.4 Termination or Modification of Agreement for Default of OWNER. Subject to the provisions contained in Section 6.3 herein, CITY may terminate or modify this Agreement for any failure of OWNER to perform any material duty or obligation of OWNER under this Agreement, or to comply in good faith with the terms of this Agreement (hereinafter referred to as "default"); provided, however, CITY may terminate or modify this Agreement pursuant to this Section only after providing written notice to OWNER of default setting forth the nature of the default and the actions, if any, required by OWNER to cure such default and, where the default can be cured, OWNER has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

8.5 Termination of Agreement for Default of CITY. OWNER may terminate this Agreement only in the event of a default by CITY in the performance of a material term of this Agreement and only after providing written notice to CITY of default setting forth the nature of the default and the actions, if any, required by CITY to cure such default and, where the default can be cured, CITY has failed to take such actions and cure such default

within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

9. THIRD PARTY LITIGATION.

9.1 General Plan Litigation. CITY has determined that this Agreement is consistent with its General Plan, as such General Plan exists as of the Effective Date, and that the General Plan meets all requirements of law. OWNER has reviewed the General Plan and concurs with CITY's determination. CITY shall have no liability in damages under this Agreement for any failure of CITY to perform under this Agreement or the inability of OWNER to develop the Property as contemplated by the Development Plan of this Agreement as the result of a judicial determination that on the Effective Date, or at any time thereafter, the General Plan, or portions thereof, are invalid or inadequate or not in compliance with law.

9.2 Third Party Litigation Concerning Agreement. OWNER shall defend, at its expense, including attorneys' fees, indemnify, and hold harmless CITY, its agents, officers and employees from any claim, action or proceeding against CITY, its agents, officers, or employees to attack, set aside, void, or annul the approval of this Agreement or the approval of any permit granted pursuant to this Agreement. CITY shall promptly notify OWNER of any such claim, action or proceeding, and CITY shall cooperate in the defense. If CITY fails to promptly notify OWNER of any such claim, action or proceeding, or if CITY fails to cooperate in the defense, OWNER shall not thereafter be responsible to defend, indemnify, or hold harmless CITY. CITY may in its discretion participate in the defense of any such claim, action or proceeding.

9.3 Indemnity. In addition to the provisions of 9.2 above, OWNER shall indemnify and hold CITY, its officers, agents, employees and independent contractors free and harmless from any liability whatsoever, based or asserted upon any act or omission of OWNER, its officers, agents, employees, subcontractors and independent contractors, for property damage, bodily injury, or death (OWNER's employees included) or any other element of damage of any kind or nature, relating to or in any way connected with or arising from the activities contemplated hereunder, including, but not limited to, the study, design, engineering, construction, completion, failure and conveyance of the public improvements, save and except claims for damages arising through the sole active negligence or sole willful misconduct of CITY. OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents, employees and independent contractors in any legal action based upon such alleged acts or omissions. CITY may in its discretion participate in the defense of any such legal action.

9.4 Environment Assurances. OWNER shall indemnify and hold CITY, its officers, agents, and employees free and harmless from any liability, based or asserted, upon any act or omission of OWNER, its officers, agents, employees, subcontractors, predecessors in interest, successors, assigns and independent contractors for any violation of any federal, state or local law, ordinance or regulation relating to industrial

hygiene or to environmental conditions on, under or about the Property, including, but not limited to, soil and groundwater conditions, and OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents and employees in any action based or asserted upon any such alleged act or omission. CITY may in its discretion participate in the defense of any such action.

9.5 Reservation of Rights. With respect to Sections 9.2, 9.3 and 9.4 herein, CITY reserves the right to either (1) approve the attorney(s) which OWNER selects, hires or otherwise engages to defend CITY hereunder, which approval shall not be unreasonably withheld, or (2) conduct its own defense, provided, however, that OWNER shall reimburse CITY forthwith for any and all reasonable expenses incurred for such defense, including attorneys' fees, upon billing and accounting therefor.

9.6 Survival. The provisions of this Sections 9.1 through 9.6, inclusive, shall survive the termination of this Agreement.

10. MORTGAGEE PROTECTION.

The parties hereto agree that this Agreement shall not prevent or limit OWNER, in any manner, at OWNER's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. CITY acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with OWNER and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. CITY will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Any Mortgagee of the Property shall be entitled to the following rights and privileges:

(a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Property made in good faith and for value, unless otherwise required by law.

(b) The Mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, which Mortgagee, has submitted a request in writing to the CITY in the manner specified herein for giving notices, shall be entitled to receive written notification from CITY of any default by OWNER in the performance of OWNER's obligations under this Agreement.

(c) If CITY timely receives a request from a Mortgagee requesting a copy of any notice of default given to OWNER under the terms of this Agreement, CITY shall provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default to OWNER. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

(d) Any Mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such

foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. Notwithstanding any other provision of this Agreement to the contrary, no Mortgagee shall have an obligation or duty under this Agreement to perform any of OWNER's obligations or other affirmative covenants of OWNER hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by OWNER is a condition precedent to the performance of a covenant by CITY, the performance thereof shall continue to be a condition precedent to CITY's performance hereunder, and further provided that any sale, transfer or assignment by any Mortgagee in possession shall be subject to the provisions of Section 2.4 of this Agreement.

11. MISCELLANEOUS PROVISIONS.

11.1 Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the San Bernardino County Recorder by the City Clerk within the ten (10) days after the CITY executes this Agreement, as required by Section 65868.5 of the Government Code. If the parties to this Agreement or their successors in interest amend or cancel this Agreement as provided for herein and in Government Code Section 65868, or if the CITY terminates or modifies the agreement as provided for herein and in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of this Agreement, the City Clerk shall have notice of such action recorded with the San Bernardino County Recorder.

11.2 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the parties, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

11.3 Severability. If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provision of the Public Benefits set forth in Section 4 of this Agreement, including the payment of the fees set forth therein, are essential elements of this Agreement and CITY would not have entered into this Agreement but for such provisions, and therefore in the event such provisions are determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

11.4 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

11.5 Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

11.6 Singular and Plural. As used herein, the singular of any word includes the plural.

11.7 Joint and Several Obligations. Subject to Section 2.4, if at any time during the term of this Agreement the Property is owned, in whole or in part, by more than one owner, all obligations of such owners under this Agreement shall be joint and several, and the default of any such owner shall be the default of all such owners. Notwithstanding the foregoing, no owner of a single lot which has been finally subdivided and sold to such owner as a member of the general public or otherwise as an ultimate user shall have any obligation under this Agreement except as provided under Section 4 hereof.

11.8 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

11.9 Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

11.10 No Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

11.11 Force Majeure. Neither party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by floods, earthquakes, other Acts of God, fires, wars, riots or similar hostilities, strikes and other labor difficulties beyond the party's control, (including the party's employment force), government regulations, court actions (such as restraining orders or injunctions), or other causes beyond the party's control. If any such events shall occur, the term of this Agreement and the time for performance by either party of any of its obligations hereunder may be extended by the written agreement of the parties for the period of time that such events prevented such performance, provided that the term of this Agreement shall not be extended under any circumstances for more than five (5) years.

11.12 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

11.13 Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon every portion of the Property; (b) runs with the

Property and each portion thereof; and, (c) is binding upon each party and each successor in interest during ownership of the Property or any portion thereof.

11.14 Counterparts. This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.

11.15 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of San Bernardino, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

11.16 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between CITY and OWNER is that of a government entity regulating the development of private property and the owner of such property.

11.17 Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement. The CITY's City Manager may delegate his powers and duties under this Agreement to an Assistant City Manager or other management level employee of the CITY.

11.18 Eminent Domain. No provision of this Agreement shall be construed to limit or restrict the exercise by CITY of its power of eminent domain.

11.19 Agent for Service of Process. In the event OWNER is not a resident of the State of California or it is an association, partnership or joint venture without a member, partner or joint venturer resident of the State of California, or it is a foreign corporation, then in any such event, OWNER shall file with the Planning Director, upon its execution of this Agreement, a designation of a natural person residing in the State of California, giving his or her name, residence and business addresses, as its agent for the purpose of service of process in any court action arising out of or based upon this Agreement, and the delivery to such agent of a copy of any process in any such action shall constitute valid service upon OWNER. If for any reason service of such process upon such agent is

not feasible, then in such event OWNER may be personally served with such process out of this County and such service shall constitute valid service upon OWNER. OWNER is amenable to the process so served, submits to the jurisdiction of the Court so obtained and waives any and all objections and protests thereto. OWNER for itself, assigns and successors hereby waives the provisions of the Hague Convention (Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil or Commercial Matters, 20 U.S.T. 361, T.I.A.S. No. 6638).

11.20 Estoppel Certificate. Within thirty (30) business days following a written request by any of the parties, the other party shall execute and deliver to the requesting party a statement certifying that (i) either this Agreement is unmodified and in full force and effect or there have been specified (date and nature) modifications to the Agreement, but it remains in full force and effect as modified; and (ii) either there are no known current uncured defaults under this Agreement or that the responding party alleges that specified (date and nature) defaults exist. The statement shall also provide any other reasonable information requested. The failure to timely deliver this statement shall constitute a conclusive presumption that this Agreement is in full force and effect without modification except as may be represented by the requesting party and that there are no uncured defaults in the performance of the requesting party, except as may be represented by the requesting party. OWNER shall pay to CITY all costs incurred by CITY in connection with the issuance of estoppel certificates under this Section 11.20 prior to CITY's issuance of such certificates.

11.21 Authority to Execute. The person or persons executing this Agreement on behalf of OWNER warrants and represents that he or she/they have the authority to execute this Agreement on behalf of his or her/their corporation, partnership or business entity and warrants and represents that he or she/they has/have the authority to bind OWNER to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth below.

[SIGNATURES CONTAINED ON FOLLOWING PAGE]

**SIGNATURE PAGE
TO DEVELOPMENT AGREEMENT FILE NO. PDA20-001**

"OWNER"

ONTARIO SCHAEFER HOLDINGS, LLC
a Delaware limited liability company

By: Ontario Schaefer Associates, LLC, a
Delaware limited liability company, its
Managing Member

By: Avenue Associates Investments, LLC,
a Delaware limited liability company, its
Administrative member

By: RCCD Inc., a California corporation,
its Manager

By: _____
Name: Richard Cisakowski
Its: President
Date: _____

"CITY"

CITY OF ONTARIO

By: _____
Scott Ochoa
City Manager

Date: _____

ATTEST:

**APPROVED AS TO FORM:
BEST BEST & KRIEGER, LLP**

City Attorney

City Clerk, Ontario

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, 20____, before me _____,
Date *Insert Name and Title of the Officer*

personally appeared _____
Name(s) of Signer(s)

_____ ,
who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, 20____, before me _____,
Date *Insert Name and Title of the Officer*

personally appeared _____
Name(s) of Signer(s)

_____ ,
who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

**EXHIBIT "A"
TO DEVELOPMENT AGREEMENT**

Legal Description of Property

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

LETTERED LOT "Z" OF TRACT NO. 18419 IN THE CITY OF ONTARIO, AS PER MAP RECORDED IN [BOOK 348, PAGES 79](#) THROUGH 91, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, CALIFORNIA.

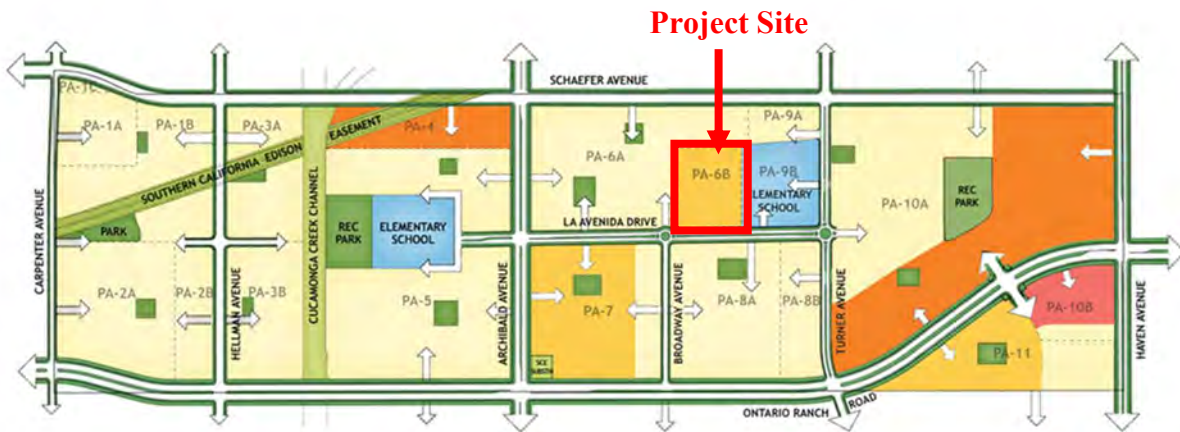
[APN: 0218-652-27-0-000](#)

EXHIBIT "B" TO DEVELOPMENT AGREEMENT

Map showing Property and its location

Land Use Plan

Exhibit 8 - Land Use Plan



LEGEND

- | | |
|--|--|
| LOW DENSITY RESIDENTIAL | SCHOOL |
| LOW MEDIUM DENSITY RESIDENTIAL | PARK |
| MEDIUM DENSITY RESIDENTIAL | SCE EASEMENT |
| RETAIL/COMMERCIAL | STORM DRAIN EASEMENT |



NOTE: The locations of the parks are conceptual and will be determined as part of the tract map approval process.

The Avenue
SPECIFIC PLAN

The New Model Colony Ontario, California

Land Use Plan

3-3

EXHIBIT "C"
TO DEVELOPMENT AGREEMENT

Existing Development Approvals

On November 28, 2006, the Planning Commission:

- a) Issued Resolution No. PC06-141, recommending City Council adopt and certify The Avenue Specific Plan Environmental Impact Report.
- b) Issued Resolution PC06-142, recommending the City Council approve a General Plan Amendment (File No. PGPA06-006).
- c) Issued Resolution No. PC06-143, recommending City Council approval of The Avenue Specific Plan (PSP05-003).

On December 9, 2006, the City Council:

- a) Adopted Resolution No. 2006-131, certifying The Avenue Specific Plan Environmental Impact Report (SCH No. 2005071109).
- b) Adopted Resolution No. 2006-132, approving the General Plan Amendment (File No. PGPA06-006).

On January 16, 2007, the City Council:

- a) Adopted Ordinance No. 2851, approving The Avenue Specific Plan (PSP05-003).

On February 2, 2010, the City Council:

- a) Adopted Resolution No. 2010-010 certifying the Supplemental Environmental Impact Report for an Amendment to The Avenue Specific Plan (File No. PSPA07-004).
- b) Adopted Resolution No. 2010-011 approving an amendment to The Avenue Specific Plan (File No. PSPA07-004).

On May 27, 2014, the Planning Commission:

- a) Issued Resolution No. PC14-042 recommending City Council approval of an Addendum to The Avenue Specific Plan Environmental Impact Report (SCH #2005071109).
- b) Issued Resolution No. PC14-043 recommending City Council approval of an Amendment to The Avenue Specific Plan (File No. PSPA13-003).

**EXHIBIT "C" Continued
TO DEVELOPMENT AGREEMENT**

On June 14, 2014, the City Council:

- a) Adopted Resolution No. 2017-068 approving an Addendum to The Avenue Specific Plan Environmental Impact Report (SCH #2005071109).
- b) Adopted Resolution No. 2017-069 approving an Amendment to The Avenue Specific Plan (File No. PSPA13-003).

EXHIBIT "D"
TO DEVELOPMENT AGREEMENT

Existing Land Use Regulations

These documents are listed for reference only:

1. The Avenue Specific Plan (File No. PSP05-003), Ordinance No. 2851.
2. The Avenue Specific Plan Environmental Impact Report (SCH#2005071109).
3. Supplemental Environmental Impact Report for an Amendment to The Avenue Specific Plan (File No. PSPA07-004).
4. Amendment to The Avenue Specific Plan (File No. PSPA13-003)
5. City of Ontario Municipal Code
 - a. Six – Sanitation & Health
 - b. Seven – Public Works
 - c. Eight – Building Regulations
 - d. Nine – Development Code
 - e. Ten – Parks & Recreation

EXHIBIT "E"
TO DEVELOPMENT AGREEMENT

Description of Infrastructure Improvements

RECYCLED WATER [RW]

1. 8" RW main in Manitoba Place, from La Avenida, past "A" Street to southern boundary of Lot A to serve Lot A.

SEWER [SW]

2. In order to accommodate the change in land use for The Avenue Specific Plan (Planning Area 6B), additional sewage flow capacity is required for the Project. OWNER shall pay the CITY within thirty (30) days of the Effective Date of this Agreement, in the amount of Eleven Thousand Two Hundred Fifty Two Dollars (\$11,252), and such payment shall be used by the CITY to purchase additional capacity from the Inland Empire Utilities Agency (IEUA) necessary to support Property development.

OWNER shall design, construct, and complete all in tract improvements including but not limited to, sewer, water, recycled water, storm drain, fiber, and street improvements necessary to serve the Property.

EXHIBIT "F"
TO DEVELOPMENT AGREEMENT

Depiction of Infrastructure Improvements

[SEE ATTACHMENT]

**EXHIBIT "G"
TO DEVELOPMENT AGREEMENT**

Form of Plume Disclosure Letter



ONTARIO MUNICIPAL UTILITIES COMPANY

PAUL S. LEON
MAYOR

DEBRA DORST-PORADA
MAYOR PRO TEM

ALAN D. WAPNER
JIM W. BOWMAN
RUBEN VALENCIA
COUNCIL MEMBERS

March 2017

AL C. BOLING
CITY MANAGER

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
TREASURER

SCOTT BURTON
UTILITIES GENERAL MANAGER

**DISCLOSURE NOTICE
SOUTH ARCHIBALD TRICHLOROETHYLENE PLUME**

Dear Property Owner/Developer/Applicant:

The City of Ontario ("City") has approved or will be approving development in the Ontario Ranch area in the next few years, subject to the appropriate and required statutory process. This letter is intended to serve as notice to all potential property owners of the existence of a groundwater plume, known as the South Archibald Trichloroethylene (TCE) Plume which may exist in, under or near owner's property.

The groundwater plume is in an area in the central Chino Basin south of the Pomona Freeway, west of Turner Avenue, east of Grove Avenue, and north of Kimball Avenue. The plume primarily consists of TCE, a discontinued industrial solvent, and is subject to a clean-up under the oversight and direction of the Santa Ana Regional Water Quality Control Board ("Regional Board").

The Regional Board's approved clean-up procedure involves the removal and treatment of groundwater containing TCE via groundwater wells to reduce the plume concentrations and control its migration. In addition, the City is providing potable water supplies for domestic purposes to residences with private domestic wells affected by the plume. Finally, the Regional Board will continue to monitor all impacted areas and private domestic wells to ensure that residents' health and the environment are properly safeguarded. These remedial actions are documented in a Remedial Action Plan approved by the Regional Board in September 2016.


Further and current information may be found on the Regional Board's Geotracker website at https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.

Property owners may wish to include this letter as a part of a Real Estate Transfer Disclosure under California Civil Code Section 1102 et seq.

CITY OF ONTARIO

Agenda Report
December 1, 2020

SECTION: CONSENT CALENDAR

Department: Planning
Prepared By: Lorena Mejia
Staff Member Presenting:
Scott Murphy, AICP, Executive Community
Development Director
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 4

SUBJECT: A ZONE CHANGE (FILE NO. PZC19-002) ON 41.35 ACRES OF LAND, FROM LDR-5 (LOW DENSITY RESIDENTIAL (2.1 TO 5.0 DU/AC)), CC (COMMUNITY COMMERCIAL), AND SP (SPECIFIC PLAN), TO 33.75 ACRES OF IL (LIGHT INDUSTRIAL) AND 7.6 ACRES OF CC (COMMUNITY COMMERCIAL) ZONED LAND AND A SPECIFIC PLAN AMENDMENT (FILE NO. PSPA19-010) RESCINDING THE TUSCANA VILLAGE SPECIFIC PLAN. THE PROJECT SITE IS LOCATED AT THE NORTHWEST CORNER OF RIVERSIDE DRIVE AND MILLIKEN AVENUE (APNS: 1083-361-01, 1083-361-04 AND 1083-361-07)

RECOMMENDATION: That the City Council consider and adopt an ordinance approving a Zone Change (File No. PZC19-002) on 41.35 acres of land from LDR-5 (Low Density Residential – 2.1 to 5.0 dwelling units per acre), CC (Community Commercial), and SP (Specific Plan) to 33.75 acres of IL (Light Industrial) and 7.6 acres of CC (Community Commercial) zoned land and a Specific Plan Amendment (File No. PSPA19-010) rescinding the Tuscana Village Specific Plan.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Invest in the Growth and Evolution of the City's Economy

Operate in a Businesslike Manner

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

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

FISCAL IMPACT: No fiscal impacts are anticipated with the adoption of the Zone Change and Specific Plan Amendment.

BACKGROUND & ANALYSIS: On November 17, 2020, the City Council introduced and waived further reading of an ordinance approving the Zone Change, File No. PZC19-002, and Specific Plan Amendment, File No. PSPA19-010. The Tuscana Village Specific Plan (File No. PSP09-001) was approved by the City Council on June 5, 2012, and consists of 20 acres of land located on the southerly half of the overall project site. The Tuscana Village Specific Plan allowed for the potential development of 200 residential dwelling units and approximately 871,000 square feet of commercial development. The Applicant has requested that the City rescind the Tuscana Village Specific Plan, thereby eliminating the existing residential land use designation, reduce the amount of commercially designated property, and incorporate an industrial land use designation to facilitate the construction of industrial

and commercial development applications that were approved by the Planning Commission on October 27, 2020, subject to the approval of the Zone Change and Specific Plan Amendment. The approved development applications include:

- A Tentative Parcel Map (File No. PMTT19-018/TPM 20177) to subdivide 20 acres of land into 7 parcels;
- A Development Plan (File No. PDEV19-059) to construct three industrial buildings totaling 295,991 square feet on approximately 13 acres of land;
- A Development Plan (File No. PDEV20-012) to construct a 3,062 square foot convenience store (7-Eleven) with fuel sales and ancillary drive-thru car wash on 1.27 acres of land;
- A Development Plan (File No. PDEV20-013) to construct a 2,490 square foot commercial building for a fast food restaurant (Starbucks) with a drive-thru facility on 1.18 acres of land; and
- A Conditional Use Permit (File No. PCUP20-009) to establish alcoholic beverage sales for off-premises consumption, limited to beer and wine (Type 20 ABC license), in conjunction with the convenience store (7-Eleven).

ZONE CHANGE/SPECIFIC PLAN AMENDMENT: The proposed Zone Change (File No. PZC19-002) will modify the zoning designations on 41.35 net acres of land from LDR-5 (Low Density Residential – 2.1 to 5.0 dwelling units per acre), CC (Community Commercial), and SP (Specific Plan), to 33.75 net acres of IL (Light Industrial) and 7.6 acres of CC (Community Commercial) zoned land. The 7.6 acres of CC (Community Commercial) zoned land will be located along Milliken Avenue, at the northeast corner of the Project site. The 33.75 net acres of IL (Light Industrial) zoned land occupies the majority of the project site to the north, south, and west, as shown in Exhibit A: Zone Change, attached. The proposed buildings are envisioned to allow for warehousing or light manufacturing uses. Heavy manufacturing uses will not be allowed.

The Tuscana Village Specific Plan (File No. PSP09-001) occupies the southern portion of the overall Project site, encompassing 20 acres of land. The proposed Specific Plan Amendment will rescind the existing Tuscana Village Specific Plan, which will result in the elimination of residential land uses, reduce the amount of commercially designated land from 12.1 acres to 5 acres (Community Commercial), and incorporate 15 acres of Light Industrial land uses.

COMMUNITY MEETING: The Planning Department conducted a virtual community meeting via Zoom on September 10, 2020, to discuss the proposed subject applications. Eleven members of the community logged into the Zoom meeting and 6 residents provided comments/questions during the meeting. Additionally, the Planning Department received two emails in opposition to the proposed Project. Concerns raised by the community are listed below.

- The lack of viable/substantial commercial shopping centers (grocery stores and full-service restaurants) in the immediate area. In addition, the reduction of commercial land areas will result in substandard commercial uses, such as gas stations, convenience stores and fast-food restaurants. *Residents commented that the retail viability studies focus on short term conditions instead of long-term neighborhood serving commercial. The applicant provided a retail market study (see Exhibit C: Retail Market Study, attached) prepared by The Concord Group (dated December 19, 2019). The Market Study focused on achievable rental rates based on current and historical retail trends. The study looked at land uses, number of households, traffic within a one, three, and five-mile radius from the Project site, which concluded that retail demand was not sufficient and could not be supported at the Project site, due to lack of demand and an oversupply of retail space. Supported uses included a gas station and fast-food restaurants, due to traffic counts associated with the 60 freeway on/off ramps located north of the Project site.*

- Opposition to the General Plan and Specific Plan Amendments that would allow the construction of large industrial buildings adjacent to the Creekside community. Residents want to preserve the existing General Plan land use designation of Mixed-use and the Tuscana Village Specific Plan to remain in place. *In response to community comments, the buildings have been designed to have an office-like appearance and the western building elevation has been enhanced to provide an attractive view from the adjacent residential development. Large plants/trees will be used along the western property line to create a more visually appealing view from the residential community. The landscape planter along the western property line is approximately 7 feet wide. Additional landscape planters are provided directly adjacent to Building 3, approximately 6 to 12 feet wide.*
- Overall issues related to noise, air quality, and truck traffic near existing residential neighborhoods and schools. *In response to community comments/concerns, the related Development Plan (File No, PDEV19-059) has been designed to minimize noise impacts on the residents. The truck yard for Building 3 has been oriented away from the western property line and faces east. This design feature, in conjunction with the 270-foot wide SCE utility corridor that separates the proposed Project from residential properties to the west, will substantially diminish any noise impacts to the adjacent residential community. A noise study was completed by Urban Crossroads (October 2020) that analyzed operational noise impact increases along the eastern property line of the Creekside residential community. Urban Crossroads measured existing noise levels on October 10, 2019 and modeled the increased noise that will be generated by the proposed operations at the property. The study concluded that the operation of a typical warehouse distribution center would be up to 39 dBA less than the City Standards (65 dBA daytime and 45 dBA nighttime). Furthermore, the placement of the buildings will assist in the reduction of traffic noise that currently exist from Milliken Avenue and help reduce wind and dust impacts on the existing residential community, from seasonal Santa Ana winds.*
- Inquiries were expressed regarding the proposed infrastructure, street improvements, bike lanes, and any proposed pedestrian connections to the San Antonio Winery and Juanchos restaurant. *The street frontages along Riverside Drive and Milliken Avenue will be improved (curb, gutter, and sidewalk). The Project will also provide new public and private streets with full right-of-way improvements, including sidewalk/pedestrian paths to the nearby San Antonio Winery and Juanchos restaurant.*
- Comments were expressed about vagrancy and illegal dumping in the immediate area, as well as existing truck traffic on Riverside Drive and overnight truck parking on Mill Creek Avenue. *The street frontages along Riverside Drive and Milliken Avenue will be improved (curb, gutter, and sidewalk) and no parking will be allowed. The development of the Project site will create more eyes on the street and discourage illegal uses. Also, on-site security patrol will be provided for the property and assist in preventing any undesirable use of the property at night or weekends, alerting law enforcement of any illegal activity occurring off-site and within the immediate area.*

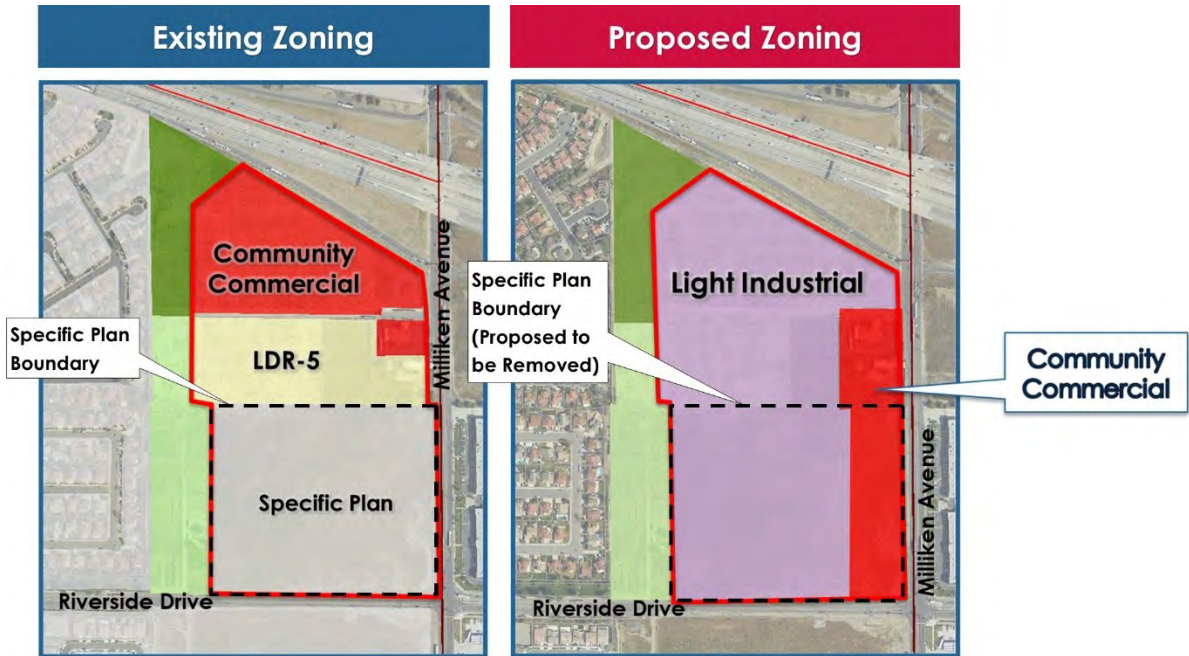
PLANNING COMMISSION REVIEW: On October 27, 2020, the Planning Commission conducted a duly noticed public hearing on the subject applications and voted unanimously (5-0) to recommend that the City Council approve the Zone Change and Specific Plan Amendment.

AIRPORT LAND USE COMPATABILITY PLAN 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, establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan. Any special conditions of approval associated with uses in close proximity to the airport are included in the conditions of approval imposed on the related development applications.

ENVIRONMENTAL REVIEW: Staff prepared an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), which was certified by the City Council on January 27, 2010, in conjunction with File No. PGPA06-001. This application introduces no new significant environmental impacts and all previously adopted mitigation measures are a condition of project approval.

EXHIBIT A: ZONE CHANGE



FILE NOS: PGPA19-007, PSPA19-010, PZC19-002, PMTT19-018, PDEV19-059, PDEV20-012, PCUP20-009 and PDEV20-013

SUBJECT: A request for the following entitlements: [1] a General Plan Amendment (File No. PGPA19-007) to modify the Policy Plan (general plan) Land Use Plan (Exhibit LU-01) component of The Ontario Plan, changing the land use designation on 41.35 acres of land from Mixed Use (Hamner/SR-60 Area 12) to 7.6 acres of General Commercial and 33.75 acres of Industrial, and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the proposed land use designation changes; [2] a Specific Plan Amendment (File No. PSPA19-010) rescinding the Tuscana Village Specific Plan; [3] a Zone Change (File No. PZC19-002) on 41.35 acres of land from LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac), CC (Community Commercial), and SP (Specific Plan), to 33.75 acres of IL (Light Industrial) and 7.6 acres of CC (Community Commercial); [4] a Tentative Parcel Map (File No. PMTT19-018/PM 20177) to subdivide approximately 20 acres of land into 7 parcels; [5] a Development Plan (File No. PDEV19-059) to construct 3 industrial buildings totaling 295,991 square feet on 13.19 acres of land; [6] a Development Plan (File No. PDEV20-012) to construct a 3,062 square foot convenience store (7-Eleven) with fuel sales and ancillary drive-thru car wash, in conjunction with a Conditional Use Permit (File No. PCUP20-009) to establish alcoholic beverage sales for off-premises consumption, limited to beer and wine (Type 20 ABC license), on 1.27 acres of land; and [7] a Development Plan (File No. PDEV20-013) to construct a 2,490 square foot commercial building for a fast food restaurant (Starbucks) with a drive-thru facility on 1.18 acres of land. The Project site is located at the northwest corner of Riverside Drive and Milliken Avenue; (APNs: 1083-361-01, 1083-361-04 and 1083-361-07) **submitted by Toscana Square, LLC. City Council action is required.**

PROPERTY OWNERS: Ontario Toscana, LLC., Cardinal Realty Partners LLC., and Galleano, Bernard, Estate Trust

RECOMMENDED ACTION: That the Planning Commission consider and adopt the following:

- (1) A resolution recommending the City Council approve the use of an Addendum to The Ontario Plan Environmental Impact Report; and
- (2) Resolutions recommending the City Council approve File Nos. PGPA19-007, PSPA19-010, and PZC19-002 pursuant to the facts and reasons contained in the staff report and attached resolutions; and

Case Planner:	Lorena Mejia
Planning Director Approval:	
Submittal Date:	10/09/2019

Hearing Body	Date	Decision	Action
DAB	10/19/2020	Approve	Recommend
PC	10/27/2020	Approval	Recommend/ Final
CC	11/17/2020		Final

(3) Resolutions approving File Nos. PMTT19-018 (PM 20177), PDEV19-059, PDEV20-012, PCUP20-009 and PDEV20-013, pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval contained in the attached departmental reports.

PROJECT SETTING: The project site is comprised of 41.35 acres of land located at the northwest corner of Riverside Drive and Milliken Avenue, within the CC (Community Commercial) and IL (Light Industrial) zoning districts and is depicted in Figure 1: Project Location. The Project site is comprised of three lots. The northern parcel is undeveloped and has been historically used for agricultural purposes (vineyard). The center parcel is developed with a wine shop (San Antonio Winery), restaurant, church, small animal farm, and vineyard. The southern parcel is presently vacant. The existing surrounding land uses, zoning, and general plan and specific plan land use designations are summarized in the “Surrounding Zoning & Land Uses” table located in the Technical Appendix of this report.

PROJECT ANALYSIS:

(1) Background — The Tuscana Village Specific Plan (File No. PSP09-001) and related Mitigated Negative Declaration (“MND”) were approved by the City Council on June 5, 2012. The Tuscana Village Specific Plan established the land use designations, development standards, and design guidelines for the 20-acre Project site. The specific plan allowed for the potential development of 200 residential dwelling units and approximately 871,000 square feet of commercial development. The Applicant has requested that the City rescind the Tuscana Village Specific Plan, eliminate the existing residential land use designation, reduce the amount of commercial designated property, and incorporate an industrial land use designation to facilitate the construction of the proposed industrial and commercial developments, described below.

On October 9, 2019, the applicant submitted six applications to facilitate the development of the proposed industrial and commercial development, which include:



Figure 1: Project Location

- A General Plan Amendment (File No. PGPA19-007) to modify the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01) component of The Ontario Plan, changing the land use designation on 41.35 acres of land from Mixed Use, to 7.6 acres of General Commercial and 33.75 acres of Industrial designated properties.
- A Specific Plan Amendment (File No. PSPA19-010) to rescind of the Tuscana Village Specific Plan.
- A Zone Change (File No. PZC19-002) on 41.35 acres of land to change the zoning designations from LDR-5 (Low Density Residential), CC (Community Commercial), and SP (Specific Plan), to 33.75 acres of IL (Light Industrial) and 7.6 acres of CC(Community Commercial) designated properties.
- A Tentative Parcel Map (File No. PMTT19-018/TPM 20177) to subdivide approximately 20 acres of land into 7 parcels within the proposed CC (Community Commercial) and IL (Light Industrial) zoning districts.
- A Development Plan (File No. PDEV19-059) to construct 3 industrial buildings totaling 295,991 square feet on approximately 13 acres of land within the proposed IL (Light Industrial) zoning district.

On April 24, 2020, the applicant submitted a Development Plan (File No. PDEV20-012) to construct a 3,062 square foot convenience store (7-Eleven) with fuel sales and an ancillary drive-thru car wash, in conjunction with a Conditional Use Permit (File No. PCUP20-009) to establish alcoholic beverage sales for off-premises consumption, limited to beer and wine (Type 20 ABC license), on 1.27 acres of land located within the proposed CC (Community Commercial) zoning district.

On June 3, 2020, the applicant submitted a Development Plan (File No. PDEV20-013) to construct a 2,490 square foot commercial building for a fast food restaurant (Starbucks) with a drive-thru facility on 1.18 acres of land located within the proposed CC (Community Commercial) zoning district.

On October 19, 2020, the Development Advisory Board (“DAB”) conducted a hearing to consider the Tentative Parcel Map, three Development Plans and Conditional Use Permit, and concluded the hearing, voting to recommend that the Planning Commission approve the Applications subject to conditions of approval, which are included as attachments to the Planning Commission resolutions.

(2) General Plan Amendment (“GPA”) — To accommodate the proposed Tentative Parcel Map and Development Plan applications, the GPA (File No. PGPA19-007) will revise Exhibit LU-01 Land Use Plan, changing the land use designation on 41.35 acres of land from Mixed-Use, to 7.6 acres of General Commercial and 33.75 acres of Industrial, as shown in Figure 2: General Plan Amendment. The GPA will also modify the Future

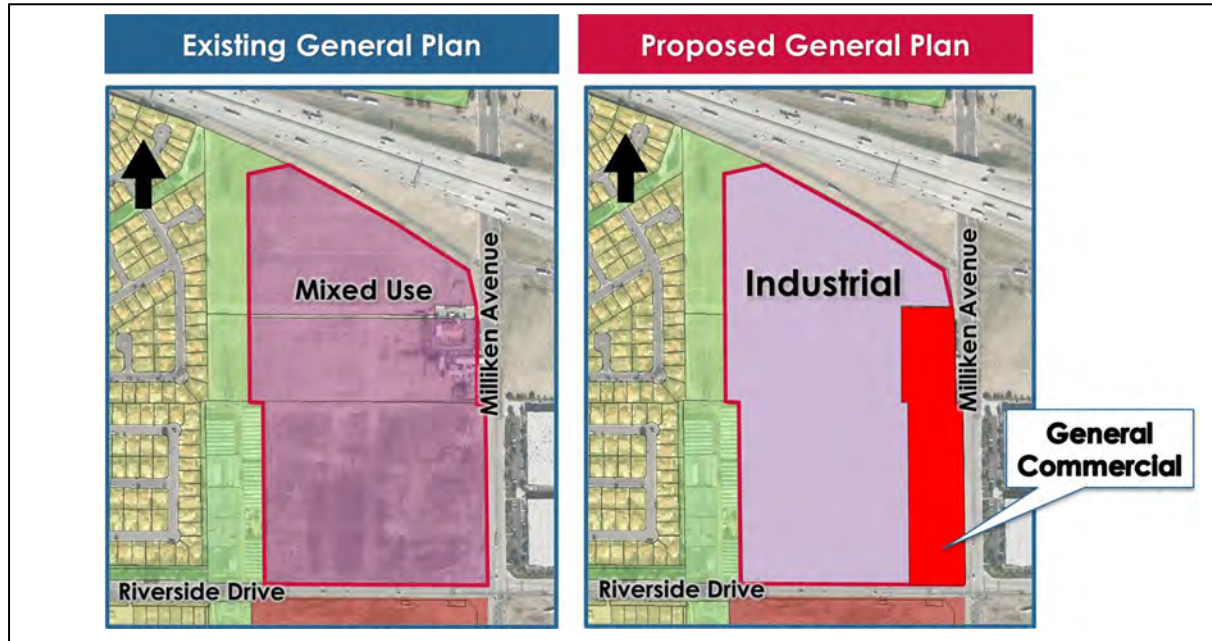


Figure 2: General Plan Amendment

Buildout Table (Exhibit LU-03), as shown in Exhibit B of this report, to be consistent with the proposed land use designation changes.

(a) General Commercial Land Uses – The GPA includes changes to Figure LU-03: Future Buildout, to reflect the proposed land use designation changes (Exhibit A - Amended LU-03: Future Buildout Table). The proposed land use designation change would eliminate 41 acres (TOP gross acres) of Mixed-Use designated land that includes 924,234 square feet of potential commercial/office space (based on a 0.25 FAR retail and 1.5 FAR office) and the loss of 185 residential units (based on 25 du/ac). The amendment would add 7 acres (TOP gross acres) of General Commercial designated land and 99,317 square feet of potential commercial space (based on a 0.30 FAR). The increase of commercial space represents a negligible 1.6 percent increase in building area over the 31 million square feet of commercial (retail\office) space that is existing and/or planned throughout the City.

(b) Industrial/Business Park Land Uses – The proposed GPA includes the addition of 33 acres (TOP gross acres) of Industrial land and 800,197 square feet of potential industrial space (based on a 0.55 FAR). The net gain of industrial space represents a negligible 0.5 percent increase in building area over the 181 million square feet of industrial/business park space that is existing and/or planned throughout the City.

(c) Residential Land Uses – The proposed GPA includes the elimination of approximately 7.3 acres of land allocated for 185 residential units at 25 dwelling units per acre. Senate Bill 330 – Housing Accountability Act (Government Code Section 65589.5 et seq.) (“SB 330”) was passed by the California Legislature, signed by the Governor, and became effective on January 1, 2020. The bill prohibits changing the general plan land

use designation, specific plan land use designation, or zoning of residential parcels to a less intense use. As a result, any project proposing to eliminate any residential land uses are required to replace those units and demonstrate a “no net loss” of residential capacity. To address the removal of 185 low-moderate residential units and demonstrate a “no net loss,” and that the Project is compliant with SB 330, on December 17, 2019, the City Council approved an Amendment to the Meredith International Centre Specific Plan (File No. PSPA19-002) to establish a Mixed-Use Overlay district on 22.39 acres of land within a portion of Planning Area 2 (Urban Commercial) land use district, located at the southeast corner of Vineyard Avenue and Inland Empire Boulevard. The Specific Plan amendment provided for an additional 925 residential units at a density of 41 dwelling units per acre, which resulted in a surplus of residential units within the City. The loss of 185 units under the current Policy Plan designation will be directly offset by the addition of 925 units, resulting in a no net loss of residential units, and maintaining compliance requirements with SB330.

(3) Zone Change/Specific Plan Amendment (“SPA”) — To accommodate the proposed Development Plan applications, the proposed Zone Change (File No. PZC19-002) will modify the zoning designations on 41.35 acres of land from LDR-5 (Low Density Residential), CC (Community Commercial), and SP (Specific Plan), to 33.75 acres of IL (Light Industrial) and 7.6 acres of CC (Community Commercial). The 7.6 acres of CC (Community Commercial) land will be located along Milliken Avenue, at the northeast corner of the Project site. The 33.75 acres of IL (Light Industrial) zoned property occupies the majority of the project site to the north, south, and west, as shown in Figure 3: Zone

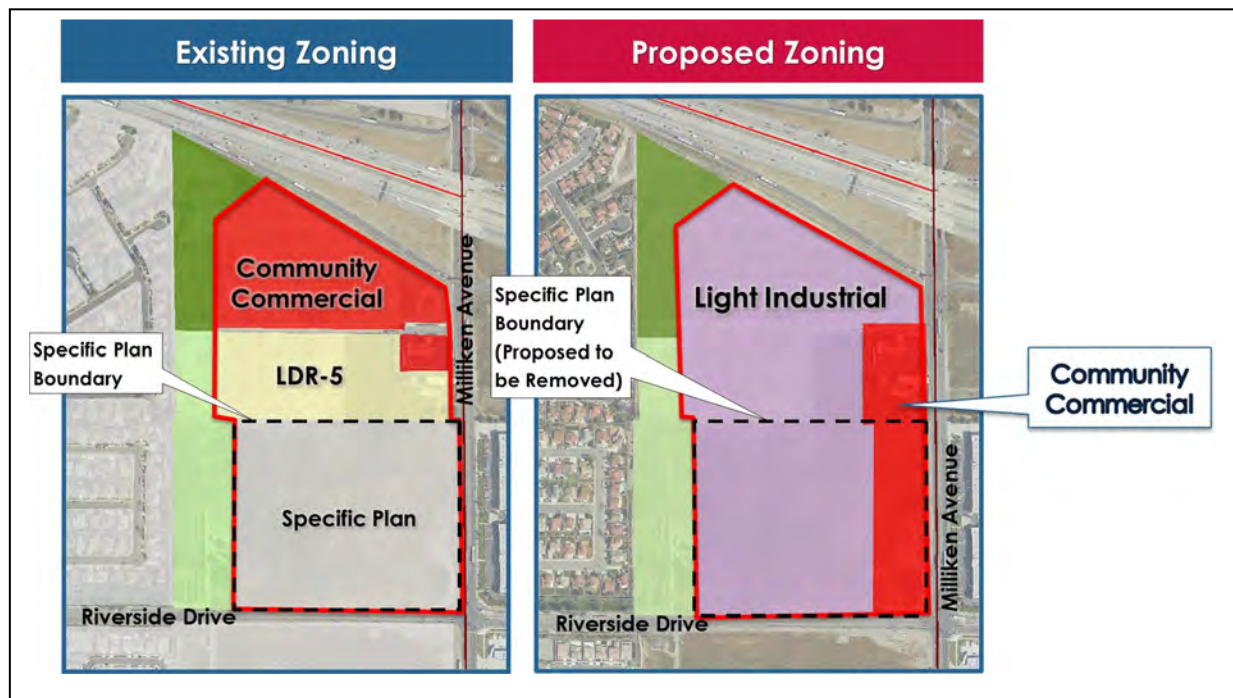


Figure 3: Zone Change

Change, above. The proposed buildings are envisioned to allow for warehousing or light manufacturing uses. Heavy manufacturing uses will not be allowed.

The Tuscana Village Specific Plan (File No. PSP09-001) occupies the southern portion of the overall Project site, encompassing 20-acres of land. The proposed SPA will rescind the existing Tuscana Village Specific Plan, which will result in the elimination of residential land uses, reduce the amount of commercially designated land from 12.1 acres to 5 acres (Community Commercial), and incorporate 15 acres of Light Industrial land uses.

(4) Tentative Parcel Map — The proposed Tentative Parcel Map will subdivide the Project site into 7 numbered lots and one lettered lot (see Exhibit C—Tentative Parcel Map, attached) to facilitate the construction of three industrial buildings totaling 295,991 square feet and two commercial developments. The parcels are located within two proposed zoning districts and range in size from 0.99 to 7.93 acres, as shown in the Tentative Parcel Map summary table, below.

<i>Tentative Parcel Map 20177 Summary Table</i>				
<i>Parcel No.</i>	<i>Proposed General Plan Land Use Designation</i>	<i>Proposed Zoning District</i>	<i>Proposed Project File No. / Land Use</i>	<i>Acres</i>
1	Industrial	IL (Light Industrial)	PDEV19-059 Industrial	2.8
2	Industrial	IL (Light Industrial)	PDEV19-059 Industrial	2.5
3	Industrial	IL (Light Industrial)	PDEV19-059 Industrial	7.93
4	General Commercial	CC (Community Commercial)	PDEV20-012 Commercial (7-Eleven)	1.27
5	General Commercial	CC (Community Commercial)	No project submittal Commercial	0.57
6	General Commercial	CC (Community Commercial)	No project submittal Commercial	0.99
7	General Commercial	CC (Community Commercial)	PDEV20-013 Commercial (Starbucks)	1.18
	Street Dedication			2.76
Total			18.82 acres (20 acres w/out dedication)	

The 3 industrial parcels (Parcels 1-3) exceed the minimum lot area requirement of 10,000 square feet (0.23 acres) of the Light Industrial land use district. The 4 commercial parcels (Parcels 4-7) also exceed the minimum lot area requirement of 10,000 square feet (0.23 acres) of the Community Commercial land use district. The proposed Tentative Parcel Map will facilitate the construction of internal public/private streets ("A" Street and "B" Street) and common drive aisles that will serve the commercial and industrial land uses of the overall Project site. Proposed, is a 40-foot wide public street ("A" Street - 66-foot right-of-way) that runs north-south through the Project site and is accessed from Riverside

Drive, approximately 600 feet west of Milliken Avenue. The public street is proposed to extend north, beyond the Project site, and terminate in a cul-de-sac to be constructed with future development, as shown on Exhibit D – Conceptual Site Plan, attached. A private street (“B” Street) is proposed along the northern property line, which runs east-west, with access from Milliken Avenue, located approximately 800 feet north of Riverside Drive. “B” Street intersects with “A” Street and transitions into a drive aisle, west of “A” Street. The commercial and Industrial portions of the Project site will have three access points from Riverside Drive (2 driveways and “A” Street), and two access points from Milliken Avenue (“B” Street and driveway).

(5) Development Plan PDEV19-059 (Industrial)

(a) Site Design/Building Layout — Proposed, is the construction of three industrial buildings totaling 295,991 square feet on three rectangular-shaped lots totaling 13.19 acres in area. The building sizes range from 54,475 to 179,160 square feet and the Project has an overall Floor Area Ratio (“FAR”) of 0.52.

The proposed buildings occupy the western portion of the Project site. Buildings 1 and 2 are located east of “A” Street and Building 3 is located west of “A” Street (see Exhibit D1— Industrial Site Plan, attached). A description of each building is provided below.

- Building 1 (Parcel 1) is located at the southeast corner of Riverside Drive and “A” Street and consists of a 62,356 square foot warehouse/distribution building, having a FAR of 0.51. Building 1 is oriented east-west, with dock-high loading doors and the building’s office entry facing north. The building has been designed with one office area located at the northwest corner of the building.

The building is setback approximately 10 feet from the west property line (“A” Street), approximately 22 feet from the south property line, approximately 140 feet from the north property line, and 56 feet from the east property line. Building 1 parking lots are located along the east property line and at the northwest corner of the parcel, adjacent to the office area.

The yard area will be screened from view of public streets to the south, by the proposed building. Street views from the east and west are mitigated by 14-foot high screen walls with view-obstructing gates.

- Building 2 (Parcel 2) is located at the northeast corner of “A” and “B” Streets and consists of a 54,475 square foot warehouse/distribution building, having a FAR of 0.50. Building 2 is oriented east to west, with dock high loading doors facing south. The office entry is located at the southwest corner of the proposed building.

The proposed building is setback approximately 60 feet from the north property line (facing “B” Street), approximately 30 feet from the south property line, approximately 10 feet west property line (facing “A” Street), and approximately

10 feet from the east property line. Building 2 parking lots will be located along the east property line and at the southwest corner of the parcel, adjacent to the office area.

The yard area will be screened from view of public streets on the north, by the proposed building. Street views from the east and west are mitigated by 14-foot high screen walls with view-obstructing gates.

- Building 3 (Parcel 3) is located at the southwest corner of Riverside Drive and "A" Street, and occupies the western portion of the industrial Project site, directly east of Buildings 1 and 2. Building 3 consists of a 179,160 square foot warehouse/distribution building, having a FAR of 0.52. Building 3 is oriented north-south, with dock-high loading doors facing east. Office entries are located at the southeast and northeast corners of the proposed building.

The proposed building is setback approximately 40 feet from the north property line, approximately 90 feet from the south property line (facing Riverside Drive), and 40 feet from the west property line (facing Creekside Residential Community). and the setback from the east property line (facing "A" Street), varies from approximately 38 feet to 180 feet. Off-street parking for Building 3 is provided along the southern and northern property lines, adjacent to each office area.

The tractor-trailer yard area will be screened from view of public streets by a 14-foot high screen wall, with view-obstructing gates. In addition, the east facing portion of the building was designed in a U-shaped configuration. The building wall containing the dock-high doors is recessed approximately 70 feet behind the main building line, abating possible views of any loading activities from the public street.

(b) Site Access/Circulation — The Industrial portion of the Project site will have three access points from Riverside Drive (2 driveways and "A" Street), and one access point from Milliken Avenue ("B" Street). Buildings 1 and 2, will have access from "A" Street, via a 50-foot wide shared driveway, centrally located between Parcels 1 and 2. Building 1 has a secondary access point from Riverside Drive, via a 40-foot wide driveway located at the southeast corner of the parcel, approximately 250 feet west of Milliken Avenue.

Building 3 has access from "A" Street, via a 40-foot wide driveway centrally located for tractor-trailer access via a 40-foot wide driveway located at the northeast corner of Parcel 3. Building 3 has a third access point from Riverside Drive, via a 26-foot wide driveway located at the southwest corner of Parcel 3. Due to the expansive width and length of Building 3, a 26-foot wide connecting drive-aisle is proposed along the western and northern property lines, to meet fire emergency access lane requirements

(c) **Parking** — The Project has provided off-street parking pursuant to the “Warehouse and Distribution” parking standards specified in the Development Code. The Project requires a total of 186 parking spaces, as shown in Table A: Parking Summary, below, which has been provided.

Table A: Parking Summary						
Bldg. No.	Type of Use	Building Area	Trailer Parking		Vehicle Spaces	
			Required	Provided	Required	Provided
1	Warehouse / Distribution	62,356 SF	1	1	44	44
2	Warehouse / Distribution	54,475 SF	1	1	42	42
3	Warehouse / Distribution	179,160 SF	5	17	100	100
Parking Totals:					186	186

(d) **Architecture** — The proposed buildings are of concrete tilt-up construction and all five buildings incorporate the same architectural design theme, incorporating enhanced elements and treatments at office entries and along street facing elevations (see Exhibit D2—Industrial Elevations, attached). Architectural elements for all buildings include smooth-painted concrete in white, grey, and tan tones, with horizontal and vertical reveals, storefronts with clear anodized aluminum mullions and blue glazing, metal canopies, arched windows at the main office entries, and recessed panel sections with contrasting colors. The mechanical equipment will be roof-mounted and obscured from public view by the parapet walls. Staff believes that the proposed Project illustrates the type of high-quality architecture promoted by the Development Code and Edenglen Specific Plan. This is exemplified through the use of:

- Articulation in the building footprint, incorporating a combination of recessed and popped-out wall areas;
- Articulation in the building parapet/roof line, which serves to accentuate the building’s entries and breaks up large expanses of building wall;
- Variations in building massing; and
- Incorporation of base and top treatments defined by changes in color and horizontal/vertical reveals.

(e) **Landscaping** — The Project provides an overall landscape coverage of 15 percent, consisting of 15.9 percent for Building 1, 13.6 percent for Building 2, and 15.1 percent for Building 3. The Project provides substantial landscaping along Riverside Drive, “A” Street, “B” Street, at each office element, throughout the parking areas, and along the western property line (see Exhibit D3—Industrial Landscape Plan, attached). The Project includes right-of-way improvements (street widening, curb, gutter, sidewalk, and parkway) along Riverside Drive. The proposed on-site and off-site landscape

improvements will assist towards creating a walkable safe area for pedestrians to access the Project site.

The landscape plan incorporates 24 and 36-inch box shade trees in the right-of-way, including London Plane trees along Riverside Drive and Tipuana Tipu trees on "A" Street. A combination of 48-inch, 36-inch, 24-inch box, and 15-gallon accent and shade trees will be provided on the Project site, the tree species include Paperbark, Chinese Elm, Holly Oak, Crape Myrtle, Southern Live Oak and Mondell Pine Trees. The landscape plan also includes a variety of shrubs, grasses, and groundcovers that are low water usage and drought tolerant, to be planted throughout the Project site. Moreover, each building will incorporate either one or two employee break areas, with benches, tables, and shade trees.

(6) Development Plan PDEV20-012 (7-Eleven) and Conditional Use Permit PCUP20-009

(a) Site Design/Building Layout — Proposed, is the construction of a 3,062 square foot convenience store (7-Eleven), an ancillary drive-thru car wash (991 SF), and fueling station in conjunction with a Conditional Use Permit (File No. PCUP20-009) to establish alcoholic beverage sales for a Type 20 ABC license (Off-Sale Beer and Wine) located at the northwest corner of Riverside Drive and Milliken Avenue (see Exhibit E— 7-Eleven Site Plan, attached). The Project occupies Parcel 4 of the proposed Tentative Parcel Map (File No. PMTT19-018/TPM 20177). The convenience store is centered along the northern property line, with the front entrance facing south, toward Riverside Drive. The ancillary car wash is attached on the north side of the convenience store building, with the tunnel entrance facing east and exit facing west.

The building is setback approximately 170 feet from the south (Riverside Drive) property line, approximately 85 feet from the east (Milliken Avenue) property line, 64 feet from the west (interior) property line, and 16 feet from the north (interior) property line. Parking for employees and customers has been provided immediately south of the building and along the south property line. The proposed convenience store floor plan includes a food sales area, cashier area, walk-in coolers, storage area, office, two restrooms, and electrical room (see Exhibit E1— 7-Eleven Convenience Store Floor Plan, attached).

The 86-foot by 36-foot fuel canopy is centrally located on the southern portion of the Project site, directly south of the convenience store, and contains six fuel dispensing islands. The overall canopy height is 19 feet with a 14.5-foot interior clear height. A two-way drive aisle, with adequate truck maneuvering, surrounding the fuel canopy has been provided to accommodate standard vehicles, trash trucks, and truck-tractor trailers. The fuel canopy will be located approximately 60 feet south of the convenience store, approximately 83 feet from the east (Milliken Avenue) property line, approximately 50 feet from the west interior property line, and approximately 45 feet from the south (Riverside Drive) property line.

(b) Site Access/Circulation — The Project site will have one access point from Riverside Drive, via a 40-foot wide driveway located at the southeast corner of Parcel 1, approximately 250 feet west of Milliken Avenue. The site will also have two points of access from Milliken Avenue, including “B” Street, as well as a 40-foot wide driveway located approximately 150 feet north of the Riverside Drive, on Parcel 4 (7-Eleven). The Project will also be accessed by a 26-foot wide common drive-aisle that runs north-south between the commercial and industrial land uses.

(c) Parking — The Project has provided the required off-street parking pursuant to the “Self-Serve and Full Service Fueling” and “General Convenience Retail Store” parking standards specified in the Development Code. The Project requires a total of 17 off-street parking spaces, and 27 spaces have been provided, exceeding the minimum requirements. The off-street parking calculations for the proposed uses are shown on Table A: Parking Summary, below.

Table A: Parking Summary				
Type of Use	Building Area (SF)	Parking Ratio	Spaces Required	Spaces Provided
Self-Serve and Full Service Fueling		3 spaces minimum; plus, parking requirements for combination uses (e.g., convenience store, food services, motor vehicle repair, etc.). Fueling stations operating in conjunction with other uses may be granted shared parking credit at the rate of one space for each fuel dispenser. <i>*Credit: 12 spaces (one per fuel dispenser)</i>	3	*12
Ancillary Car wash	991	1 per 500 SF (APA PAS Report 510/511 Parking Standards)	2	2
General Convenience Retail Store	3,062 SF	4 spaces per 1,000 SF (0.004/SF) of GFA	12	13
TOTAL	4,053 SF		17	27

(d) Architecture — The architectural style of the proposed convenience store consists of a Tuscan design, with a simple box form, and incorporates a stone veneer that surrounds the main entrance and at the base of the building, flat roofs with parapet detailing, and color blocking. The mixture of building materials proposed includes smooth stucco finishes, aluminum canopies with a dark bronze anodized finish, crown molding at the top of the building’s parapet, blue tinted glazing for the windows and storefronts, and metal trellises with vine pockets to provide additional landscaping to soften the building. The fuel canopy has been designed to complement the convenience store, incorporating architectural enhancements at the lower one-half of the columns (see Exhibits E2—7-Eleven Elevations, attached).

The mechanical equipment will be roof-mounted and obscured from public view by parapet walls and, if necessary, equipment screens, which will incorporate design

features consistent with the building's architecture. Staff believes that the proposed Project illustrates the type of high-quality architecture promoted by the Development Code. This is exemplified through the use of:

- Articulation in the building footprint, incorporating a combination of recessed and popped-out wall areas;
- Articulation in the building parapet/roof line, which serves to accentuate the building's entries and breaks up large expanses of building wall;
- A mix of exterior materials, finishes and fixtures; and
- Incorporation of base and top treatments defined by changes in color, materials, and recessed wall areas. Designed to ensure that massing and proportion, along with its colors and architectural detailing, are consistent on all building walls, giving a four-sided (360-degree) appearance.

(e) Landscaping — A substantial landscaped area has been provided along the Project's Riverside Drive and Milliken Avenue street frontages. The Development Code requires fueling stations to provide a minimum 20 percent landscape coverage and 34 percent landscape coverage has been provided (see Exhibit E3— 7-Eleven Conceptual Landscape Plan, attached). The Project includes right-of-way improvements (street widening, curb, gutter, sidewalk, and parkway) along Riverside Drive and Milliken Avenue. A combination of 48-inch, 36-inch, and 24-inch box, and 15-gallon accent and shade trees will be provided on the Project site. The landscape plan also includes a variety of shrubs, grasses, and groundcovers that are low water usage and drought tolerant, to be planted throughout the Project site. Moreover, the proposed on-site and off-site landscape improvements will assist towards creating a walkable safe area for pedestrians to access the Project site.

(f) CUP Proposed Operations — The proposed CUP will allow for the sales of beer and wine for off-premises consumption. The proposed hours of operations for the convenience store is 24 hours per day, 7 days per week. The store's main entrance is centered along the southern elevation and the alcohol sales display area will be located within northwest corner of the building (see Exhibit E1—7-Eleven Convenience Store Floor Plan, attached). The applicant is proposing to occupy three coolers for beer and wine, totaling 24 square feet, which occupies less than 2 percent of the building's gross floor area. There will be approximately 10 to 15 full-time employees, with 2 to 4 employees per shift.

The Applicant will adopt extra security measures to ensure customers do not drink on site and will install signs to enforce no consumption of alcoholic beverages on-site. Employees engaged in the sales of alcoholic beverages will be required to complete a training program approved by ABC and the City of Ontario Police Department.

Furthermore, the Police Department has conditioned the sale of alcoholic beverages to occur only between the hours 6:00 AM and 2:00 AM, daily.

(g) ABC License Concentrations — The California Department of Alcoholic Beverage Control (“ABC”) is the controlling State entity with authority to grant, renew, and revoke all ABC licenses. ABC determines how many on-sale and off-sale alcoholic beverage license types should be issued per Census Tract, based upon their populations. The Project site is located within Census Tract 127, which is over-concentrated with off-sale alcoholic beverage licenses. The department of Alcoholic Beverage Control allows for 2 off-sale alcohol licenses, and there are currently 9 active off-sale alcohol licenses within Census Tract 127; however, Development Code Section 5.03.025.F.4 grants the Approving Authority to make a determination of Public Convenience or Necessity (“PCN”), thereby allowing the issuance of additional ABC licenses within overconcentrated census tracts.

The PCN findings require that proposed retail alcohol licenses not be located within a high crime area. A high crime is defined as an area characterized by a high ratio of Police Department calls for alcohol-related incidences. The immediate area (one-half mile radius of Project site) shall not exceed 20 percent greater calls for service than when compared to Citywide incidents. The City of Ontario had a total of 310 calls for service related to alcohol-related reports Citywide, including, but not limited to, driving while intoxicated or under the influence, alcohol violations, and drunk in public within the last 12 months. Within a one-half mile radius of the Project site, there were a total of 5 alcohol-related incidences in the past year, which amounts to 1.6 percent of alcohol-related incidences, which does not exceed the maximum 20 percent allowed by the Development Code for alcohol-related incidences near the CUP location. Therefore, in this case, the Planning Commission may make a PCN determination and grant the requested CUP.

(h) CUP Land Use Compatibility — A CUP is required for the retail sale of alcoholic beverages whether intended for consumption on or off premises. A review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing measures for mitigation accordingly. The introduction of alcoholic beverage sales, within the proposed 7-Eleven convenience store with fuel sales, will provide further convenience to customers and will not intensify the land use. Therefore, staff believes that the recommended Conditions of Approval will sufficiently mitigate any potential impacts that may be associated with the proposed alcoholic beverage sales.

(7) Development Plan PDEV20-013 (Starbucks)

(a) Site Design/Building Layout — Proposed, is the construction of a 2,490 square commercial building for a fast-food restaurant (Starbucks) with a drive-thru facility, located at the northwest corner of Riverside Drive and Milliken Avenue. The Project occupies Parcel 7 of the proposed Tentative Parcel Map. The fast-food restaurant

building is centered along the northern portion of the property, oriented in an east-west configuration, with the front entrance facing south, toward the parking lot.

The building is setback approximately 130 feet from the south property line, approximately 66 feet from the east (Milliken Avenue) property line, approximately 47 feet from the west property line, and approximately 75 feet from the north property line. Parking for employees and customers has been provided immediately to the south of the building.

The entrance to the drive-thru is located at the southeast corner of the Project site and will circulate from south to north, turning toward an east/west direction and terminating along the western building elevation. The Project provides drive-thru lane stacking for 13 vehicles (see Exhibit F— Starbucks Site Plan, attached).

(b) Site Access/Circulation — The commercial portion of the Project site will have one access point from Riverside Drive, via a 40-foot wide driveway located at the southeast corner of Parcel 1, approximately 250 feet west of Milliken Avenue. Two points of access will be provided from Milliken Avenue, including “B” Street and via 40-foot wide driveway located approximately 150 feet north of Riverside Drive. A fourth point of vehicular access will be provided by a 26-foot wide common drive-aisle that runs north-south between the commercial and industrial land uses, which will serve as the primary access for Starbucks.

(c) Parking — As shown in the Parking Summary Table, below, the project is required to provide a minimum of 20 off-street parking spaces pursuant to the off-street parking standards specified in the City’s Development Code. The project proposes to provide a total of 32 off-street parking spaces, exceeding the minimum off-street parking requirements, as shown in the table below.

Parking Table Summary				
<i>Type of Use</i>	<i>Building Area</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
<i>Fast Food Restaurants</i>	2,490 SF 312 LF of drive-thru lane	13.3 spaces per 1,000 SF of GFA. Restaurants with drive-thru may be credited one space for each 24 lineal feet of drive-thru lane behind the pickup window (13 drive-thru spaces credit)	20	32
TOTAL			20	32

(d) Architecture — The architectural style of the proposed Starbucks consists of a Tuscan design, with a combination of gable tower elements, the use of a stone and brick veneer to treat tower elements and columns, flat roofs with parapet detailing, and color blocking. The mixture of building materials proposed includes smooth stucco finishes with a white and tan color palette, metal canopies with an aged bronze finish, light blue tinted glazing for windows and storefronts, distressed reclaimed wood planks, and metal

trellises with vine pockets to provide additional landscaping to soften the building (see Exhibits F1—Starbucks Elevations, attached). The drive-thru canopy, located along the west elevation, has been designed to complement the architectural style of the building and includes columns with a brick veneer and an overhead wood trellis with a teak finish.

The mechanical equipment will be roof-mounted and obscured from public view by parapet walls and, if necessary, equipment screens, which will incorporate design features consistent with the building's architecture. Staff believes that the proposed project illustrates the type of high-quality architecture promoted by the Development Code. This is exemplified through the use of:

- Articulation in the building footprint, incorporating a combination of recessed and popped-out wall areas;
- Articulation in the building parapet/roof line, which serves to accentuate the building's entries and breaks up large expanses of building wall;
- A mix of exterior materials, finishes and fixtures; and
- Incorporation of base and top treatments defined by changes in color, materials and recessed wall areas. Additionally, the building has been designed to ensure that its massing and proportion, along with its colors and architectural detailing, are consistent on all building walls, giving a four-sided (360-degree) appearance

(e) Landscaping — The Development Code requires a minimum 13 percent landscape coverage and 23.5 percent landscape coverage has been provided for the Project (see Exhibit F2—Starbucks Conceptual Landscape Plan, attached). The Project includes right-of-way improvements (street widening, curb, gutter, sidewalk, and parkway) along Milliken Avenue. A combination of 48-inch, 36-inch, 24-inch box, and 15-gallon accent and shade trees will be provided on the Project site. The landscape plan also includes a variety of shrubs, grasses, and groundcovers that are low water usage and drought tolerant, to be planted throughout the Project site. Moreover, the proposed on-site and off-site landscape improvements will assist towards creating a walkable safe area for pedestrians to access the Project site.

(8) Signage — The Project requires the submittal of a Sign Program application prior to the installation of any signage at the site. The conceptual sign locations and design have been included into the site plan and proposed building elevations for reference. The Project will also include a City of Ontario monument sign located on the southeast corner of the Project site.

(9) Community Meetings — The Planning Department conducted a virtual community meeting via Zoom on September 10, 2020, to discuss the proposed subject applications. Eleven members of community logged into the Zoom meeting and 6 residents provided comments/questions during the meeting. Additionally, the Planning

Department received two emails in opposition to the proposed Project (Attachment A – Community Member Comments, see attached). Below is a list of concerns raised by the community.

(i) The lack of viable/substantial commercial shopping centers (grocery stores and full-service restaurants) in the immediate area. In addition, the reduction of commercial land areas will result in substandard commercial uses, such as gas stations, convenience stores and fast-food restaurants. Residents commented that the retail viability studies focus on short term conditions instead of long-term neighborhood serving commercial.

The applicant provided a retail market study (Attachment B: Retail Market Study, see attached) prepared by The Concord Group (Dated: December 19, 2019). The Market Study focused on achievable rental rates based on current and historical retail trends. The study looked at land uses, number of households, traffic within a 1, 3, and 5-mile radius from the Project site, which concluded that retail demand was insufficient and could not be supported at the Project site, due to lack of demand and an oversupply of retail space. Supported uses included a gas station and fast-food restaurants, due to traffic counts associated with the 60 freeway on/off ramps located north of the Project site.

(ii) Opposition to the GPA and SPA that would allow the construction of large industrial buildings adjacent to the Creekside community. Residents want to preserve the existing General Plan land use designation of Mixed-use and the Tuscana Village Specific Plan to remain in place.

In response to community comments, the buildings have been designed to have an office-like appearance and the western building elevation has been enhanced to provide an attractive view from the adjacent residential development. Large plant/trees will be used along the western property line to create a more visually appealing view from the residential community. The landscape planter along the western property line is approximately 7 feet wide. Additional landscape planters are provided directly adjacent to Building 3, approximately 6 to 12 feet wide.

(iii) With the recent Planning Commission approval of the Crowe industrial project to the south, concerns were raised about the potential concentration of industrial uses adjacent to both the Edenglen and Creekside communities.

(iv) Opposition to the proposed 7-Eleven, gas station, and the proposed CUP for off-sale beer and wine within proximity to Colony High School and residential land uses.

The service of alcoholic beverage sales is intended for customers 21 years of age and over only. The Applicant has been given Police Department Conditions of Approval and ABC regulations, including but not limited to the following: hours of operation; alcoholic

beverage sales designated area; age restrictions; and training class or a certified responsible beverage service class within six months for all employees.

(v) Overall issues related to noise, air quality, and truck traffic near existing residential neighborhoods and schools.

In response to community comments/concerns, the related Development Plan (File No, PDEV19-059) has been designed to minimize noise impacts to the residents. The truck yard for Building 3 has been oriented away from the western property line and faces east. This design feature, in conjunction with the 270-foot SCE utility corridor that separates the proposed Project from residential properties to the west, will substantially diminish any noise impacts to the adjacent residential community.

A noise study was completed by Urban Crossroads (October 2020) that analyzed operational noise impact increases along the eastern property line of the Creekside residential community. Urban Crossroads measured existing noise levels on October 10, 2019 and modeled the increased noise that will be generated by the proposed operations at the property. The study concluded that the operation of a typical warehouse distribution center would be up to 39 dBA less than the City Standards (65 dBA daytime and 45 dBA nighttime). Furthermore, the placement of the buildings will assist in the reduction of traffic noise that currently exist from Milliken Avenue and help reduce wind and dust impacts on the existing residential community, from seasonal Santa Ana winds.

(vi) Inquiries were expressed regarding the proposed infrastructure, street improvements, bike lanes, and any proposed pedestrian connections to the San Antonio Winery and Juanchos restaurant.

The street frontages along Riverside Drive and Milliken Avenue will be improved (curb, gutter, and sidewalk). The Project will also provide new public and private streets that with full right-of-way street improvements, including sidewalk/pedestrian paths, to the nearby San Antonio Winery and Juanchos restaurant.

(vii) Comments were expressed about vagrancy and illegal dumping in the immediate area, as well as existing truck traffic on Riverside Drive and overnight truck parking on Mill Creek Avenue.

The street frontages along Riverside Drive and Milliken Avenue will be improved (curb, gutter, and sidewalk) and no parking will be allowed. The development of the Project site will create more eyes on the street and discourage illegal uses. Also, on-site security patrol will be provided for the property and assist in preventing any undesirable use of the property at night or weekends, alerting law enforcement of any illegal activity occurring off-site and within the immediate area.

(10) Health Risk Assessment — The Applicant was required to prepare a Health Risk Assessment (“HRA”) to determine whether the proposed Project would pose a health risk to the existing residential land uses. The HRA prepared by Urban Crossroads (Dated: October 5, 2020) analyzed the cancer burden estimates as well as the Project operational Toxic Air Contaminants (“TACs”) impact from Diesel Particulate Matter (“DPM”) emissions. Both analyses concluded that these factors would be less than significant; therefore, no mitigation is required for the Project beyond that which was previously analyzed in The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), as certified by the Ontario City Council on January 27, 2010. Furthermore, the Project was designed to minimize any potential impacts to existing residential development. Additionally, the Project has been conditioned to have trucks travel east, towards Hamner/Milliken Avenue, when exiting the site. Trucks shall not be allowed to utilize Riverside Drive west of the Project site, to access or exit the Project site.

(11) Utilities (drainage, sewer) — To serve the proposed industrial development, the Project will be required to construct infrastructure improvements. Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan (PWQMP), which establishes both Projects’ compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces and maximizes low impact development (LID) best management practices (BMPs), such as retention and infiltration, biotreatment, and evapotranspiration. The PWQMP proposes the use of underground stormwater infiltration system within the tractor-trailer courtyard areas of each building and parking lots. Any overflow drainage will be conveyed to a storm drain connection located at the south end of the Project site.

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
- Maintain the Current High Level of Public Safety
- Operate in a Businesslike Manner
- Focus Resources in Ontario’s Commercial and Residential Neighborhoods
- Invest in the City’s Infrastructure (Water, Streets, Sewers, Parks, Storm Drains

and Public Facilities)

(2) Vision.

Distinctive Development:

- Commercial and Residential Development

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

(3) Governance.

Decision Making:

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

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

(4) Policy Plan (General Plan)

Land Use Element:

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

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

➤ LU1-6 Complete Community: We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario. (Refer to Complete Community Section of Community Economics Element).

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

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

Community Economics Element:

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

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

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

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

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

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

Safety Element:

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

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

Community Design Element:

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

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

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

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

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

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

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

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

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

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

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

➤ CD2-11 Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

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

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

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

- CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.

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

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

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

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

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

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

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

HOUSING ELEMENT COMPLIANCE: Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the Planning Commission finds that based 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.

Senate Bill 330 – Housing Accountability Act (Government Code Section 65589.5 et seq.) (“SB 330”) was passed by the California Legislature, signed by the Governor and became effective on January 1, 2020. The bill is the result of the Legislature’s extensive findings

regarding the California “housing supply crisis” with “housing demand far outstripping supply.”

SB 330 amended Government Code Sections 65589.5, adding Government Code Sections 65940, 65943 and 65950, and repealed and readopted Sections 65906.5, 65913.10 and 65941.1. To summarize, no city may disapprove a residential housing development project for low- to moderate-income households (as defined therein) unless it makes a finding that the housing development project “would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households...” such as where the housing development project is proposed on land “which does not have adequate water or wastewater facilities to serve the project.” (Government Code Section 65589.5(d)(2), (4)).

In addition, the legislation adds Chapter 12 to Division 1 of Title 7 of the Government Code (Section 66300 et seq.) that applies to “affected cities,” which are identified as cities in urbanized areas as determined by the most recent census. In accordance with SB 330, the Department of Community Development and Housing (“HCD”) has prepared a list of affected cities and has determined that Ontario is an “affected city.” Therefore, pursuant to Government Code section 66300(b)(1)(A) and (b):

(b) (1) Notwithstanding any other law except as provided in subdivision (i), with respect to land where housing is an allowable use, an affected city shall not enact a development policy, standard, or condition that would have any of the following effects:

(A) Changing the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district below what was allowed under the land use designation and zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018...”

except when approved by HCD or when the following exception is set out in Government Code Section 66300(i)(1) applies:

(i) (1) This section does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance to a less intensive use if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity.

As discussed in the Background section of the staff report, a General Plan Amendment (GPA) is proposed to change the site’s land use designations from Mixed-Use to General

Commercial and Industrial. The GPA would eliminate the Mixed-Use allowable housing, thereby theoretically eliminating 185 units (as allocated by TOP LU-03 Build-out Table, which had an assumed density of up to 25 dwelling units per acre).

To address the removal of 185 low-moderate residential units at a density of 25 dwelling units per acre and demonstrate a “no net loss,” and demonstrate the Project is in compliance with provisions of Section 66300(i)(1) have been met and there is no net loss of residential capacity. On December 17, 2019, the City Council approved an Amendment to the Meredith International Centre Specific Plan (File No. PSPA19-002) to establish a Mixed-Use Overlay district on 22.39 acres of land within a portion of Planning Area 2 (Urban Commercial) land use district, located at the southeast corner of Vineyard Avenue and Inland Empire Boulevard. The Meredith International Centre Specific Plan is listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix. The Specific Plan allowed 800 dwelling units at a density of 37 dwelling units per acre, which have all been constructed. The Specific Plan amendment approved in December 2019 provides for an additional 925 residential units at a density of 41 dwelling units per acre, which will add 925 units to the Available Land Inventory Table. The Addendum to the Meredith International Centre Specific Plan Amendment Environmental Impact Report (SCH# 2014051020), approved on December 17, 2019, supports that change in the Specific Plan, which results in a surplus of 925 residential units within the City. On March 30, 2020, the City Council approved a General Plan Amendment to TOP Policy Plan Future Buildout Table (Exhibit LU-03) to reflect the addition of 925 residential units, assumed density and intensity for the Mixed-Use/Meredith section of the Buildout Table. The loss of 185 units under the current Policy Plan designation will be directly offset by the addition of 925 units, resulting in a no net loss of residential units.

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

ENVIRONMENTAL REVIEW: Staff has prepared an Addendum to The Ontario Plan (File No. PGPA06-001) EIR (SCH# 2008101140) certified by City Council on January 27, 2010. This

application introduces no new significant environmental impacts, and all previously-adopted mitigation measures are a condition of project approval.

Approval of this Project is contingent upon City Council approving the General Plan Amendment (File No. PGPA19-007), Tuscana Village Specific Plan (File No. PSPA19-010), Zone Change (File No. PZC19-002) and EIR Addendum.

CONDITIONS OF APPROVAL: See attached department reports.

Planning Commission Staff Report

File Nos.: PGPA19-007, PSPA19-010, PZC19-002, PMTT19-018, PDEV19-059, PDEV20-012, PCUP20-009 and PDEV20-013

October 27, 2020

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>
Site:	Vacant/ Winery/ Restaurant/ Vineyard	Mixed-Use	LDR-5, Community Commercial & Tuscana Village Specific Plan	Residential & Commercial
North:	SR – 60 Pomona Freeway/ Caltrans Right-of-Way			
South:	Vacant	General Commercial	Edenglen Specific Plan	Community Commercial
East:	City of Eastvale Business Park	Business Park	Industrial Park	
West:	Nursery/SCE Easement	OS-NR (Open Space – Non-Recreation)	Utilities Corridor	

General Site & Building Statistics

<i>Item</i>	<i>Proposed</i>	<i>Min./Max. Standard</i>	<i>Meets Y/N</i>
Project Area:	20 acres	N/A	Y
Lot/Parcel Size:	Community Commercial (0.57, 0.99, 1.18 & 1.27 acres) Light Industrial (2.5, 2.8 and 7.93)	Community Commercial 10,000 SF (Min.) Light Industrial 10,000 SF (Min.)	Y
Floor Area Ratio:	Community Commercial 0.13 and 0.05 FAR (Max.) Light Industrial 0.52 FAR (Max.)	Community Commercial 0.40 FAR (Max.) Light Industrial 0.55 FAR (Max.)	Y
Building Height:	Community Commercial 28 FT (Max.) Light Industrial 45 FT (Max.)	Community Commercial ALUCP (Max.) Light Industrial 55 FT (Max.)	Y

Off-Street Parking:

Industrial-PDEV19-059

Table A: Parking Summary						
Bldg. No.	Type of Use	Building Area	Trailer Parking		Vehicle Spaces	
			Required	Provided	Required	Provided
1	Warehouse / Distribution	62,356 SF	1	1	44	44
2	Warehouse / Distribution	54,475 SF	1	1	42	42
3	Warehouse / Distribution	179,160 SF	5	17	100	100
TOTAL					186	186

7-Eleven-PDEV20-012

Table A: Parking Summary				
Type of Use	Building Area (SF)	Parking Ratio	Spaces Required	Spaces Provided
Self-Serve and Full Service Fueling		3 spaces minimum; plus, parking requirements for combination uses (e.g., convenience store, food services, motor vehicle repair, etc.). Fueling stations operating in conjunction with other uses may be granted shared parking credit at the rate of one space for each fuel dispenser. <i>*Credit: 12 spaces (one per fuel dispenser)</i>	3	*12
Ancillary Car wash	991	1 per 500 SF (APA PAS Report 510/511 Parking Standards)	2	2
General Convenience Retail Store	3,062 SF	4 spaces per 1,000 SF (0.004/SF) of GFA	12	13
TOTAL	4,053 SF		17	27

Starbucks-PDEV20-013

Parking Table Summary				
Type of Use	Building Area	Parking Ratio	Spaces Required	Spaces Provided
Fast Food Restaurants	2,490 SF 312 LF of drive-thru lane	13.3 spaces per 1,000 SF of GFA. Restaurants with drive-thru may be credited one space for each 24 lineal feet of drive-thru lane behind the pickup window (13 drive-thru spaces credit)	20	32
TOTAL			20	32

EXHIBIT A – PROJECT SITE

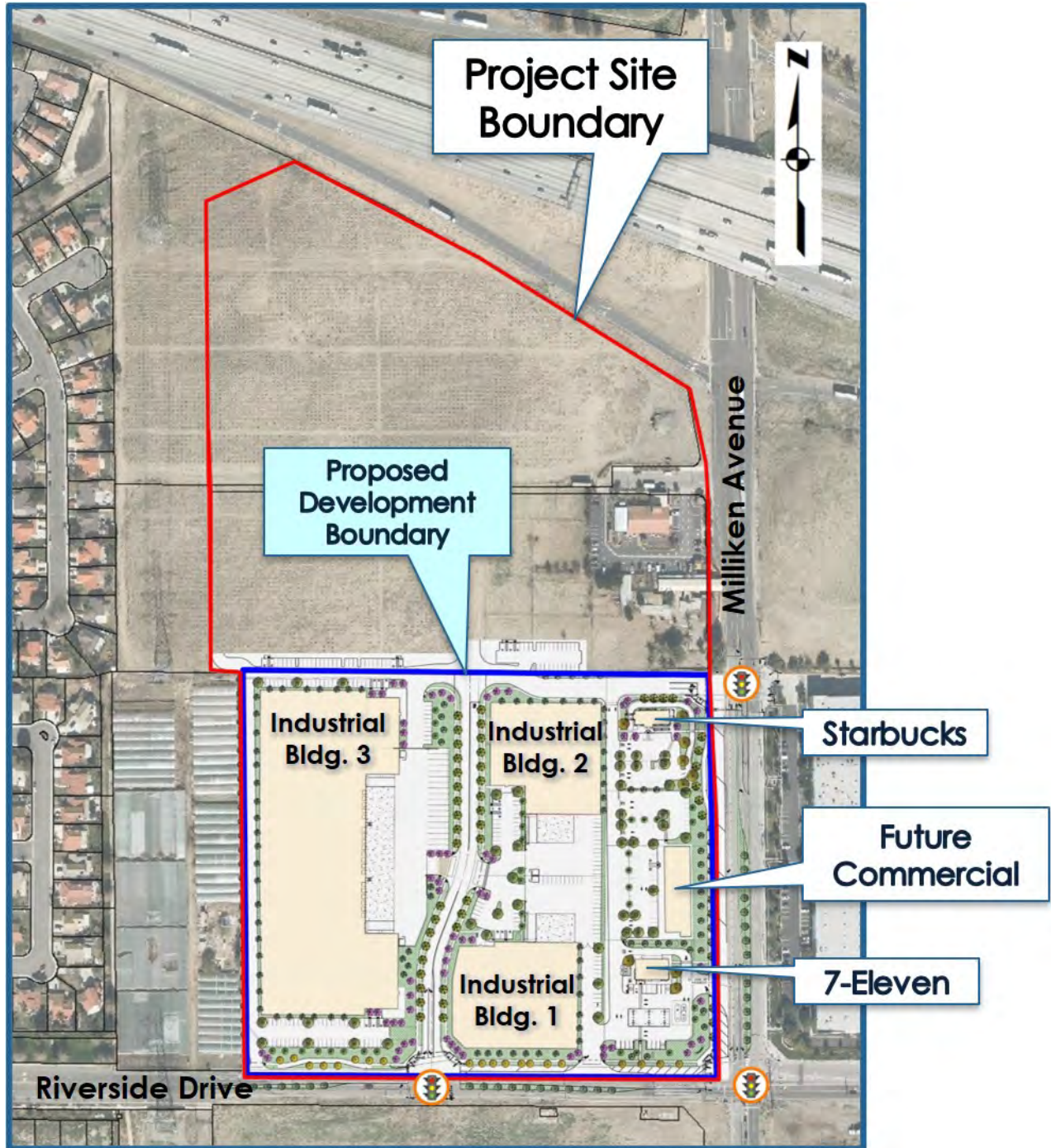


EXHIBIT B – AMENDED LU-03: FUTURE BUILDOUT TABLE



LU-03 Future Buildout¹



Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Residential						
Rural	529	2.0 du/ac	1,058	4,231		
Low Density ⁶	7,231	4.0 du/ac (OMC) 4.5 du/ac (NMC)	30,477	121,816		
Low-Medium Density ⁷	992	8.5 du/ac	8,432	33,704		
Medium Density	1,921	18.0 du/ac (OMC) 22.0 du/ac (NMC)	38,724	135,508		
High Density	183	35.0 du/ac	6,415	21,470		
Subtotal	10,846		85,107	316,729		
Mixed Use						
• Downtown	113	• 60% of the area at 35 du/ac • 40% of the area at 0.80 FAR for office and retail	2,365	4,729	1,569,554	2,808
• East Holt Boulevard	57	• 25% of the area at 30 du/ac • 50% of the area at 1.0 FAR office • 25% of area at 0.80 FAR retail	428	856	1,740,483	3,913
• Meredith	93	• 47% of the area at 39.46 du/ac • 48% at 0.35 FAR for office and retail uses • 5% at 0.75 FAR for Lodging	1,725	3,450	832,497	975
• Transit Center	76	• 10% of the area at 60 du/ac • 90% of the area at 1.0 FAR office and retail	457	913	2,983,424	5,337
• Inland Empire Corridor	37	• 50% of the area at 20 du/ac • 30% of area at 0.50 FAR office • 20% of area at 0.35 FAR retail	368	736	352,662	768
• Guasti	77	• 20% of the area at 30 du/ac • 30% of area at 1.0 FAR retail • 50% of area at 0.70 FAR office	465	929	2,192,636	4,103
• Ontario Center	345	• 30% of area at 40 du/ac • 50% of area at 1.0 FAR office • 20% of area at 0.50 FAR retail	4,139	8,278	9,014,306	22,563
• Ontario Mills	240	• 5% of area at 40 du/ac • 20% of area at 0.75 FAR office • 75% of area at 0.50 FAR retail	479	958	5,477,126	7,285
• NMC West/South	315	• 30% of area at 35 du/ac • 70% of area at 0.70 FAR office and retail	3,311	6,621	6,729,889	17,188
• NMC East	264	• 30% of area at 25 du/ac • 30% of area at 0.35 FAR for office • 40% of area at 0.30 FAR for retail uses	1,978	3,956	2,584,524	4,439
• Euclid/Francis	10	• 50% of the area at 30 du/ac • 50% of area at 0.8 FAR retail	156	312	181,210	419
• SR-60/ Hammer Tuscan Village	41	• 18% of the area at 25 du/ac • 57% of the area at 0.25 FAR retail • 25% of the area at 1.5 FAR office	185	369	924,234	2,098
Subtotal	1,668 1,627		16,054 15,869	32,107 31,738	34,582,545 33,658,311	73,896 69,797

EXHIBIT B – AMENDED LU-03: FUTURE BUILDOUT TABLE (CONTINUED)



LU-03 Future Buildout¹

Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Retail/Service						
Neighborhood Commercial ⁶	281	0.30 FAR			3,671,585	8,884
General Commercial	477 484	0.30 FAR			6,229,385 5,328,702	5,787 5,879
Office/Commercial	479	0.75 FAR			15,650,564	34,707
Hospitality	142	1.00 FAR			6,177,679	7,082
<i>Subtotal</i>	1,379 1,386				31,729,213 31,828,530	56,461 56,553
Employment						
Business Park	1,531	0.40 FAR			26,676,301	46,803
Industrial	6,457 6,490	0.55 FAR			154,698,172 155,498,369	125,921 136,624
<i>Subtotal</i>	7,988 8,021				181,374,472 182,174,670	182,724 183,427
Other						
Open Space-Non-Recreation	1,232	Not applicable				
Open Space-Parkland ⁶	950	Not applicable				
Open Space-Water	59	Not applicable				
Public Facility	97	Not applicable				
Public School	621	Not applicable				
LA/Ontario International Airport	1,677	Not applicable				
Landfill	137	Not applicable				
Railroad	251	Not applicable				
Roadways	4,871	Not applicable				
<i>Subtotal</i>	9,895					
Total	31,786		101,160 100,976	348,836 348,467	247,686,231 247,661,510	311,080 309,777

Notes

- Historically, citywide buildout levels do not achieve the maximum allowable density/intensity on every parcel and are, on average, lower than allowed by the Policy Plan. Accordingly, the buildout projections in this Policy Plan do not assume buildout at the maximum density or intensity and instead are adjusted downward. To view the buildout assumptions, access the Methodology report.
- Acres are given as adjusted gross acreages, which do not include the right-of-way for roadways, flood control facilities, or railroads.
- Assumed Density/Intensity includes both residential density, expressed as units per acre, and non-residential intensity, expressed as floor area ratio (FAR), which is the amount of building square feet in relation to the size of the lot.
- Projections of population by residential designation are based on a persons-per-household factor that varies by housing type. For more information, access the Methodology report.
- To view the factors used to generate the number of employees by land use category, access the Methodology report.
- Acreages and corresponding buildout estimates for these designations do not reflect underlying land uses within the Business Park, Industrial and Commercial Overlays. Estimates for these areas are included within the corresponding Business Park, Industrial and General Commercial categories.

EXHIBIT C—TENTATIVE PARCEL MAP 20177

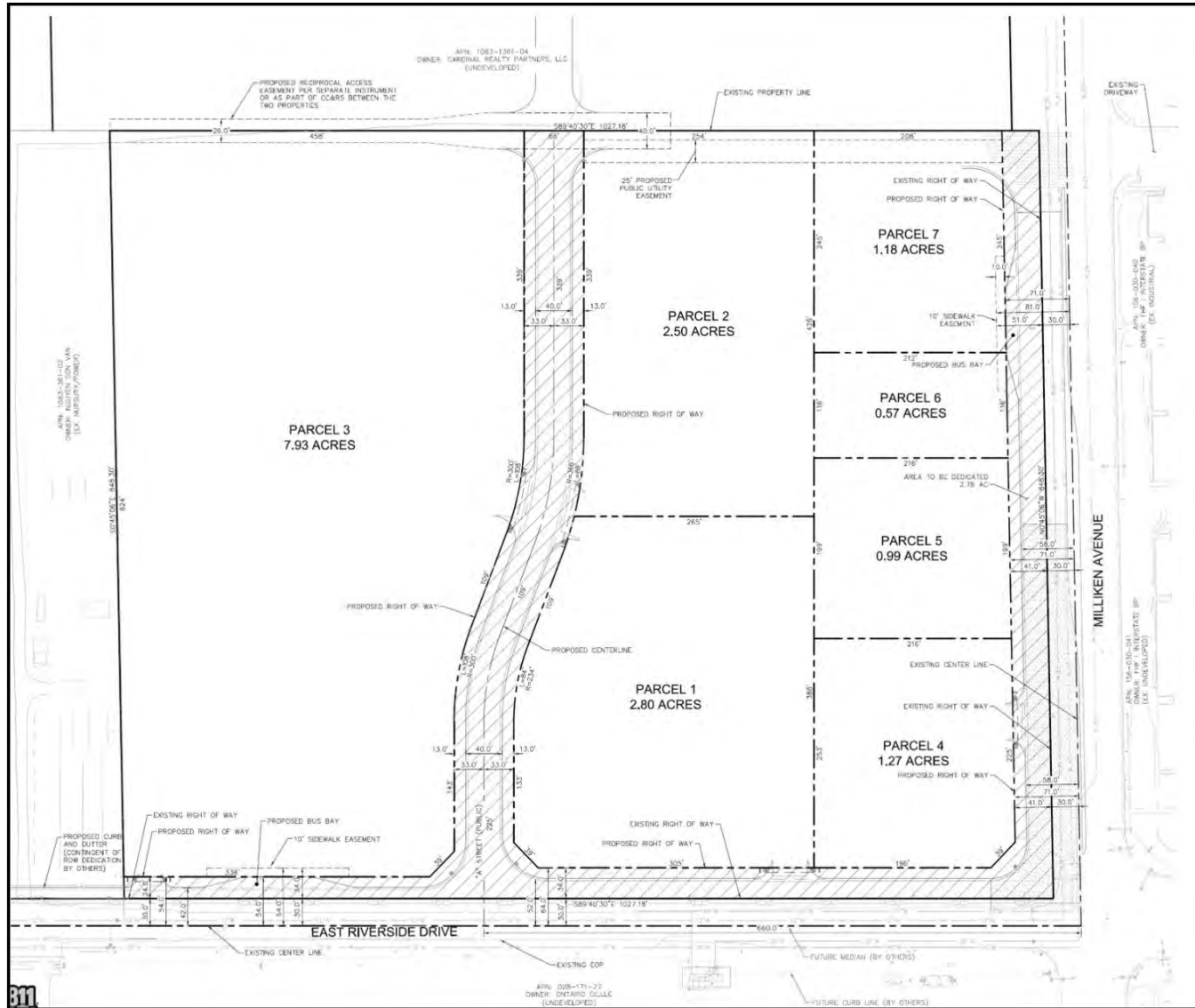


EXHIBIT D1—INDUSTRIAL SITE PLAN

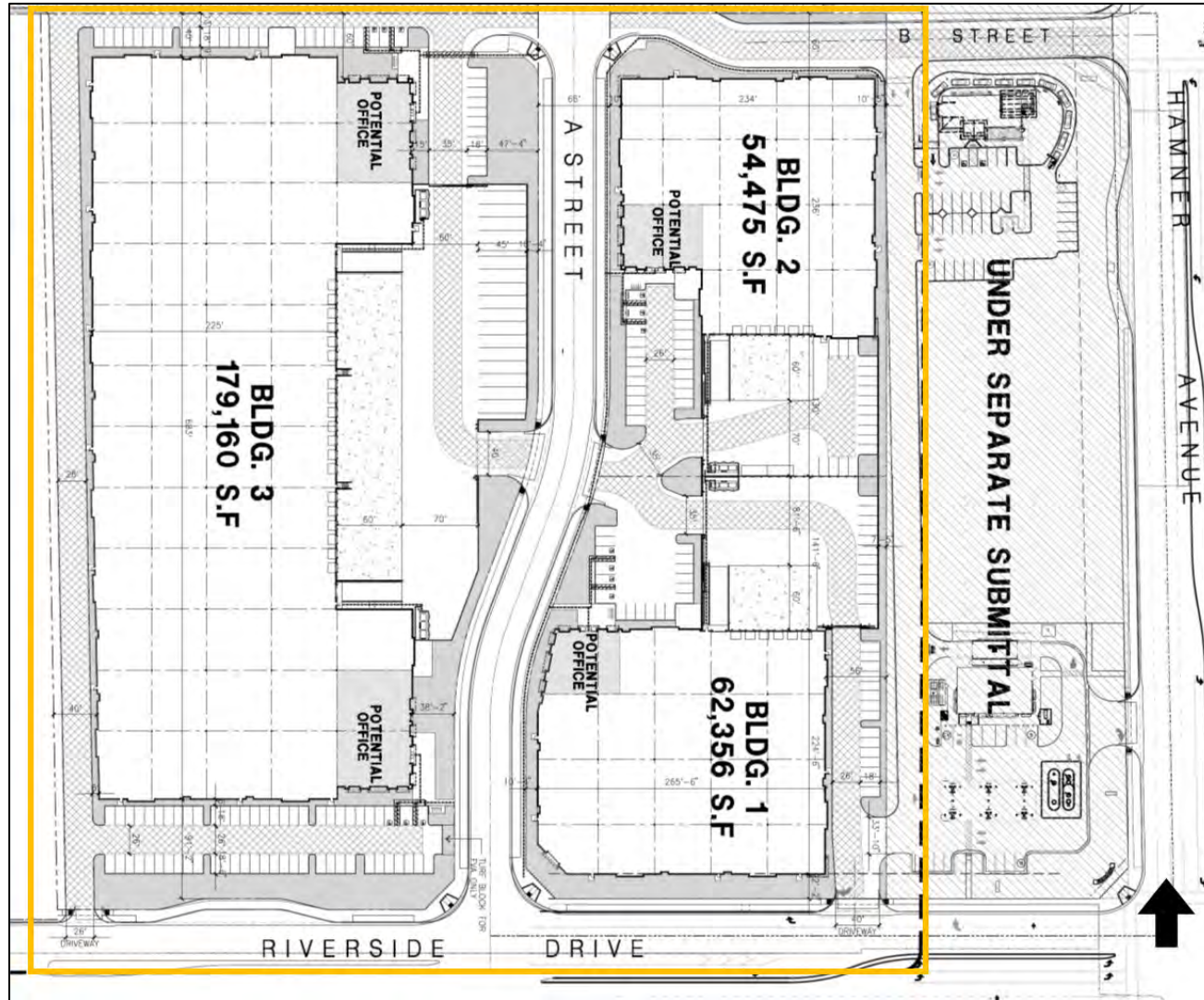
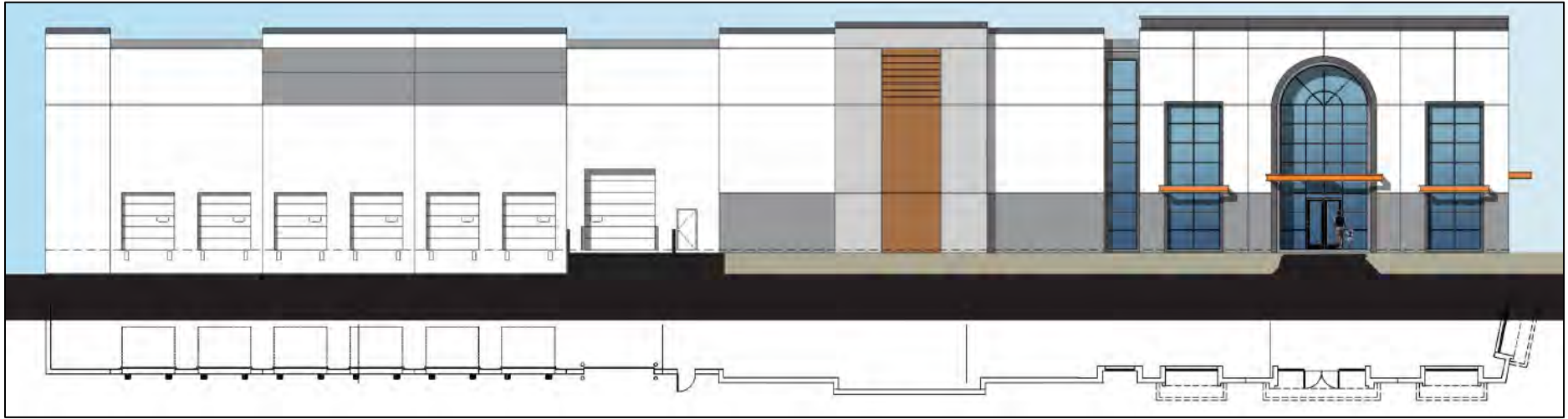


EXHIBIT D2—INDUSTRIAL EXTERIOR ELEVATIONS (BUILDING 1)



North Elevation

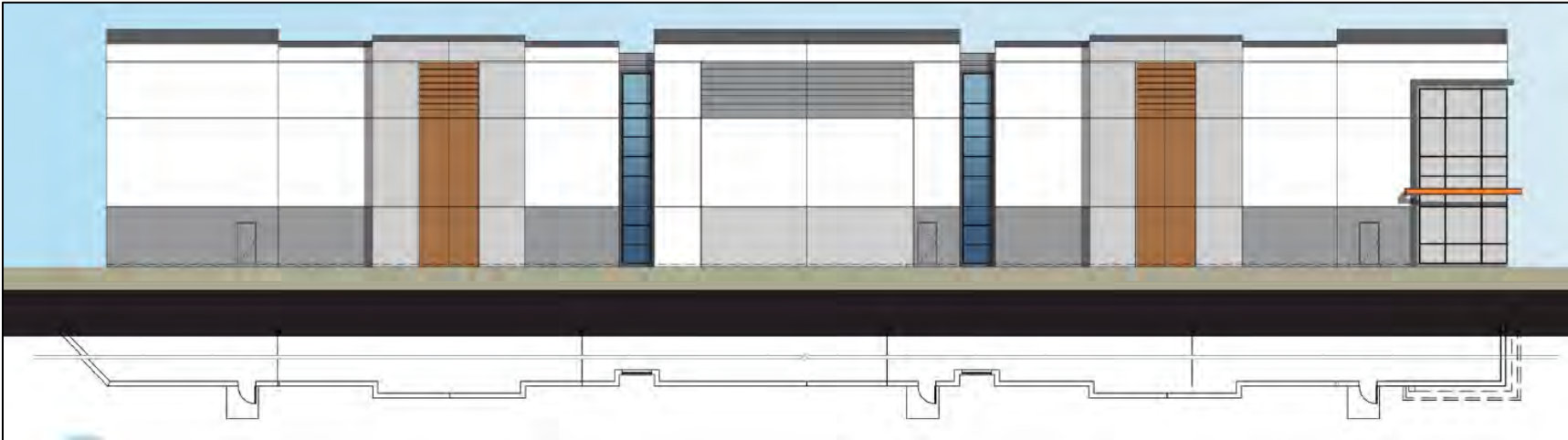


Northwest Elevation

West Elevation

Southwest Elevation

EXHIBIT D2—INDUSTRIAL EXTERIOR ELEVATIONS CONTINUED (BUILDING 1)



South Elevation



East Elevation

EXHIBIT D2—INDUSTRIAL EXTERIOR ELEVATIONS CONTINUED (BUILDING 2)



North Elevation



West Elevation

EXHIBIT D2—INDUSTRIAL EXTERIOR ELEVATIONS CONTINUED (BUILDING 2)



South Elevation

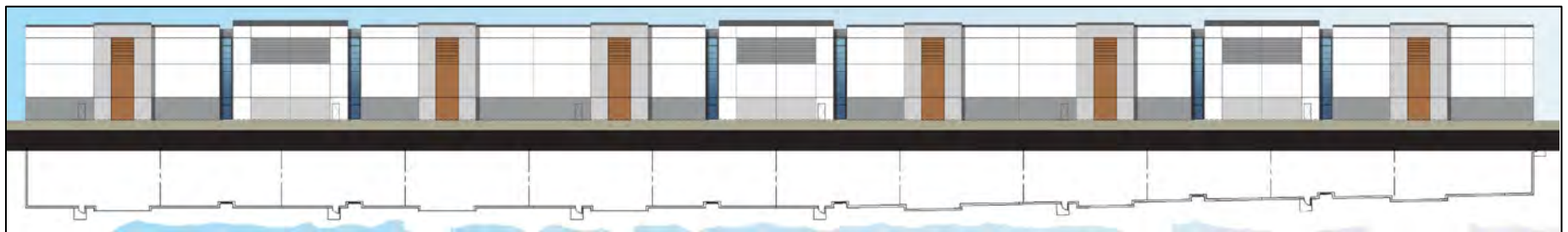


East Elevation

EXHIBIT D2—INDUSTRIAL EXTERIOR ELEVATIONS CONTINUED (BUILDING 3)

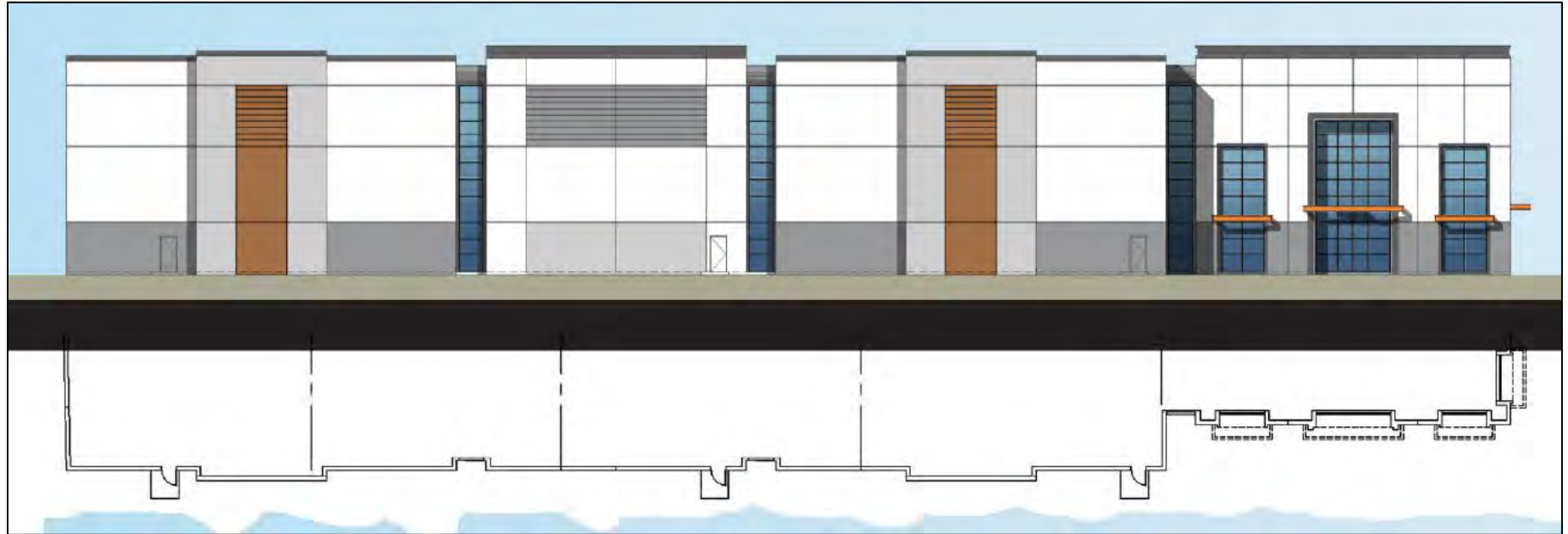


North Elevation



West Elevation

EXHIBIT D2—INDUSTRIAL EXTERIOR ELEVATIONS CONTINUED (BUILDING 3)



South Elevation



East Elevation

EXHIBIT D3—INDUSTRIAL LANDSCAPE PLAN



EXHIBIT E—7-ELEVEN SITE PLAN

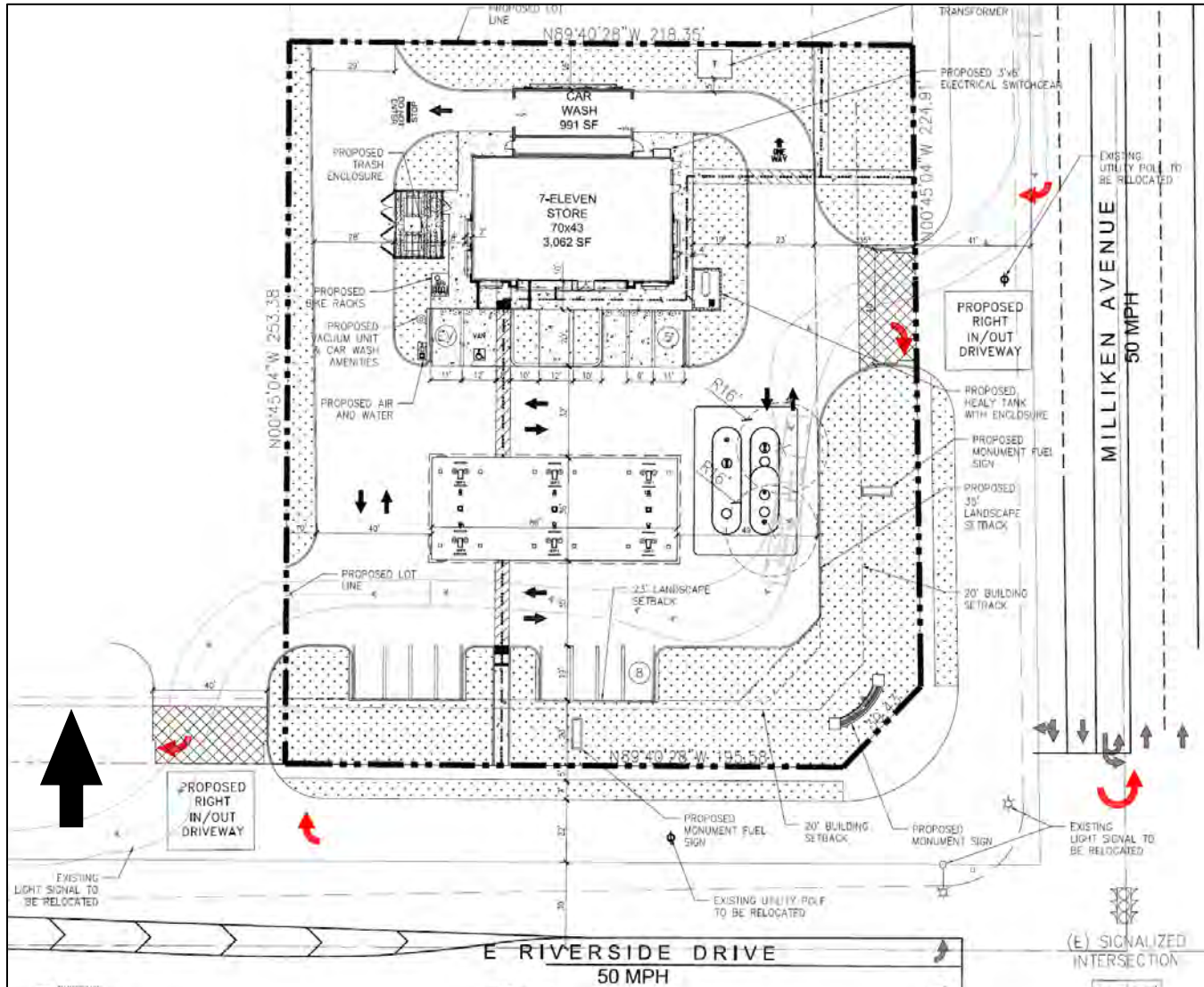


EXHIBIT E1—7-ELEVEN CONVENIENCE STORE FLOOR PLAN

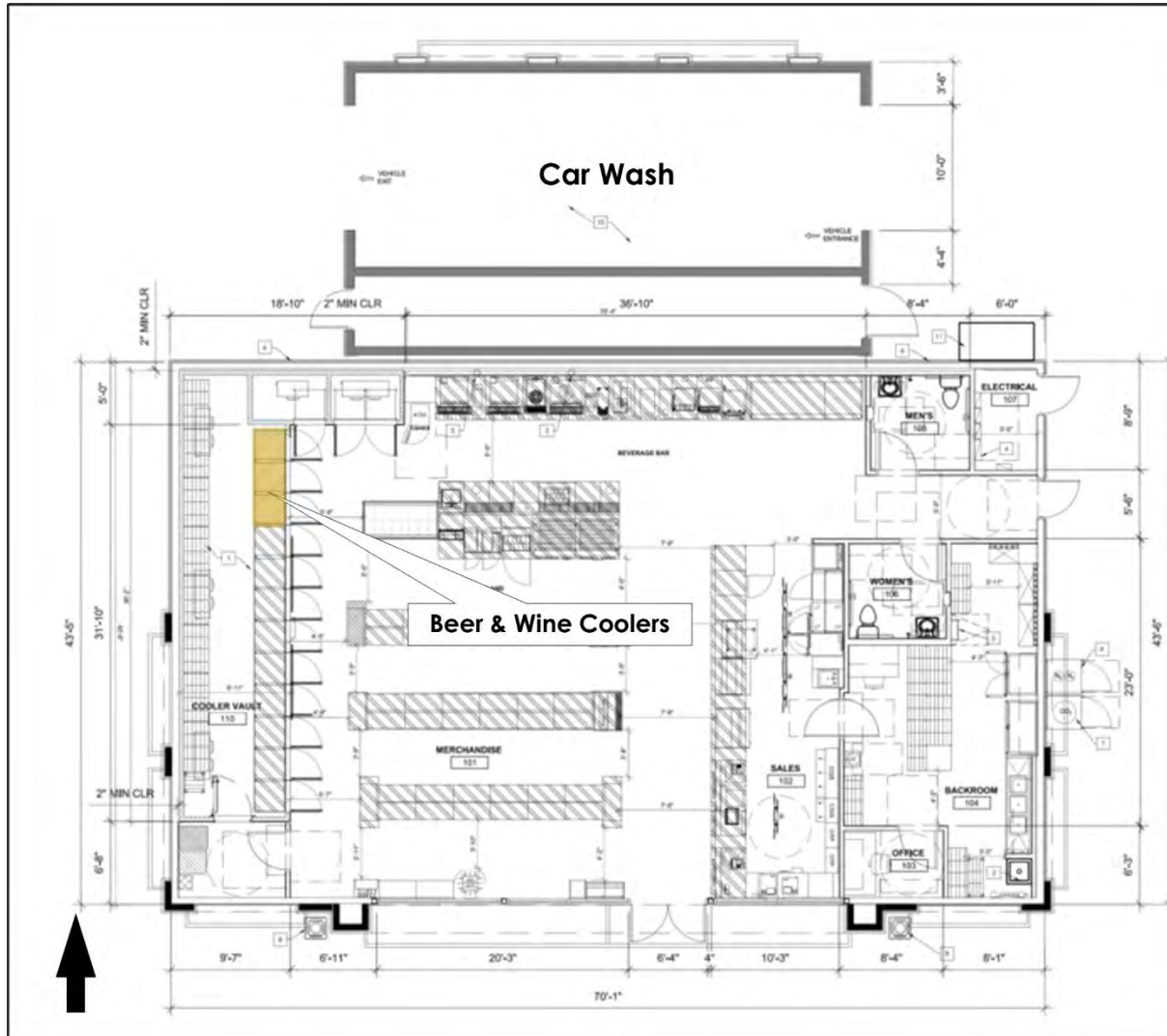


EXHIBIT E2—7-ELEVEN EXTERIOR ELEVATIONS

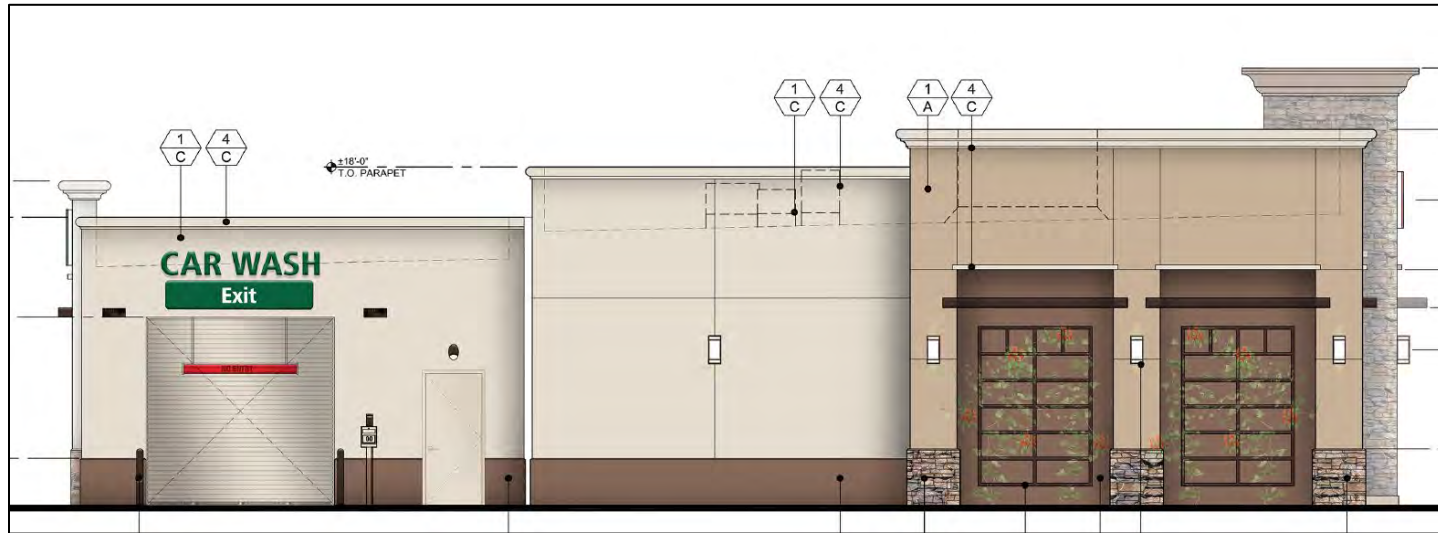


South Elevation (Facing Riverside Drive)

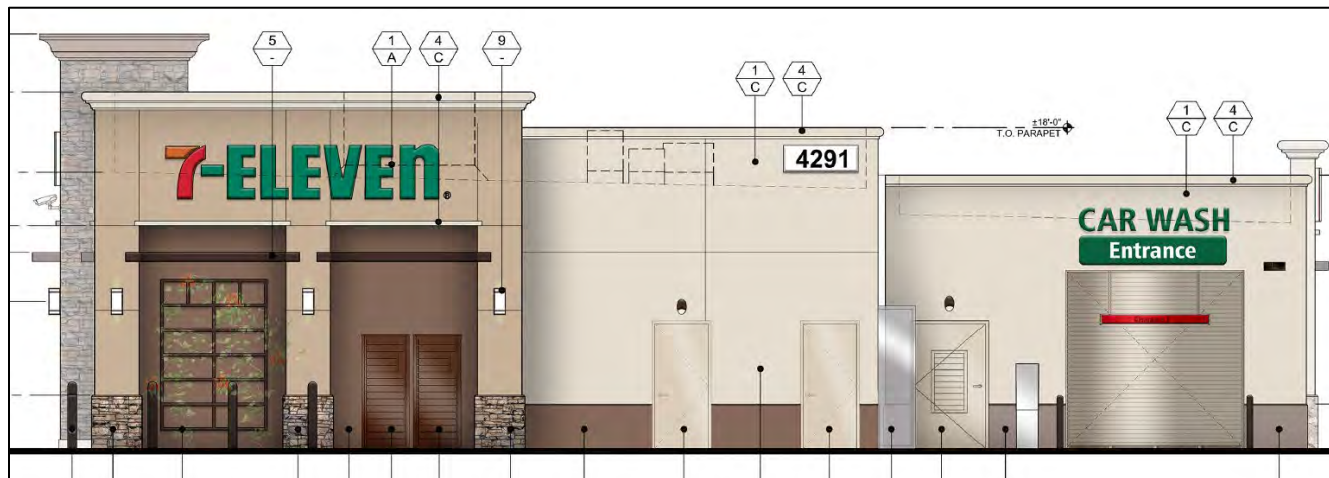


North Elevation

EXHIBIT E2—7-ELEVEN EXTERIOR ELEVATIONS CONTINUED

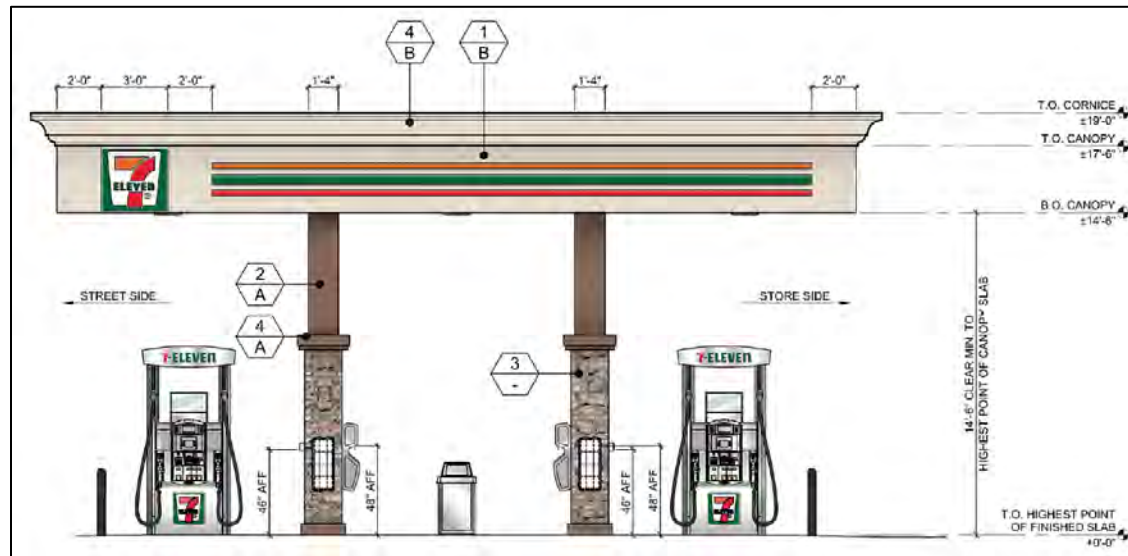


West Elevation

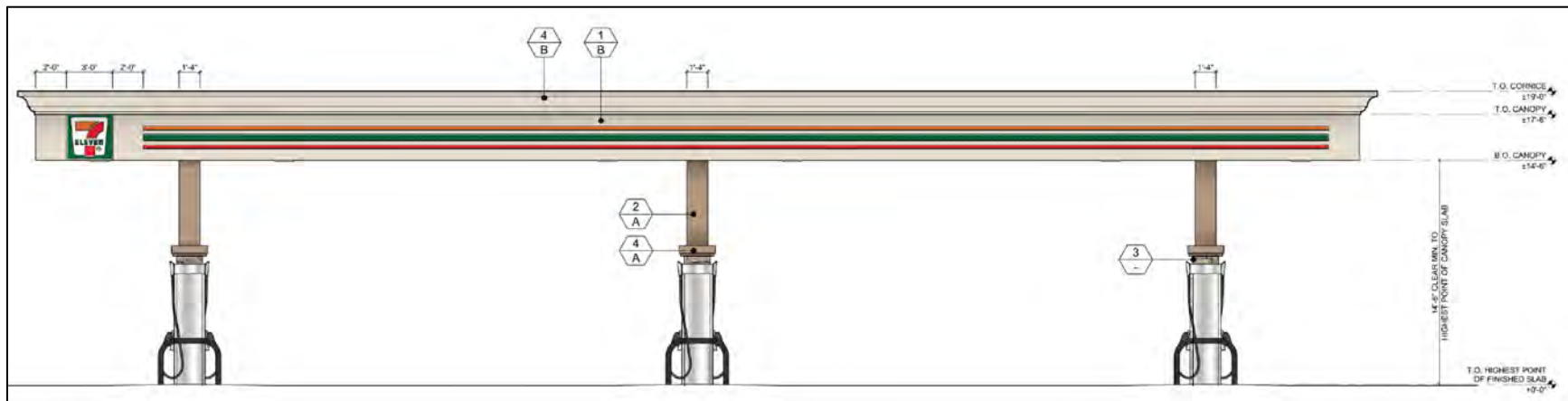


East Elevation (Facing Milliken Avenue)

EXHIBIT E2—7-ELEVEN EXTERIOR ELEVATIONS CONTINUED



Fueling Canopy: East/West Elevations



Fueling Canopy: North/South Elevations

EXHIBIT F—STARBUCKS SITE PLAN

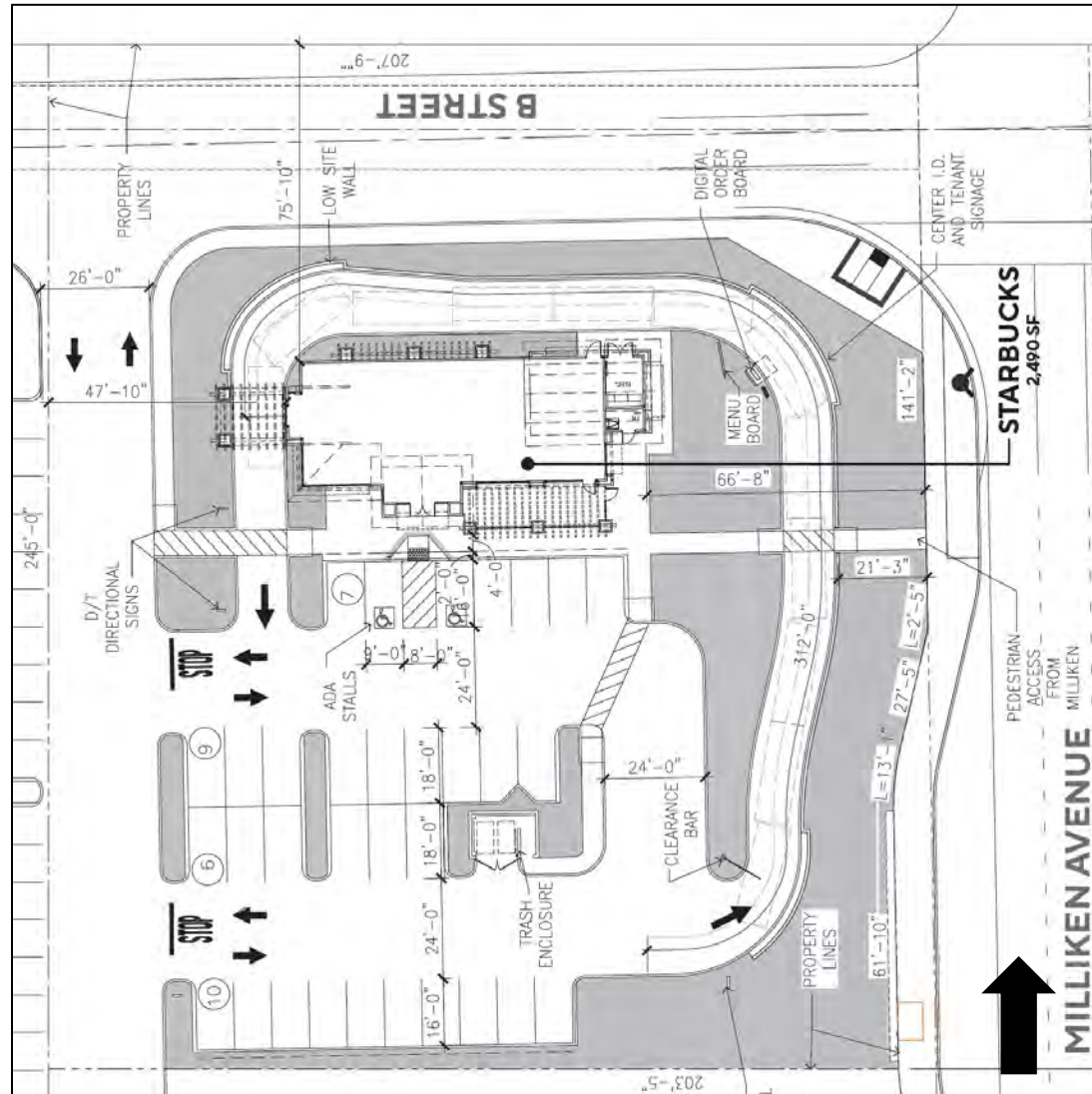


EXHIBIT F1—STARBUCKS EXTERIOR ELEVATIONS



EXHIBIT F1—STARBUCKS EXTERIOR ELEVATIONS



Planning Commission Staff Report

File Nos.: PGPA19-007, PSPA19-010, PZC19-002, PMTT19-018, PDEV19-059, PDEV20-012,
PDEV20-013 and PCUP20-009

October 27, 2020

Attachment A—Community Member Comments

Lorena Mejia

From: D'Andre Lampkin <dlampkin@lampkinfoundation.org>
Sent: Tuesday, September 15, 2020 1:20 PM
To: Lorena Mejia
Subject: Opposition to General Plan Amendment (File No. PGPA19-007)

Hi Lorena Mejia,

I am once again writing to express my opposition to the proposed site plan and general plan amendment, otherwise known as File No. PGPA19-007. I opposed the development on the same grounds that I opposed the proposed site plan for the southwest corner of Hamner Avenue and Riverside Drive.

I had previously predicted in public comments and in writing that the longer Creekside residents wait for promises of nearby retail space, the more it is likely the promise is not to be kept. In the last planning commission meeting, I spoke on a similar issue and did not complete my comments verbally because I overheard members of the commission speaking over me. While I thought it was rude and sent a clear signal to the public that the commission does not take the communities concern seriously, I decided to engage the process within the rules established by law.

I would have attended the community forum for File No. PGPA19-007, however, I received the notice just 2 hours before the start of the meeting. I was unable to rearrange my schedule to attend virtually. Judging by my last experience at the city planning meeting, I suspect the Planning Commission is FOR this latest proposal.

I find it interesting that members of the Planning Commission tout remembering what was promised to Creekside and Edenglen residents. They shared stories about walking the neighbors and hearing residents express a desire to have retail space. But they later contradicted those “fond memories” by voting for more light-industrial projects and reducing (if not eliminating altogether) commercial retail. It even appears preparations are being made to abandon the plans for mix use (commercial, residential, retail) zoning around San Antonio Winery. I meant what I said in the chat and it was not an attempt to be “mean” (as described by a planning commission member who expressed NO opinion about members spoke over me during my time for public comment). – that the longer residents wait, the less likely they will get what they were promised.

While I understand developer market reports suggest there is a lack of demand for retail space, I don't believe enough energy is being put into enticing potential retailers to come into the area. Furthermore, promises by the developer to bring the public infrastructure to standard should not mean automatic approval. They should be encouraged to address the wants and desires of the residents who have to live around the project. Otherwise, we will continue to spend our money in Eastvale, contribute to the economy or neighboring cities, and loose longtime residents when they realize plans that brought to them Creekside are no longer possible.

There's also the issue of residents not being aware of how to engage the process since all meetings are now online. I'm in agreement with other residents when they say not everyone understands the online platform to attend meetings. This is evidenced by parents inability to assist their children with virtual schooling, recent polls that suggest a significant amount of residents do not possess an adequate home computer, and discomfort with downloading or uploading platforms needed to participate.

Lorena Mejia

From: gerald angel <geraldangel@gmail.com>
Sent: Thursday, September 10, 2020 9:41 PM
To: Debra Dorst-Porada; Paul Leon; Alan Wapner; Jim Bowman; Ruben Valencia; Creeksidevillageeast@yahoo.com; Lorena Mejia
Subject: Hamner and Riverside Development(s) [Toscana Square?] - Creekside Communities

Hello all,

There are many reasons why the Hamner and Riverside development should not be amended to an industrial use which I will list below:

1. Creekside and Southeast Ontario should not bear the environmental nor tax generating burden for the City of Ontario. This project is against environmental justice principles and should be modified or reconsidered altogether. The developer has the burden to perform due diligence and bring the best tenants to the table. Please: The City of Ontario needs to have high standards for what the developer is bringing to the table even if the developer has to go back and make some changes.

2. Southeast Ontario is FOR Mixed Used and Commercial NOT light industrial.

3. Increased air pollution - The 60 and 15 fwy areas have some of the lowest air quality in southern california. It is well documented and the South Coast Air Quality Management District has more information. I am also including a link below from the California Air Resources Board regarding PM 2.5 particulate matter pollution generated by diesel trucks: <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health> [ww2.arb.ca.gov]

4. There are already 3 large industrial buildings in the area that bring in high truck traffic:

1. Walmart
2. Amazon
3. Grainger

5. Increased truck traffic will increase noise and environmental pollution.

6. Mixed Use will bring in foot traffic to the area, making this part of the city much more appealing and healthier for residents. There is also a need for restaurants and better markets in the area.

7. There are many children and schools in the area that would be affected by the increased traffic, and pollution.

My wife, Lina Angel, and I are against this proposed amendment to the existing general plan and ask for any applications requesting a zone change, development plan, or amendment to be denied. We would like to hear creative solutions from the developer that would satisfy residents' concerns.

Thank you,

Gerald Angel and Lina Angel

Planning Commission Staff Report

File Nos.: PGPA19-007, PSPA19-010, PZC19-002, PMTT19-018, PDEV19-059, PDEV20-012,
PDEV20-013 and PCUP20-009

October 27, 2020

Attachment B—Retail Market Study



THE CONCORD GROUP

369 SAN MIGUEL DRIVE, SUITE 265
NEWPORT BEACH, CALIFORNIA 92660
PHONE 949.717.6450

251 KEARNY STREET, 6TH FLOOR
SAN FRANCISCO, CALIFORNIA 94108
PHONE 415.397.5490

641 LEXINGTON AVENUE, SUITE 1400
NEW YORK, NEW YORK 10022
PHONE 646.354.7090

1170 PEACHTREE STREET NE, SUITE 1200
ATLANTA, GEORGIA 30309
PHONE 404.879.5000

RETAIL LAND USE EVALUATION FOR A MIXED-
USE SITE IN ONTARIO, CALIFORNIA

DRAFT REPORT
DECEMBER 19, 2019

PREPARED FOR: ORBIS REAL ESTATE



Memorandum

To: Orbis Real Estate
From: THE CONCORD GROUP
Re: Retail Land Use Evaluation for a Mixed-Use Site in Ontario, California

Summary of Conclusions

Orbis Real Estate ("The Owner") has been evaluating their proposed mixed-use parcel at the southern portion of Ontario along Hammer Avenue and East Riverside Drive ("the Site", "the Property"). Currently the site hosts is vacant but is planned for industrial and retail uses. The Concord Group ("TCG") was approached to evaluate the retail portion of the parcel which accounts for about 4.5 acres. The following conclusion was derived from the statistical analysis of current and historical retail trends in a 1, 3, and 5 mile radius from the site.

Current households in the three mile radius total 14,940, which only accounts for 28.6% of total 5 Mile Radius Households (52,928). In both the 3 and 5 mile radius these households are spending less than half of total retail sales in the market. This retail inflow indicates a large portion of sales are from outside the traditional retail market areas and is most likely due to the highly traversed freeways (60 and 15 freeways). The total retail sales in the three mile radius totaled \$1.7 billion in 2017 with 570 million coming from existing households, a share of 34% (76% sales inflow). The inflow of retail sales is not projected to slow over the next 15 years and households in the three mile are expected to grow by 8.2% (1,437) annually over the next five years (Exhibit 2).

With the strong retail inflow and projected local retail increase over the next five years, TCG evaluated the historical retail square footage to identify any trends with sales and growth. Annual new retail developments have totaled approximately 100,000 square feet or retail in the 5 mile radius over the last five years, with 43% (42,700) captured within the 3 mile retail trade area ("RTA"). The higher share of retail development is along the same trend of the increased household share of the 3 mile relative to the 5 mile RTA. In addition, Occupancies have remained high with only 3-4% vacancy rates over the last five years as opposed to the 7-8% around prior cycle (2007-2009). This is partially due to the increase in retail expenditures and partially due to the lower retail lease rates. Lease rates were around \$28-29 annually in the 5 mile RTA from 2001-2009 and are currently \$21 (an average loss of 1.2% over the last ten years). Retail rates in the last five years, have increased in the 3 mile radius by 8.8% (\$1.31) in the 3 mile RTA. These factors indicate the great recession had a strong negative impact on rents and

lease-rates but that the market has remain stable for the last five years with growth projections remaining constant (Exhibit 3).

More locally the 60 and 15 freeways average around 150,000 daily vehicle uses around the 60-15 intersection, which is proximate to the Subject Site. A sizeable portion of residual traffic emanates from these freeways along Hammer Avenue with an average of 14,000 daily vehicles. These traffic users are mostly attempting to bypass any traffic delays from the freeways that typically congest around peak pre- and post-work hours. Recently some new developments have been constructed to utilize the strong traffic counts with nearby gas station and convenience store (Extra mile) developed in the last year. Additionally, further south along Hammer Ave (outside of Ontario City limits) there is a small retail node planned including some strip retail and a Starbucks. Fast food and Gas station retail highly benefit from the high traffic counts, proximity to transit oriented freeways, and visibility.

All of the above mentioned supports the development of retail, but TCG also evaluated the likelihood of supportable rents for development. To achieve rent recommendations TCG identified 11 comparable with regards to their location, size, tenant, rents, and vintage. The annual average rents of the comparables was around \$19.88 per square foot (\$1.65 monthly). Rents indicated are of Triple Net Rents. Two key comparables were isolated that were similar in location and tenant type to the Subject Site. These comparable are Galaxy Hamburgers (fast food) and Shell (gas station). The two key comps are equidistant to a 60 freeway on/off ramp, leasable square footage, and daily traffic counts (14,657) but with older vintage being built in 1994 and 1992 respectfully. Galaxy Hamburgers achieves annual per square foot rents of \$23.50 (\$1.96 monthly) and the Shell gas station achieves rents of \$21.50 (\$1.79 monthly).

Utilizing the comparable rents, and historical trends TCG concluded the likelihood of fast food to achieve annual per square foot rents of \$24.60 (\$2.05) and \$22.80 (\$1.90 monthly) for a Gas Station. These recommendations are higher than most existing retail in the 3 mile RTA due to the vintage, and proximity to both 60/15 freeways (Exhibits 7 & 8). The land value portion of the parcel is valued at \$1.5 million in 2019 dollars and based off TCG recommended revenue and expected costs. The following pages include all the specifics of TCG's.

* * *

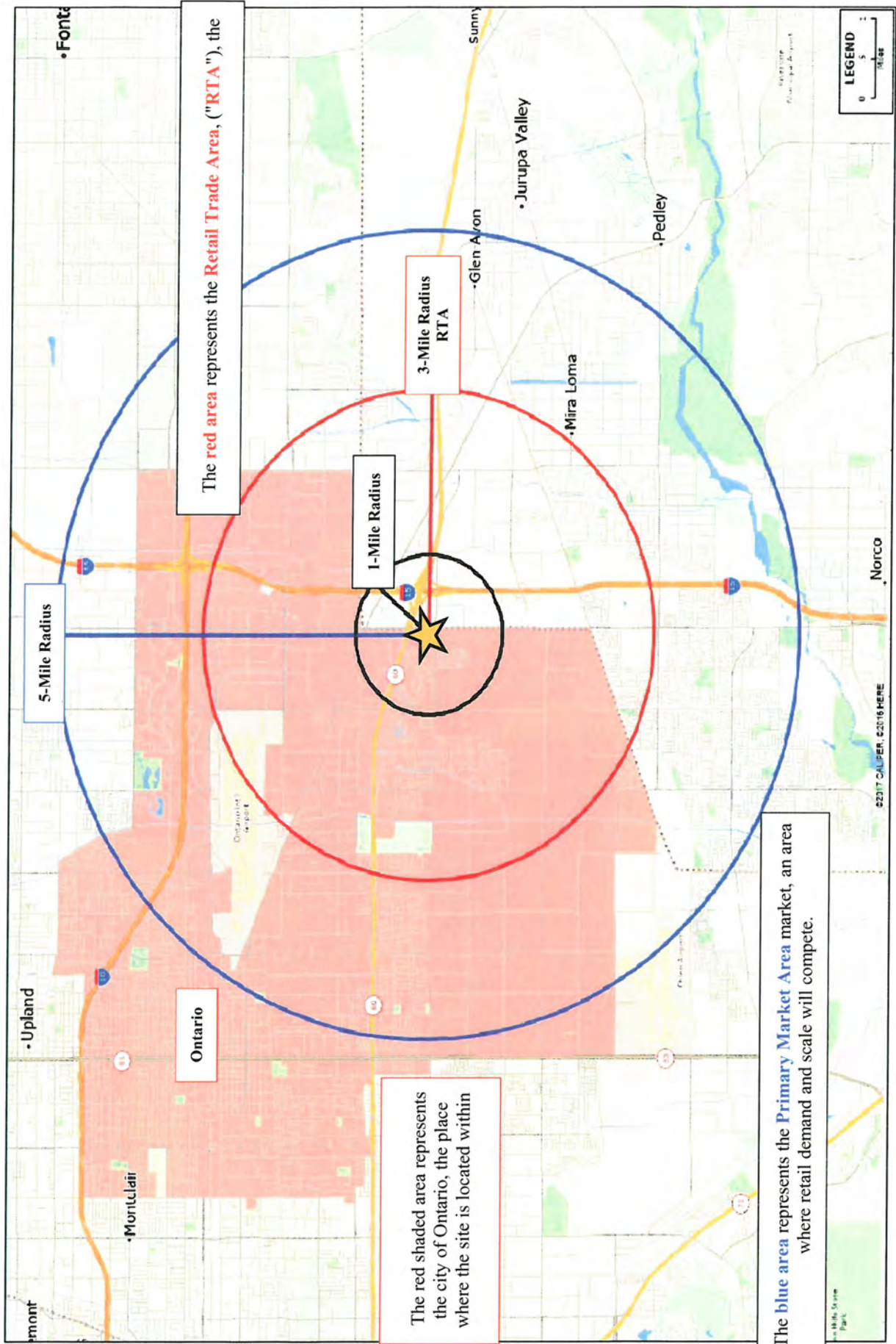
The above assignment was completed by Zachary Melodia under the guidance of John Shumway, Principle. Should you have any questions regarding the data or conclusions generated by the analysis, feel free to contact us at (949) 717-6450.

RETAIL OPPORTUNITY ANALYSIS

1. Retail Regional Location
2. Retail Submarket Performance
3. Retail Macroeconomic Trends
4. Traffic Counts
5. Selected Competitive Retail Inventory Space
6. Key Comps
7. Recommendations
8. Rent to Size
9. Land Residual

EXHIBIT 1

RETAIL REGIONAL LOCATION
 RETAIL TRADE AREA
 DECEMBER 2019



The red area represents the **Retail Trade Area**, ("RTA"), the

1-Mile Radius

The red shaded area represents the city of Ontario, the place where the site is located within

The blue area represents the **Primary Market Area** market, an area where retail demand and scale will compete.

EXHIBIT 2

RETAIL MARKET PERFORMANCE
PRIMARY MARKET AREA
DECEMBER 2019

Geography	1-Mile Radius		3-Mile Radius		5-Mile Radius	
	Population ('18)	Households ('18)	Ann. Growth (#, '18-'23)	Ann. Growth (% '18-'23)	Population	Households
General Information						
Population ('18)	5,496	192,815			50,282	1,928,150
Households ('18)	1,809	52,298			14,940	522,980
% PMA	3.5%	100.0%			28.6%	100.0%
Ann. Growth (#, '18-'23)	150	3,775			1,437	37,750
% PMA	4.0%	100.0%			38.1%	100.0%
2018 over 100	679	19,634			5,768	196,340
2023 over 100	885	24,789			7,503	247,890
Over \$100K HH Growth	206	5,155			1,735	51,550
Under \$100K HH Growth	(56)	(1,380)			(298)	(13,800)
Ann. Growth (% '18-'23)	7.2%	6.4%			8.2%	6.4%
Household Size ('18)	3.04	3.69			3.37	3.69
Consumer Spending Patterns ('17)						
Consumer Expenditures	\$66,882,518	\$2,147,734,321			\$570,083,973	\$21,477,343,321
Per Capita	\$12,169,308	\$11,138,834			\$11,337,735	\$11,138,834
Retail Sales	\$84,953,234	\$4,704,627,899			\$1,704,456,931	\$4,704,627,899
Per Occupied Square Foot	\$3,244,843	\$522,026			\$799,155	\$522,026
Spending Inflow/ (Leakage)	\$18,070,716	\$2,556,893,578			\$1,134,372,958	\$2,556,893,578
Retail Market Performance (3Q19)						
Rentable Building Area (SF)	28,381	9,320,509			2,211,913	9,320,509
Annual Deliveries (SF)						
Last Four Quarters	0	120,947			42,606	120,947
Five-Year Average	2,204	103,358			42,725	103,358
Ten-Year Average	1,102	65,887			21,693	65,887
Annual Net Absorption (SF)						
Last Four Quarters	2,800	34,655			24,123	34,655
Five-Year Average	1,864	120,089			39,299	120,089
Ten-Year Average	1,032	90,323			28,032	90,323
Vacancy Rate	7.8%	3.3%			3.6%	3.3%
Vacant Stock (SF)	2,200	308,253			79,089	308,253
Asking Rent (NNN)	\$42.36	\$21.34			\$21.74	\$21.34
Rent Growth	(11.0%)	(3.9%)			7.3%	(3.9%)
Last Four Quarters	---	2.5%			8.8%	2.5%
Five-Year Average	---	(1.2%)			0.6%	(1.2%)
Ten-Year Average	---					

Source: ESRI; US Census; CoStar

12/18/19

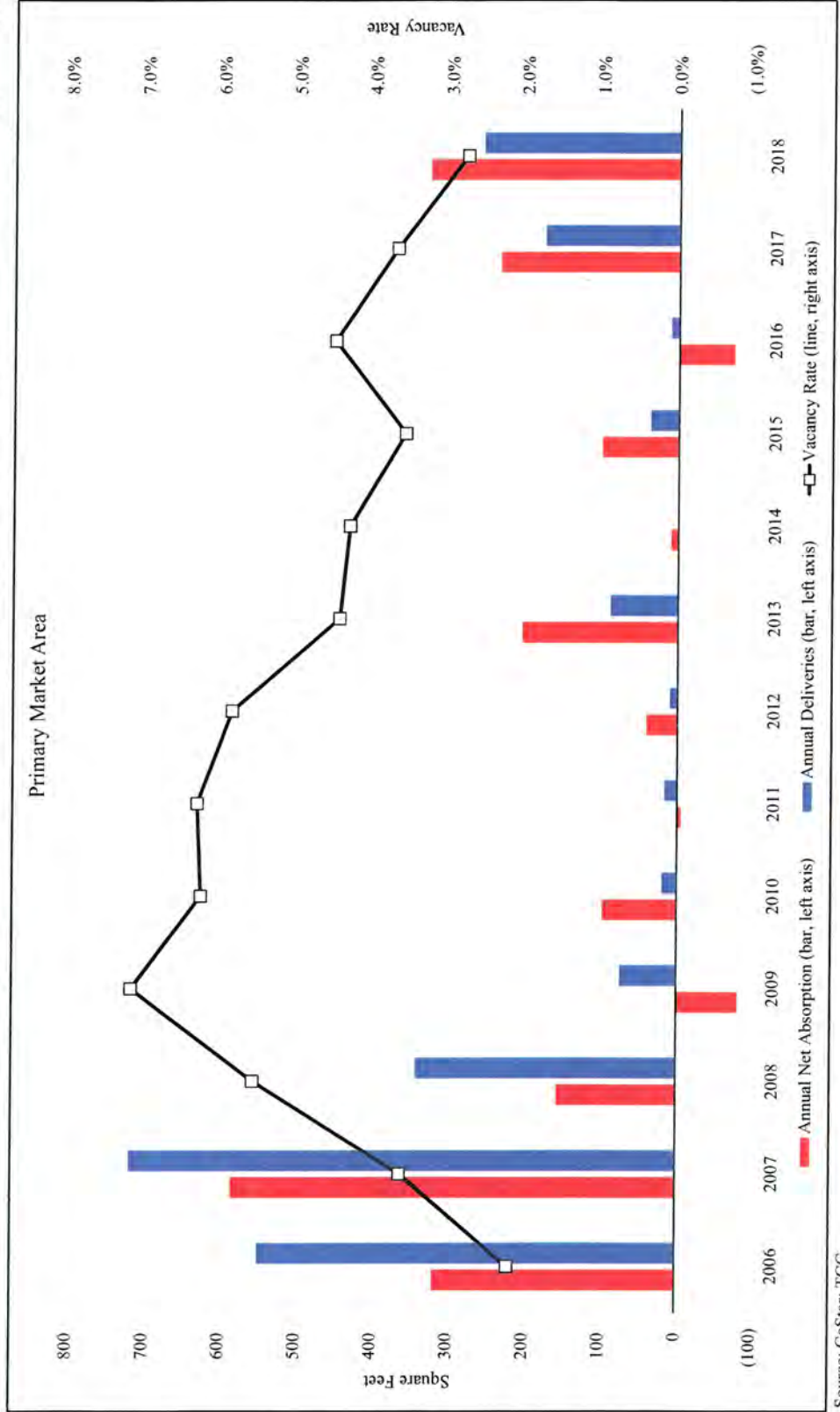
36.00 Retail Market Performance: Submarket

EXHIBIT 3

RETAIL MACROECONOMIC TRENDS
PRIMARY MARKET AREA
2006 THROUGH THIRD QUARTER 2019

The 5-Mile Radius ("PMA") has seen considerable growth over the last ten years with vacancies remaining around 3-4% over the last five years.

Market Factor	Annual Averages															
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	3Q19	5-Year	10-Year
Rentable Building Area (000 SF)	7,601	8,320	8,657	8,720	8,739	8,739	8,740	8,825	8,823	8,860	8,871	9,040	9,293	9,321	9,007	8,885
Annual Deliveries (000 SF)	549.7	719.3	342.3	74.6	19.6	16.6	10.5	89.2	0.0	37.4	11.2	176.1	257.9	120.9	103.4	65.9
Annual Net Absorption (000 SF)	319.1	585.1	157.0	(81.3)	98.0	(5.1)	40.6	204.7	9.8	100.4	(72.6)	235.0	328.6	34.7	120.1	90.3
Vacancy Rate	2.2%	3.6%	5.6%	7.2%	6.3%	6.3%	5.9%	4.4%	4.3%	3.6%	4.5%	3.7%	2.8%	3.3%	3.6%	4.7%
Vacant Stock (000 SF)	168	302	482	626	547	552	512	392	381	318	401	335	259	308	327	416



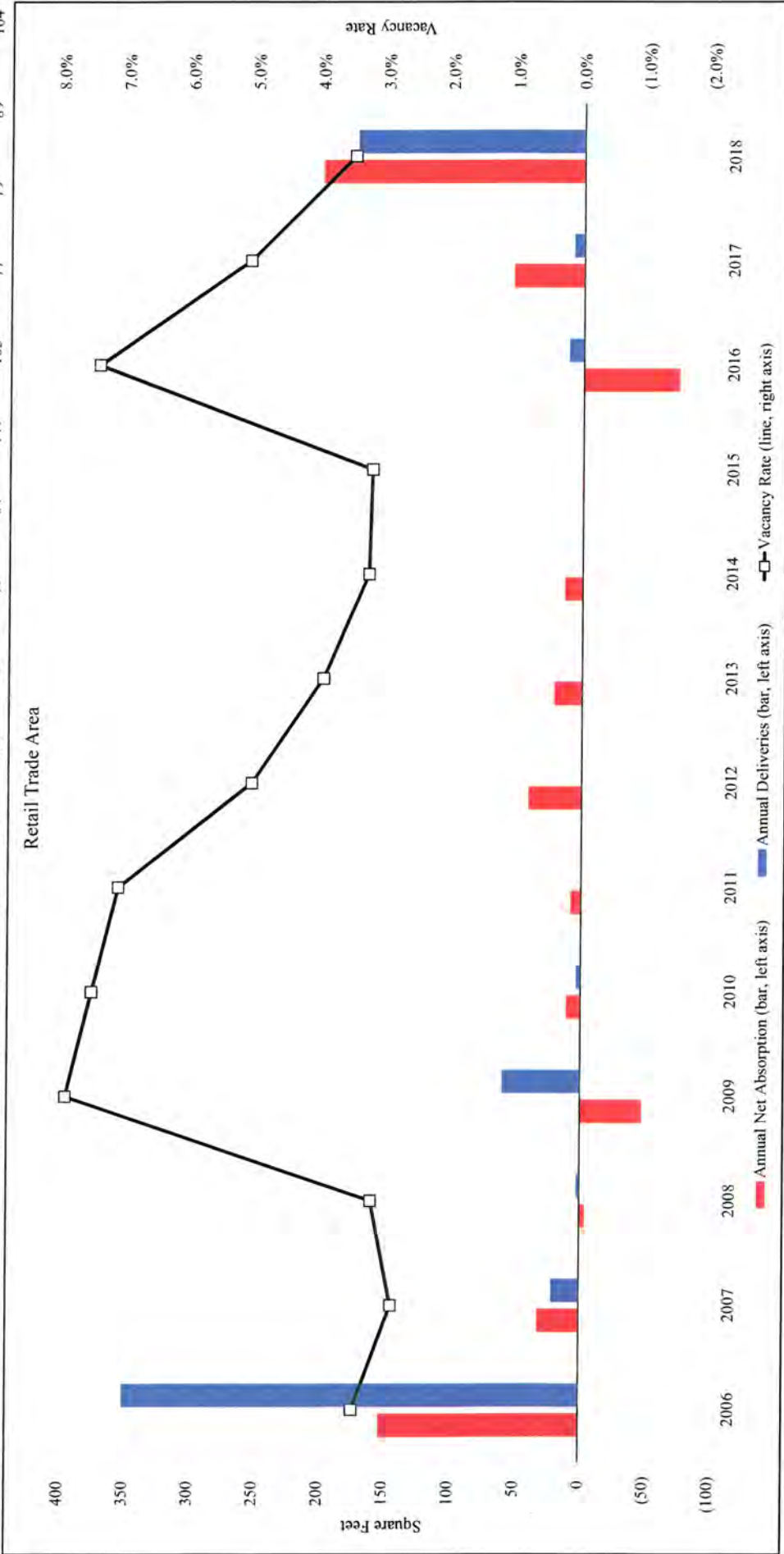
Source: CoStar; TCG

EXHIBIT 3

RETAIL MACROECONOMIC TRENDS
RETAIL TRADE AREA
2006 THROUGH THIRD QUARTER 2019

Within the 3-Mile Radius ("RTA") is where the majority of the 5 mile radius new retail has been added over the last five years representing 65% of the net absorption within the RTA.

Market Factor	2006											Annual Averages										
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	3Q19	5-Year	10-Year						
<i>Retail Trade Area</i>																						
Rentable Building Area (000 SF)	1,923	1,945	1,947	1,995	1,998	1,998	1,998	1,998	1,998	1,998	2,010	2,017	2,192	2,212	2,061	2,030						
Annual Deliveries (000 SF)	350.1	21.6	2.3	60.0	3.3	0.0	0.0	0.0	0.0	0.0	11.2	7.8	174.5	42.6	42.7	21.7						
% PMA	63.7%	3.0%	0.7%	80.4%	16.9%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	4.4%	67.7%	35.2%	43.0%	30.5%						
Annual Net Absorption (000 SF)	153.5	32.3	(4.0)	(47.7)	10.9	8.1	41.0	21.8	13.8	1.0	(73.7)	54.1	200.6	24.1	39.3	28.0						
% PMA	48.1%	5.5%	(2.5%)	58.7%	11.2%	(159.8%)	101.0%	10.7%	141.4%	1.0%	101.5%	23.0%	61.1%	69.6%	65.6%	38.1%						
Vacancy Rate	3.5%	2.9%	3.2%	7.9%	7.5%	7.1%	5.1%	4.0%	3.3%	3.2%	7.4%	5.1%	3.5%	3.6%	4.3%	5.1%						
Vacant Stock (000 SF)	67	56	62	158	150	142	101	79	65	64	149	103	77	79	89	104						



Source: CoStar, JCG 12/18/19

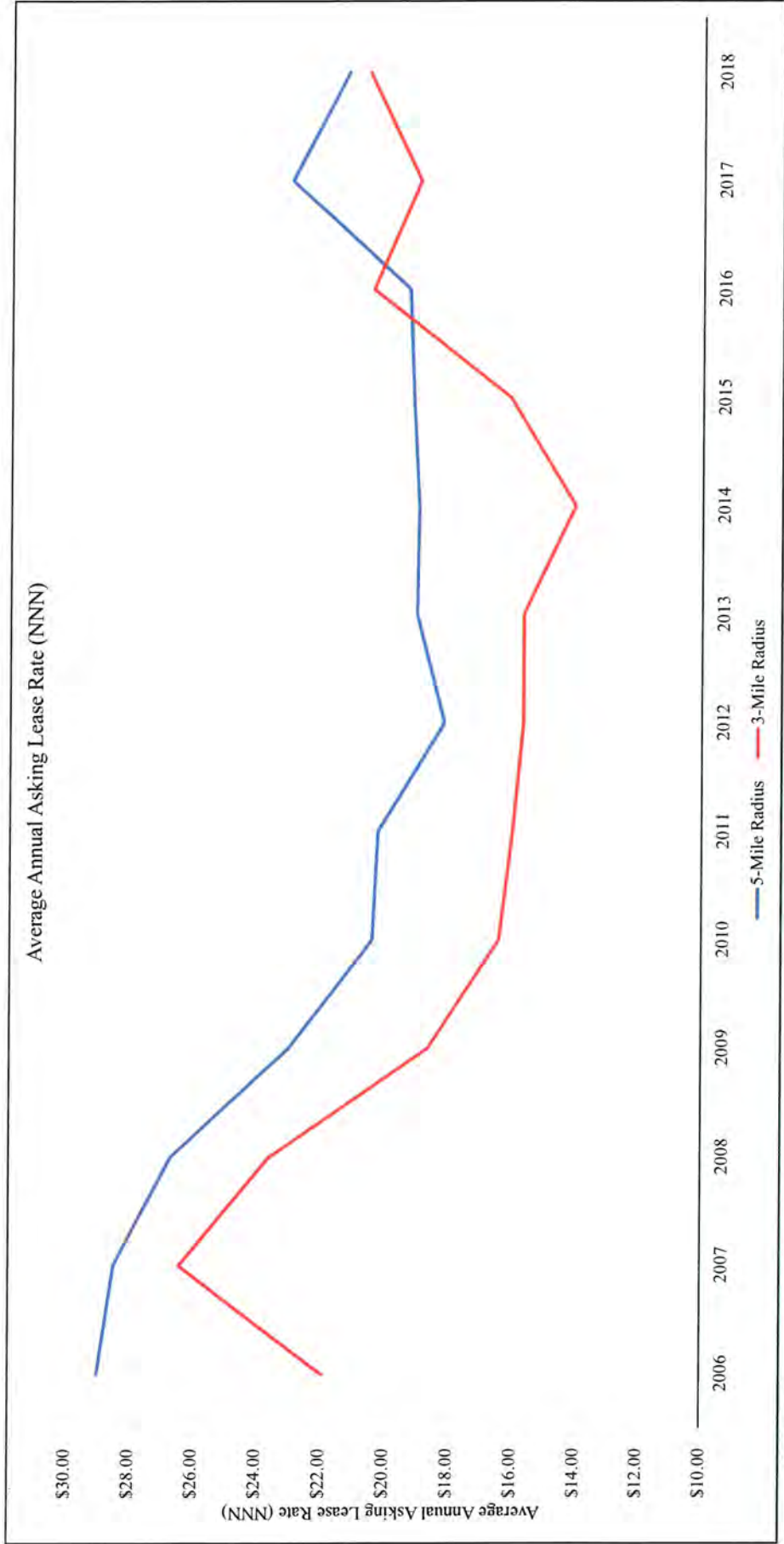
© 2019 Retail Market Performance: CMA

EXHIBIT 3

RETAIL MACROECONOMIC TRENDS
PRIMARY MARKET AREA
2006 THROUGH THIRD QUARTER 2019

Average retail rents have increased by 8.8% over the last five years.

Market Factor	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Annual Averages	
	Average Annual Asking Lease Rate (NNN)													5-Year	10-Year
Primary Market Area	\$28.99	\$28.48	\$26.69	\$22.99	\$20.39	\$20.21	\$18.13	\$19.01	\$18.96	\$19.14	\$19.27	\$22.98	\$21.22		
Annual Growth	---	(1.8%)	(6.3%)	(13.9%)	(11.3%)	(0.9%)	(10.3%)	4.9%	(0.3%)	0.9%	0.7%	19.3%	(7.7%)	2.5%	(1.2%)
Retail Trade Area	\$21.93	\$26.41	\$23.59	\$18.64	\$16.41	\$15.99	\$15.66	\$15.66	\$14.03	\$16.10	\$20.43	\$18.95	\$20.58		
Annual Growth	---	20.4%	(10.7%)	(21.0%)	(12.0%)	(2.6%)	(2.1%)	0.0%	(10.4%)	14.8%	26.9%	(7.2%)	8.6%	8.8%	0.6%



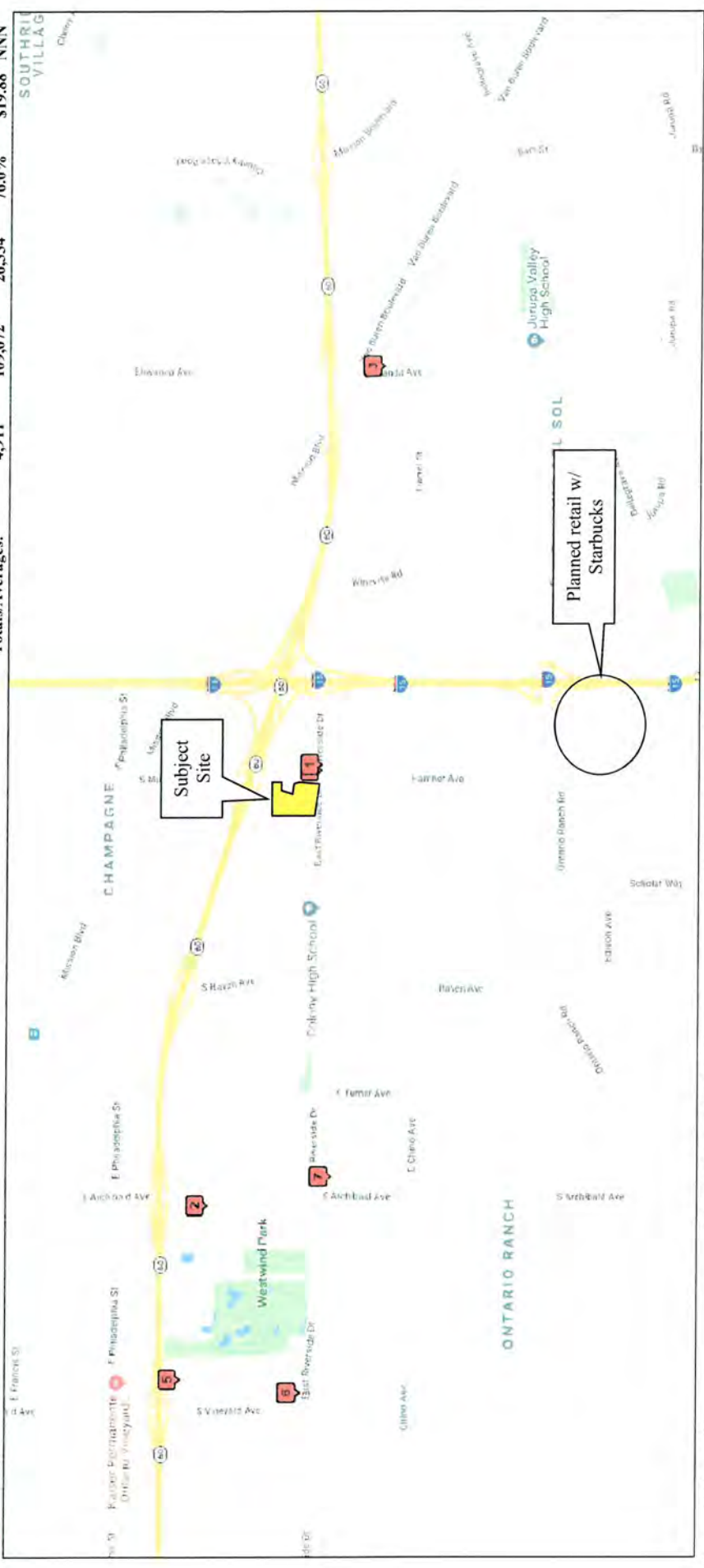
Source: CoStar, TCG

EXHIBIT 5

SELECT RETAIL INVENTORY SPACE - AVAILABLE
3-MILE RADIUS
DECEMBER 2019

Available

Map Key	Building Name	Address	City	Year		Elev.	Subtype	Typical Floor/unit	RBA		Ann. Lease Rate Avg.	Type
				Built	Reno.				Total	Avail.		
1	Extra mile	3880 Hamner Ave	Eastvale	2017	---	---	1 Freestanding	3,233	0	3,233	\$41.00	NNN
2	Pacific Plaza	2598 S Archibald Ave	Ontario	1989	---	---	1 Freestanding	5,911	5,911	18,094	\$24.00	NNN
3	4030 Etiwanda Ave	4030 Etiwanda Ave	Jurupa Valley	2019	---	---	1 Freestanding	1,036	6,120	6,120	\$24.00	NNN
4	Chevron Gast Station	3884 S Hamner Ave	Eastvale	2017	---	---	1 Freestanding	5,575	0	5,575	\$20.50	NNN
5	Vineyard Village	2409 S Vineyard Ave	Ontario	1988	---	---	1 Storefront	4,810	11,670	45,120	\$20.33	NNN
6	Vineyard Shopping Center	1919 E Riverside Dr	Ontario	1981	---	---	1 Restaurant	7,000	0	7,000	\$13.77	NNN*
7	Archibald Ranch Town Center	3055 S Archibald Ave	Ontario	1991	---	---	1 Storefront	2,633	2,633	10,530	\$13.80	NNN
8	Vineyard Shopping Center	1919 E Riverside Dr	Ontario	1981	---	---	1 Restaurant	7,000	0	7,000	\$13.77	NNN*
9	Vineyard Shopping Center	1919 E Riverside Dr	Ontario	1981	---	---	1 Restaurant	7,000	0	7,000	\$13.77	NNN*
Totals/Averages:								4,911	26,334	109,672	\$19.88	NNN



Source: CoStar, TCG 12/18/19
* Adjusted from Modified Gross, Modified Gross considered approximately 85% of Triple Net rent

EXHIBIT 6

KEY COMPARABLES
ONTARIO, CALIFORNIA
DECEMBER 2019

Key	Tenant	Tenant Type	Address	Building Square Feet	Annual Rent (\$)	Rent Type	Year Built	Number of Access Points	Surrounding Daily Traffic Counts	Distance to Freeway	Surrounding Uses
1	Galaxy Hamburgers	Fast Food	2150 S Archibald Ave	3,823	\$23.50	NNN	1994	1	14,657	0.1 Miles (60 Freeway)	Retail & Residential
2	Shell	Gas Station	2215 S Archibald Ave	1,800	\$21.50	NNN	1992	2	14,657	0.1 Miles (60 Freeway)	Residential & Park

The Subject site is comparable to the chosen comparables in many ways. The subject site shares in proximity to the 60 freeway, daily traffic counts, number of access points, city location, and target tenants. The Subject site currently sits in a slightly inferior surrounding area position, but benefits from proximity to an additional freeway (I-15). Overall the Subject Site should be expected to have comparable rents to the two analogues provided.

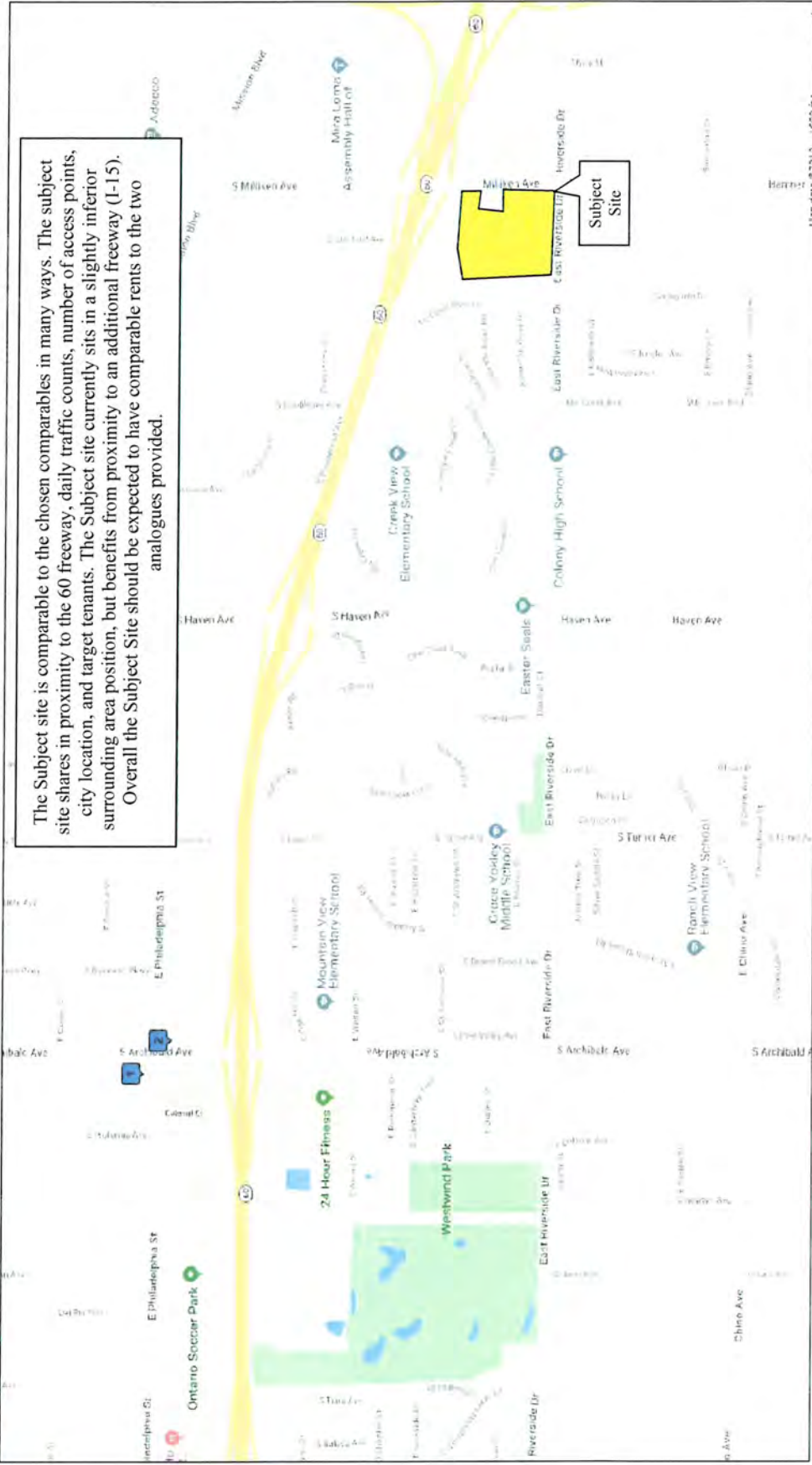


EXHIBIT 7

RETAIL RECOMMENDATIONS
TOSCANA SQUARE, ONTARIO CALIFORNIA
DECEMBER 2019

Project Summary

Location:

- Located proximate the southwestern connection of the 60 and 15 freeways
- Alongside the northwestern Hammer Avenue and East Riverside Drive

Description:

- 4.5 Acres apart of a 33.57 acre parcel (predominately industrial w/ office)
- Retail preliminarily planned for a gas station, potential space for a 7/11 type and a separate building targeting around 17,200 square feet with a drive through

Market Opportunity

- **Visibility**
 - Retail frontage benefits greatly from freeway visibility from the 15 and 60 freeways
- **Proximity to Freeways**
 - High traffic counts warrant desirable location for gas and fast casual foods targeting commuters

TCG Recommendations

Key Comparable

- Key comparable Galaxy Hamburgers and Shell in Ontario (Exhibit 6), both are in comparable locations, tenants and proximity to freeways with a slightly better surroundings but older vintage and only close to one freeway (60)

Target Tenants:

- Target tenants include gas station, fast casual food, and a convenience store

Positioning Rationale:

Triple Net Rate (\$/SF)	
TCG - Fast Food	TCG - Gas Station
/month	/month
\$2.05	\$1.90
/year	/year
\$24.60	\$22.80

- Slight premium to key comparable due to additional freeway proximity
- Tenant improvement rates will vary depending on type of tenant, sales volume, and the nature of negotiation; however, based on broker interviews, TCG concluded that \$50-\$70/SF in tenant improvement is the average for top-of-market rates
- Tenant improvement rates provide an opportunity to raise tenant lease rates and vice-versa

EXHIBIT 8

RENT TO SIZE - RETAIL
RETAIL TRADE AREA
DECEMBER 2019

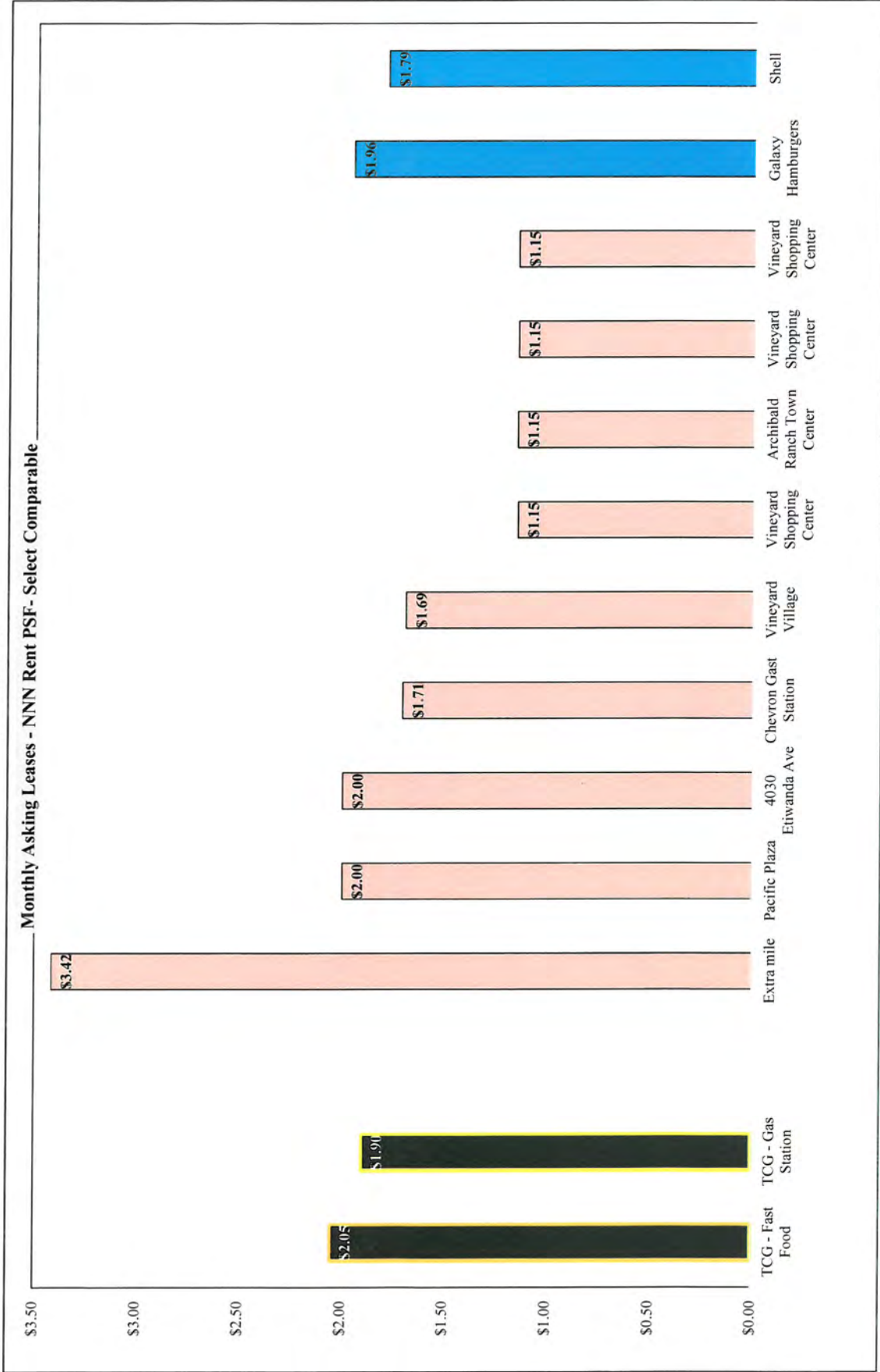


EXHIBIT 9

LAND RESIDUAL MODEL - RETAIL
TOSCANA SQUARE, ONTARIO CALIFORNIA
DECEMBER 2019

Product Types	Driver	Note	TCG - Gas Station	TCG - Fast Food
Estimated Square Footage			3,062	17,200
Lease Type:			NNN	NNN
Capitalized Value				
Revenues				
Average Monthly Lease Rate			\$1.90	\$2.05
Average Annual Lease Rate			\$23	\$25
Vacancy Reserve	5.00%	of Average Annual Rent	\$1.14	\$1.23
Effective Annual Rent			\$22	\$23
Operating Expenses			\$1.08	\$1.17
Net Operating Income	5.00%	of Effective Annual Rent	\$21	\$22
Capitalized Value	6.00%	Cap Rate	\$343	\$370
Construction Costs				
Construction Costs				
Hard Costs		per Square Foot	\$100	\$100
Soft Costs		of Hard Costs	\$15	\$15
Tenant Improvements	15.00%		\$50	\$75
Total Construction Costs			\$165	\$190
Financing Costs				
Loan Draw (Excluding Land)	75.00%	of Construction Costs	\$124	\$143
Loan Fee	1.5%	of Loan Draw	\$2	\$2
Interest Rate	6.5%	Annual Interest Rate	\$8	\$9
Hold Period	2.0	Years (Average)		
Total Financing Costs			\$10	\$11
Development Budget			\$257	\$278
Development Budget	8.00%	Return on Cost Target		
Residual Land Value				
Land Value				
Per Net Square Foot			\$82	\$76
Estimated Total			\$252,040.88 +	\$1,309,243 =
				\$1,561,283

RESOLUTION NO. PC20-079

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE AN ADDENDUM TO THE ONTARIO PLAN (TOP) CERTIFIED ENVIRONMENTAL IMPACT REPORT (SCH # 2008101140), PURSUANT TO THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NO. PGPA06-001

WHEREAS, TOSCANA SQUARE, LLC. (hereinafter referred to as "Applicant") has filed an Application for the approval of a General Plan Amendment, Specific Plan Amendment, Zone Change, a Tentative Parcel Map, three Development Plans and a Conditional Use Permit, File Nos. PGPA19-007, PSPA19-010, PZC19-002, PMTT19-018, PDEV19-059, PDEV20-012, PCUP20-009 and PDEV20-013, which consists of: [1] A General Plan Amendment (File No. PGPA19-007) to modify the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01) component of The Ontario Plan, changing the land use designation on 41.35 acres of land from Mixed Use (Hamner/SR-60 Area 12) to 7.6 acres of General Commercial and 33.75 acres of Industrial, and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the proposed land use designation changes; [2] A Specific Plan Amendment (File No. PSPA19-010) rescinding the Tuscana Village Specific Plan; [3] A Zone Change (File No. PZC19-002) on 41.35 acres of land from LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac), CC (Community Commercial), and SP (Specific Plan), to 33.75 acres of IL (Light Industrial) and 7.6 acres of CC (Community Commercial); [4] A Tentative Parcel Map (File No. PMTT19-018/TPM 20177) to subdivide approximately 20 acres of land into 7 parcels; [5] A Development Plan (File No. PDEV19-059) to construct 3 industrial buildings totaling 295,991 square feet on 13.19 acres of land; [6] A Development Plan (File No. PDEV20-012) to construct a 3,062 square foot convenience store (7-Eleven) with fuel sales and ancillary drive-thru car wash, in conjunction with a Conditional Use Permit (File No. PCUP20-009) to establish alcoholic beverage sales for off-premises consumption, limited to beer and wine (Type 20 ABC license), on 1.27 acres of land; [7] A Development Plan (File No. PDEV20-013) to construct a 2,490 square foot commercial building for a fast food restaurant (Starbucks) with a drive-thru facility on 1.18 acres of land. The Project site is located on the northwest corner of Riverside Drive and Milliken Avenue, in the City of Ontario, California (hereinafter referred to as "Application" or "Project"); and

WHEREAS, The Ontario Plan (File No. PGPA06-001) Environmental Impact Report (State Clearinghouse No. 2008101140) was certified on January 27, 2010 (hereinafter referred to as "Certified EIR"), in which development and use of the Project site was discussed; and

WHEREAS, the Planning Director of the City of Ontario has prepared and approved for attachment to the certified Environmental Impact Report, an Addendum to the Certified EIR (hereinafter referred to as "EIR Addendum") in accordance with the requirements of the California Environmental Quality Act of 1970, together with State and

Planning Commission Resolution

File Nos. PGPA19-007, PSPA19-010, PZC19-002, PMTT19-018, PDEV19-059, PDEV20-012, PCUP20-009 and PDEV20-013

October 27, 2020

Page 2

local guidelines implementing said Act, all as amended to date (collectively referred to as "CEQA"); and

WHEREAS, the EIR Addendum concluded that implementation of the Project could result in a number of significant effects on the environment that were previously analyzed in the Certified EIR, and that the Certified EIR identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

WHEREAS, pursuant to State CEQA Guidelines Section 15164(a), a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary to a project, but the preparation of a subsequent or supplemental EIR is not required; and

WHEREAS, the City determined that none of the conditions requiring preparation of a subsequent or supplemental EIR would occur from the Project, and that preparation of an Addendum to the Certified EIR was appropriate; and

WHEREAS, the City of Ontario is the lead agency on the Project, and the Planning Commission is the recommending authority for the requested approval to construct and otherwise undertake the Project; and

WHEREAS, the Planning Commission has reviewed and considered the EIR Addendum for the Project, has concluded that none of the conditions requiring preparation of a subsequent or supplemental EIR have occurred, and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, approval of this Project is contingent upon City Council approving a General Plan Amendment (File No. PGPA19-007), an amendment to the Tuscana Village Specific Plan (File No. PSPA19-010), a Zone Change (File No. PZC19-002) and an EIR Addendum to The Ontario Plan (File No. PGPA06-001) Environmental Impact Report (State Clearinghouse No. SCH# 2008101140) that was certified on January 27, 2010; and

WHEREAS, the EIR Addendum for the Project is on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein; and

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

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

SECTION 1: Environmental Determination and Findings. As the recommending authority for the Project, The Planning Commission has reviewed and considered the information contained in the 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 environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report Environmental Impact Report (State Clearinghouse No. 2008101140), certified by the Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001.

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

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

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

(5) The EIR Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the Planning Commission; and

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

SECTION 2: Additional Environmental Review Not Required. Based on the Addendum, all related 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 Environmental Impact Report is not required for the Project, as the Project:

Planning Commission Resolution

File Nos. PGPA19-007, PSPA19-010, PZC19-002, PMTT19-018, PDEV19-059, PDEV20-012, PCUP20-009 and PDEV20-013

October 27, 2020

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(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: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 and 2, above, the Planning Commission hereby recommends the City Council finds that based upon the entire record of proceedings before it, and all information received, that there is no substantial evidence that the Project will constitute substantial changes to the Certified EIR, and does hereby approve the EIR Addendum, attached hereto as "Attachment A," and incorporated herein by this reference.

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

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

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

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 27th day of October 2020, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



Jim Willoughby
Planning Commission Chairman

ATTEST:



Rudy Zeledon
Planning Director and
Secretary to the Planning Commission

Planning Commission Resolution

File Nos. PGPA19-007, PSPA19-010, PZC19-002, PMTT19-018, PDEV19-059, PDEV20-012, PCUP20-009 and PDEV20-013

October 27, 2020

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC20-079, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on October 27, 2020, by the following roll call vote, to wit:

AYES: DeDiemar, Gregorek, Reyes, Ricci, Willoughby

NOES: None

ABSENT: Gage

ABSTAIN: None



Gwen Berendsen
Secretary Pro Tempore

Planning Commission Resolution

File Nos. PGPA19-007, PSPA19-010, PZC19-002, PMTT19-018, PDEV19-059, PDEV20-012,
PCUP20-009 and PDEV20-013

October 27, 2020

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ATTACHMENT A:

Addendum to The Ontario Plan Environmental Impact Report

(Addendum to follow this page)



The Vine

2020 Addendum to The Ontario Plan Certified EIR (SCH No. 2008101140)

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

October 2020

2020 Addendum
to
The Ontario Plan Certified EIR
(SCH No. 2008101140)

Prepared for:

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

Prepared By:

Applied Planning, Inc.
11762 De Palma Road, 1-C 310
Corona, CA 92883

October 2020

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ATTACHMENTS

Attachment A: Air Quality, GHG, and Health Risk Assessment

Attachment B: Biological Reports

Attachment C: Hydrology Report

Attachment D: Noise Impact Assessment Memorandum

Attachment E: Trip Generation Analysis

1.0 INTRODUCTION

1.0 INTRODUCTION

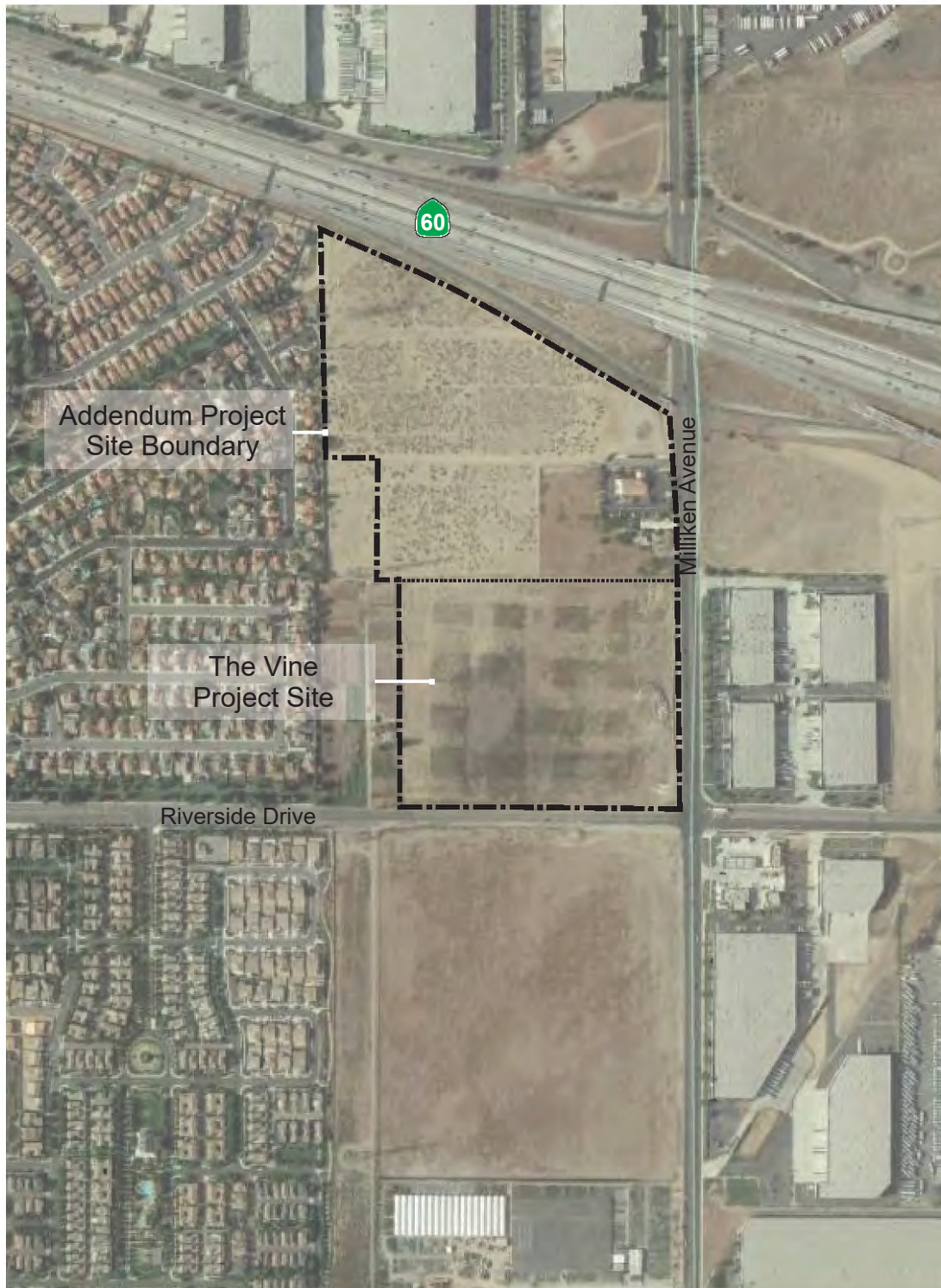
1.1 ADDENDUM PROJECT OVERVIEW

This Addendum compares and analyzes the impacts associated with an amendment to the Ontario Policy Plan and a zone change to permit industrial and commercial uses on approximately 45 acres that currently have a General Plan land use designation of Mixed Use and Open Space Non-Recreation. The site is zoned Specific Plan, Low Density Residential (LDR-5), Community Commercial, and Open Space Recreation.

The Addendum Project site is located at the northwest corner of Milliken Avenue and Riverside Drive in the City of Ontario. The location of the site is illustrated at Figure 1.1-1, *Addendum Project Location*.

To the extent possible, this document addresses impacts associated with the development of the entire 45 acres; however, development plans have only been finalized for the southern 20 acres (referred to herein as The Vine Project). For clarity purposes, all references in this document to the Addendum Project refer to the entire 45-acre Project site. Alternatively, any reference to The Vine Project refers only to the southern 20 acres of the Addendum Project site.¹

¹ It is noted that, with the exception of the Hydrology Study and WQMP, all technical analyses referenced in this Addendum reflect buildout of the entire Addendum site, regardless of title. Additionally, the technical analyses may refer to the site by a previous name (Toscana Square); Regardless, the results of the analyses remain unchanged.



NOT TO SCALE

Source: Google Earth, Applied Planning, Inc.

For analysis purposes, the Addendum Project considered herein is assumed to include approximately 697,150 square feet of light industrial uses; and up to approximately 26,700 square feet of commercial/retail/restaurant uses within the approximately 45-acre Project site. Of this total, The Vine Project proposes the development of up to 295,991 square feet of industrial uses and up to 16,543 square feet of commercial uses. The Addendum Project would result in an Industrial Floor Area Ratio (FAR) of 0.47, and a Commercial FAR of 0.08.²

1.2 ADDENDUM PURPOSE AND SUMMARY

The focus and purpose of this document is to determine if the Addendum Project described herein would result in new or substantially different environmental impacts than those considered and addressed in The Ontario Plan EIR (Certified EIR). To these ends, this Addendum defines, describes, compares, and contrasts potential environmental impacts of the Addendum Project in the context of the environmental impacts assessed in the Certified EIR.

In so doing, this Addendum substantiates consistency with applicable California Environmental Quality Act (CEQA) Guidelines provisions addressing preparation of an Addendum to a previously Certified EIR.

In these regards, as presented at *CEQA Guidelines* Section 15164, an Addendum to a Certified EIR may be prepared if only minor technical changes or additions are necessary and none of the conditions described in Section 15162, calling for the preparation of a subsequent or supplemental EIR, have occurred. Further, Public Resources Code Section 21166 prohibits preparation of a subsequent or supplemental EIR for a certified project

² Certain of the supporting technical studies appended to this Addendum were prepared early in the development concept process and have evaluated a larger development area and/or larger building footprints than are currently proposed. In these instances, the supporting technical studies have overestimated rather than underestimated potential environmental impacts of the Addendum Project. Within this Addendum, likely maximum impacts are evaluated for all environmental topics. At the discretion of the City, uses differing from those evaluated here, and that could result in substantially different impacts than the uses evaluated herein would be subject to additional CEQA environmental analysis. Ultimate scope and configuration of the Addendum Project uses would be as approved by the City.

unless substantial project changes are proposed requiring major revisions to the Certified EIR; a substantial change in circumstances has occurred requiring major revisions to the Certified EIR; or new information becomes available requiring major revisions to the Certified EIR. None of these conditions apply to the Addendum Project.

Based upon the information provided herein, the Addendum Project would not result in any new significant impacts, nor a substantial increase in the severity of any previously-identified environmental impact considered in the Certified EIR. Therefore, an Addendum to the Certified EIR is the appropriate document that will comply with CEQA requirements for the Project.

1.3 DOCUMENT ORGANIZATION

This Addendum is presented in five sections, as follows:

- **Section 1.0, *Introduction***, provides an overview of the Addendum Project, its context, and environmental documentation applicable to the proposed development.
- **Section 2.0, *Project Description***, presents the Addendum Project in greater detail.
- **Section 3.0, *Environmental Checklist***, presents the analysis of potential environmental impacts of the Addendum Project. The analysis considers potential effects of the Addendum Project relative to those addressed in the Certified EIR.
- **Section 4.0, *Determination***, presents the determination regarding the appropriate environmental document for the Addendum Project.
- **Section 5.0, *Mitigation Summary***, contains a table summarizing mitigation from the Certified EIR, and presents any newly required mitigation or modified mitigation.

1.4 CONCLUSION

This Addendum substantiates that implementation and operation of the Addendum Project land uses described and evaluated herein would not result in any significant new, different, additional, or substantially increased environmental impacts than were previously considered and addressed in the Certified EIR.

The environmental assessment of the Addendum Project does not require any major revision of the Certified EIR, nor would the Addendum Project result in conditions that would require preparation of a Subsequent or Supplemental EIR.

2.0 PROJECT DESCRIPTION

2.0 PROJECT DESCRIPTION

2.1 INTRODUCTION

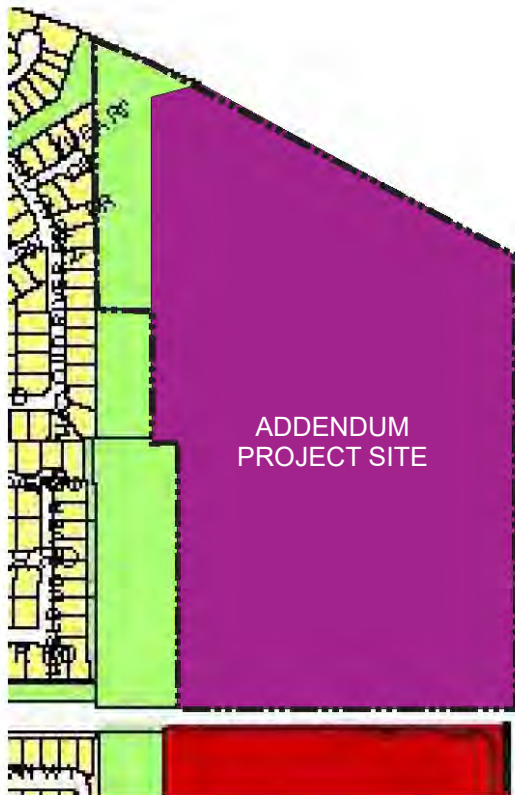
As previously mentioned, this document addresses impacts associated with the development of the entire 45-acre Addendum site to the extent possible; however, development plans have only been finalized for the southern 20 acres (The Vine Project).

The Addendum Project considered herein would implement up to approximately 697,150 square feet of light industrial uses; and up to approximately 26,700 square feet of commercial/retail/restaurant uses. Of this total, The Vine Project proposes the development of up to 295,991 square feet of industrial uses and up to 16,543 square feet of commercial uses.

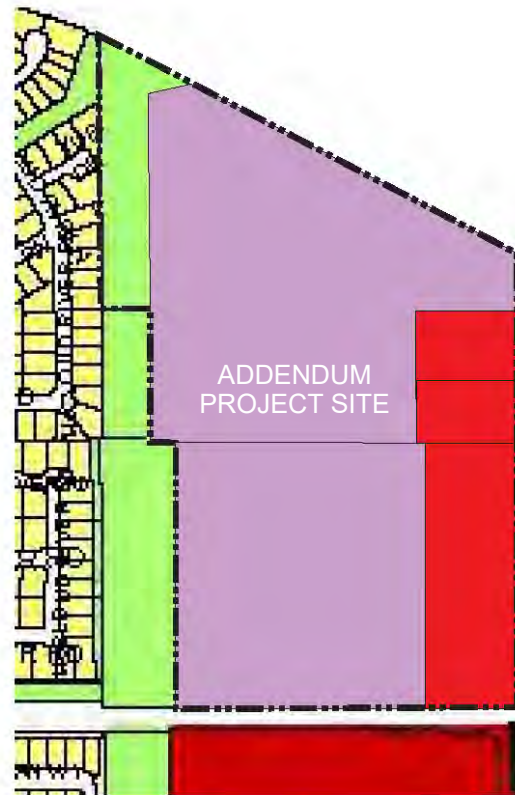
Within this Addendum, likely maximum impacts are evaluated for all environmental topics. At the discretion of the City, uses differing from those evaluated here, and that could result in substantially different impacts than the uses evaluated herein would be subject to additional CEQA environmental analysis. Ultimate scope and configuration of the Addendum Project uses would be as approved by the City.

2.2 EXISTING AND PROPOSED LAND USE DESIGNATIONS

Existing and proposed land use designations are described below. Please refer also to Figures 2.2-1 and 2.2-2.



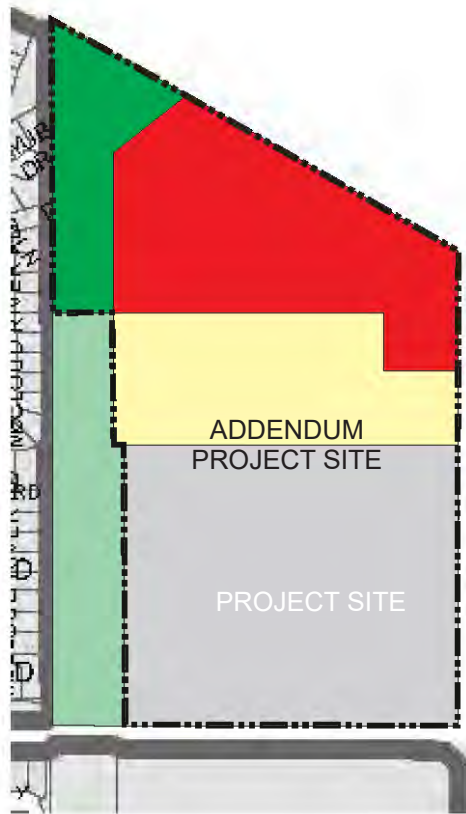
Existing General Plan Land Use Designations



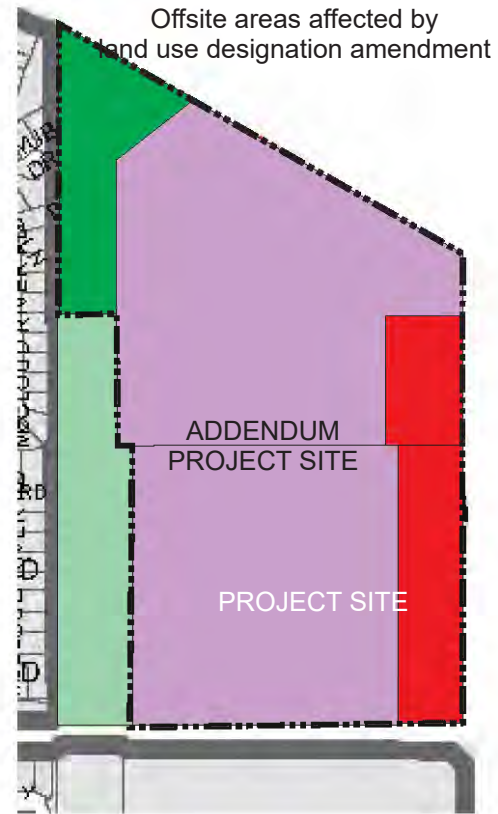
Proposed General Plan Land Use Designations






NOT TO SCALE
Source: City of Ontario; Applied Planning, Inc.



Existing Zoning Designations



Proposed Zoning Designations

- | | | | |
|---|--------------------------------|--|-----------------------------|
|  | Specific Plan |  | IL, Light Industrial |
|  | LDR-5, Low Density Residential |  | CC, Community Commercial |
|  | CC, Community Commercial |  | OS-R, Open Space Recreation |
|  | OS-R, Open Space Recreation | | |
|  | UC, Utilities Corridor | | |
|  | Addendum Project Boundary | | |



NOT TO SCALE
Source: City of Ontario; Applied Planning, Inc.

Figure 2.2-2
Existing and Proposed Zoning Designations

Addendum Project Site

The existing Policy Plan (General Plan) Land Use and Zoning designations of the site would be amended to allow for the development of land uses proposed under the Addendum Project. Tables 2.2-1 and 2.2-2 detail the amended designations.

Table 2.2-1
Existing and Proposed Land Use Designations

Parcel	Existing TOP Land Use Designation	Existing Acreage	Proposed TOP Land Use Designation	Proposed Acreage
1083-361-01	Mixed Use	20.0	Industrial General Commercial	15.0 5.0
1083-361-04	Mixed Use	9.4	Industrial General Commercial	6.8 2.6
1083-361-07	Mixed Use Open Space Non-Recreation	11.95 3.75	Industrial Open Space Non-Recreation	11.95 3.75
Total				45.1

Table 2.2-2
Existing and Proposed Zoning Designations

Parcel	Existing Zoning Designation	Existing Acreage	Proposed Zoning Designation	Proposed Acreage
1083-361-01	Specific Plan	20.0	IL, Light Industrial CC, Community Commercial	15.0 5.0
1083-361-04	LDR-5, Low Density Residential CC, Community Commercial	8.1 1.3	IL, Light Industrial CC, Community Commercial	6.8 2.6
1083-361-07	CC, Community Commercial OS-R, Open Space Recreation	11.95 3.75	IL, Light Industrial OS-R, Open Space Recreation	11.95 3.75
Total				45.1

Table 2.2-3 presents a comparison between the maximum allowable FAR assumed within the General Plan and what is being proposed by the Addendum Project.

Table 2.2-3
Comparison of Assumed and Proposed FAR

Land Use	General Plan Assumption (Maximum Allowable)	Proposed Addendum Project
Industrial	n/a	0.47 FAR - 697,150 square feet
Commercial	0.25 FAR - 254,499 square feet	0.08 FAR - 26,700 square feet
Office	1.5 FAR - 669,735 square feet	n/a
Residential	25 du/ac - 185 units total	n/a
Total	924,234 square feet	723,850 square feet

Surrounding Properties

Policy Plan Land Use and Zoning designations of surrounding properties are summarized below. The Addendum Project would not affect Land Use and Zoning designations of these properties.

North

SR-60 (Pomona) freeway/Caltrans Right-of-Way

South

Policy Plan Land Use Designation: General Commercial
Zoning: Specific Plan

East

City of Eastvale General Plan: Business Park
City of Eastvale Zoning: C-P-S - Scenic Highway Commercial (southerly adjacent to SR-60); I-P - Industrial Park (northerly of East Riverside Drive)

West

Policy Plan Land Use Designation: Open Space - Non Recreation
Zoning: "UC" (Utilities Corridor)

2.3 EXISTING LAND USES

Existing land uses are described below, and are illustrated at Figure 2.3-1.

Project Site

A wine shop and tasting room, restaurant, church, and small animal farm, are located adjacent to Milliken Avenue. The remainder of the site is either planted with grapevines or vacant.

Surrounding Properties

Existing land uses of surrounding properties are summarized below. The Addendum Project would not affect surrounding property land uses.



NOT TO SCALE

Source: Google Earth, Applied Planning, Inc.

----- Addendum Project Boundary

North

SR-60 (Pomona) freeway/Caltrans Right-of-Way.

South

Southerly of the Project site, across East Riverside Drive, properties are currently vacant and undeveloped but are approved for Specific Plan Community Commercial uses (Edenglen Specific Plan).

East

Easterly of the Addendum site, across Milliken Avenue, properties are within the City of Eastvale and developed with light industrial uses; adjacent to the northerly portions of the Project site are vacant and undeveloped City of Eastvale properties.

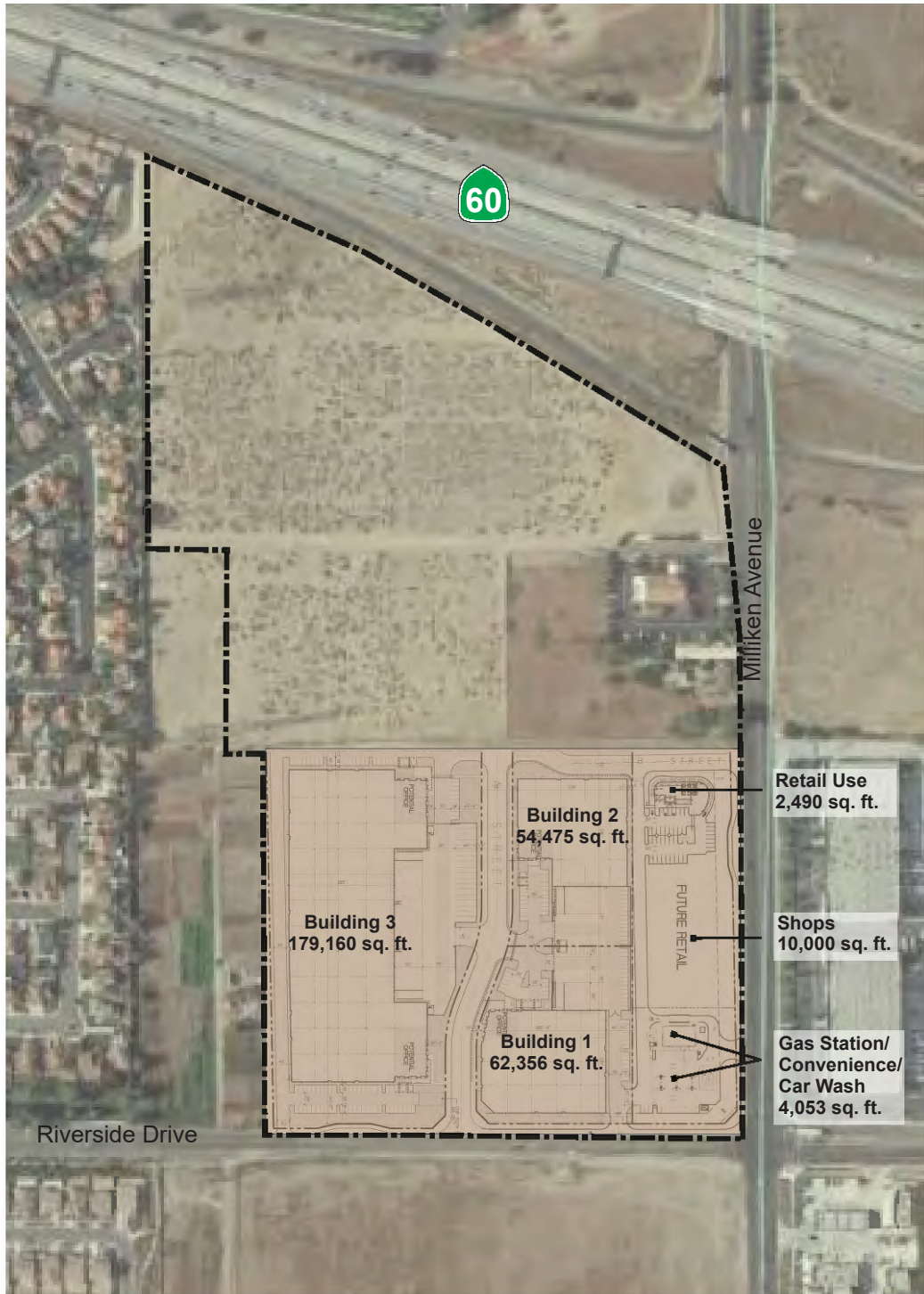
West

An existing SCE easement defines the westerly Project boundary. A non-operational commercial nursery is located within the SCE easement adjacent to the southern 20 acres of the Project site. Single family homes (Creekside) are located westerly of the SCE easement.

2.4 LAND USE CONCEPT

The Addendum Project considered herein would implement industrial, commercial/retail/restaurant, and open space uses on an approximately 45-acre site. The Land Use Concept locates commercial/retail/restaurant uses in the easterly portion of the Project site along the Milliken Avenue frontage. Proposed industrial uses would be located in the westerly portion of the site. The open space uses/SCE easement along the western property line would remain in place. This configuration optimizes recognition of the proposed commercial/retail/restaurant uses from adjacent Milliken Avenue, and acts to screen the proposed light industrial uses from public views.

As no development plans are currently proposed in the northern portion of the Addendum site, Figure 2.4-1 illustrates the Conceptual Land Use Plan for The Vine Project only.



NOT TO SCALE

Source: HPA Architecture, Google Earth, Applied Planning, Inc.

----- Addendum Project Boundary

Retail Use
2,490 sq. ft.

Shops
10,000 sq. ft.

Gas Station/
Convenience/
Car Wash
4,053 sq. ft.

Building 2
54,475 sq. ft.

Building 3
179,160 sq. ft.

Building 1
62,356 sq. ft.

FUTURE RETAIL

Riverside Drive

Milliken Avenue

60

2.4.1 Access and Circulation

Regional access to the Project site and surrounding areas is provided by State Route 60. Preliminary concepts indicate local access to the southerly portions of the Addendum Project would be provided via by two driveways on Milliken Avenue and an additional driveway on Riverside Drive. Proposed driveway access to the northerly portions of the Project site from adjacent Milliken Avenue is as-yet undefined.

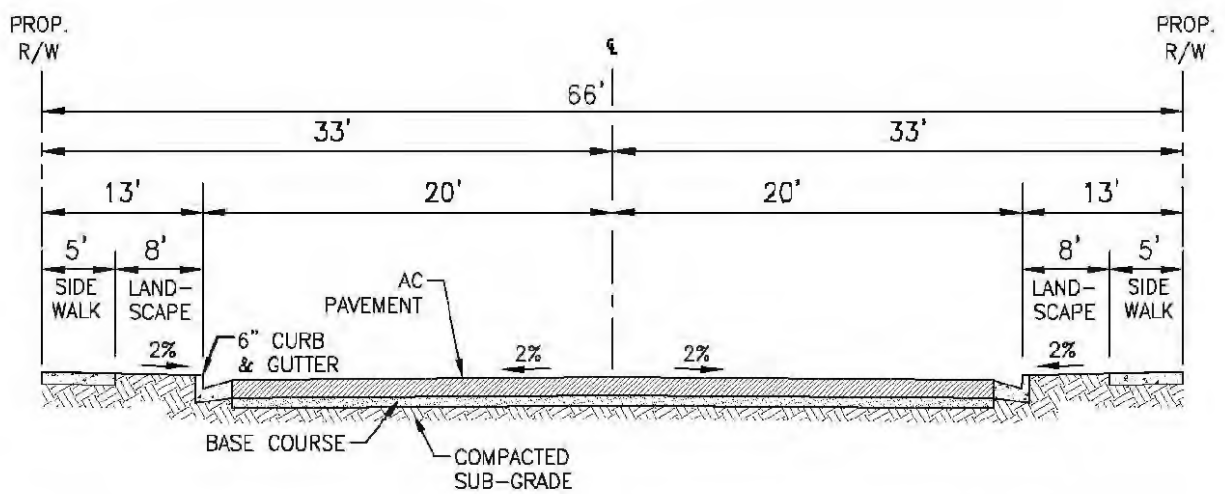
Access within the Project site would be provided by a new internal roadway, Street A. Street A will have a 66-foot right-of-way, including a 5-foot sidewalk and 8-foot landscaped parkway. Ultimate driveway locations, configurations, and internal circulation plans for the Addendum Project would conform to City requirements based on detailed site plans.

As part of The Vine Project, both Milliken Avenue and Riverside Drive would be improved adjacent to the site. Milliken Avenue is a designated 8-Lane Divided Arterial. Adjacent to the Project site, the western street section will be 71 feet of right-of-way, including a 7-foot (half) raised median, 51 feet of pavement, 5-foot sidewalk, and 8-foot landscaped parkway. Riverside Drive is a designated 6-Lane Standard Arterial. The northside street section for Riverside Drive, from the western Project limits to A Street, will be a 54-foot half section including a 4-foot (half) raised median, a 7-foot landscaped planter area, and a 5-foot sidewalk. East of A Street, the half section expands to a 64-foot half section. The additional 10 feet will be used to accommodate turn lanes at the easterly approach to the intersection of Riverside Drive and Milliken Avenue.

Cross Sections for Street A, Milliken Avenue, and Riverside Drive are presented as Figures 2.4-2 through 2.4-4. All roads, drive aisles, and access points implemented under the Project would conform to City engineering standards and City Fire Department requirements.

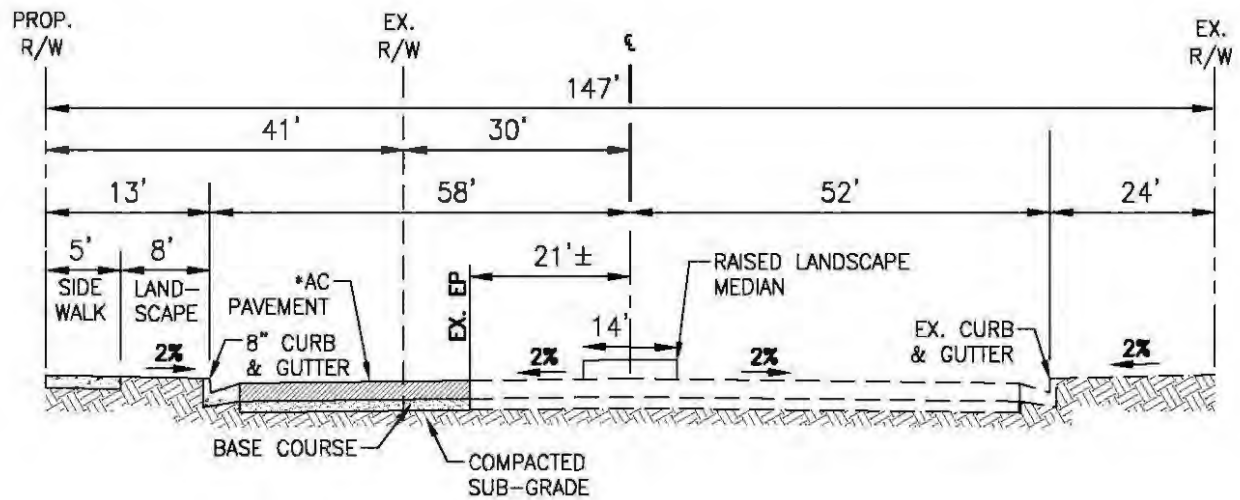
2.4.2 Parking

The Project will adhere to the parking requirements set forth by the City of Ontario Development Code. Parking assignments and design of parking areas within the site are subject to City review and approval.

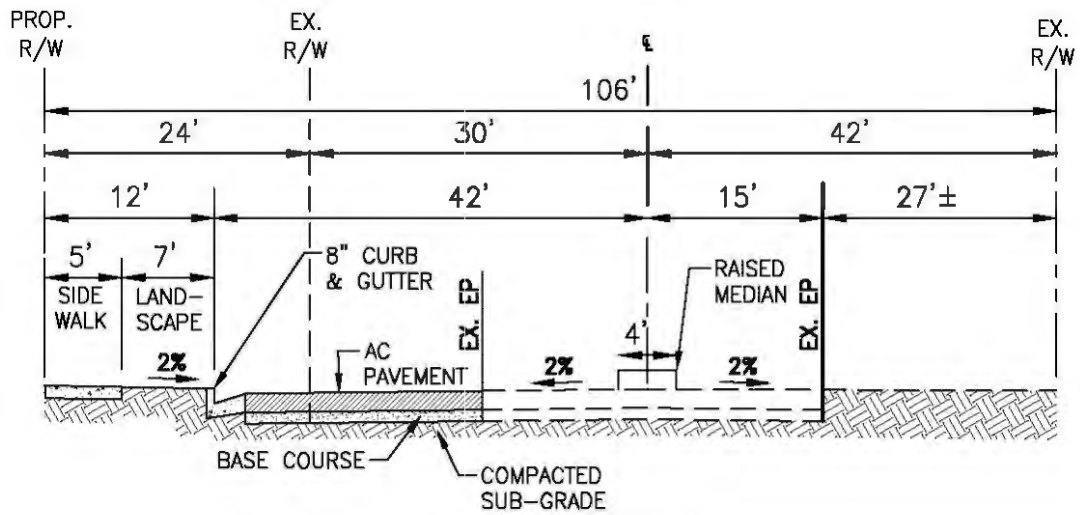


Source: Kimley-Horn and Associates, Inc.

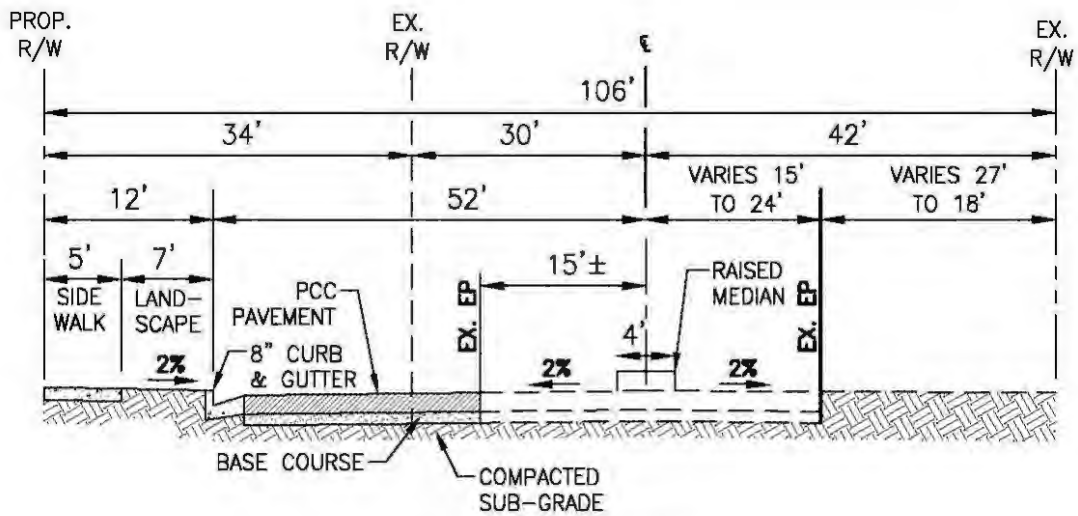
Figure 2.4-2
Proposed A Street Cross Section



Source: Kimley-Horn and Associates, Inc.



RIVERSIDE DRIVE
WESTERLY BOUNDARY TO STREET "A"
 (N.T.S.)



RIVERSIDE DRIVE
STREET "A" TO HAMNER AVE
 (N.T.S.)

Source: Kimley-Horn and Associates, Inc.

2.4.3 Landscape/Streetscape

All landscaping/streetscaping would comply with applicable provisions of the City Municipal Code. The implemented landscape/streetscape concept would act to enhance perception of the site as developed under the Project, and to screen views of the site interior from off-site vantages. Landscape and streetscape elements would provide shade and visual interest, define entry/access points, and accentuate site and architectural features.

2.4.4 Infrastructure/Utilities

The following discussions summarize the infrastructure/utility plans for the Addendum Project. Please also refer to Figure 2.4-5, *Utilities Plan*.

2.4.4.1 Water Services

Domestic water will be provided by the City of Ontario. The Project site lies within the Phillips Street Pressure Zone, also known as the 1010' Zone. The Project will connect to existing 1010' Zone water lines in the immediate vicinity, including the existing 12-inch and 18-inch water lines located in Riverside Drive, and the 18-inch, 24-inch, and 42-inch lines currently located in Milliken Avenue.

Within the Project site, a 12-inch mainline will be installed within both A Street and B Street, and connect to existing water lines located within the surrounding roadways.

2.4.4.2 Recycled Water Services

An existing 8-inch recycled water line is located in Riverside Drive, located along the southern Project boundary. As part of the Project, an 8-inch line will be installed within both A Street and B Street. A stub will be constructed for future development to the north. All interior irrigation systems will feed off this line.

Recycled water will be supplied in the future by Inland Empire Utilities Agency (IEUA) from their facilities at Westwind Park. These lines will be charged with domestic water until such time as recycled water is available from IEUA.

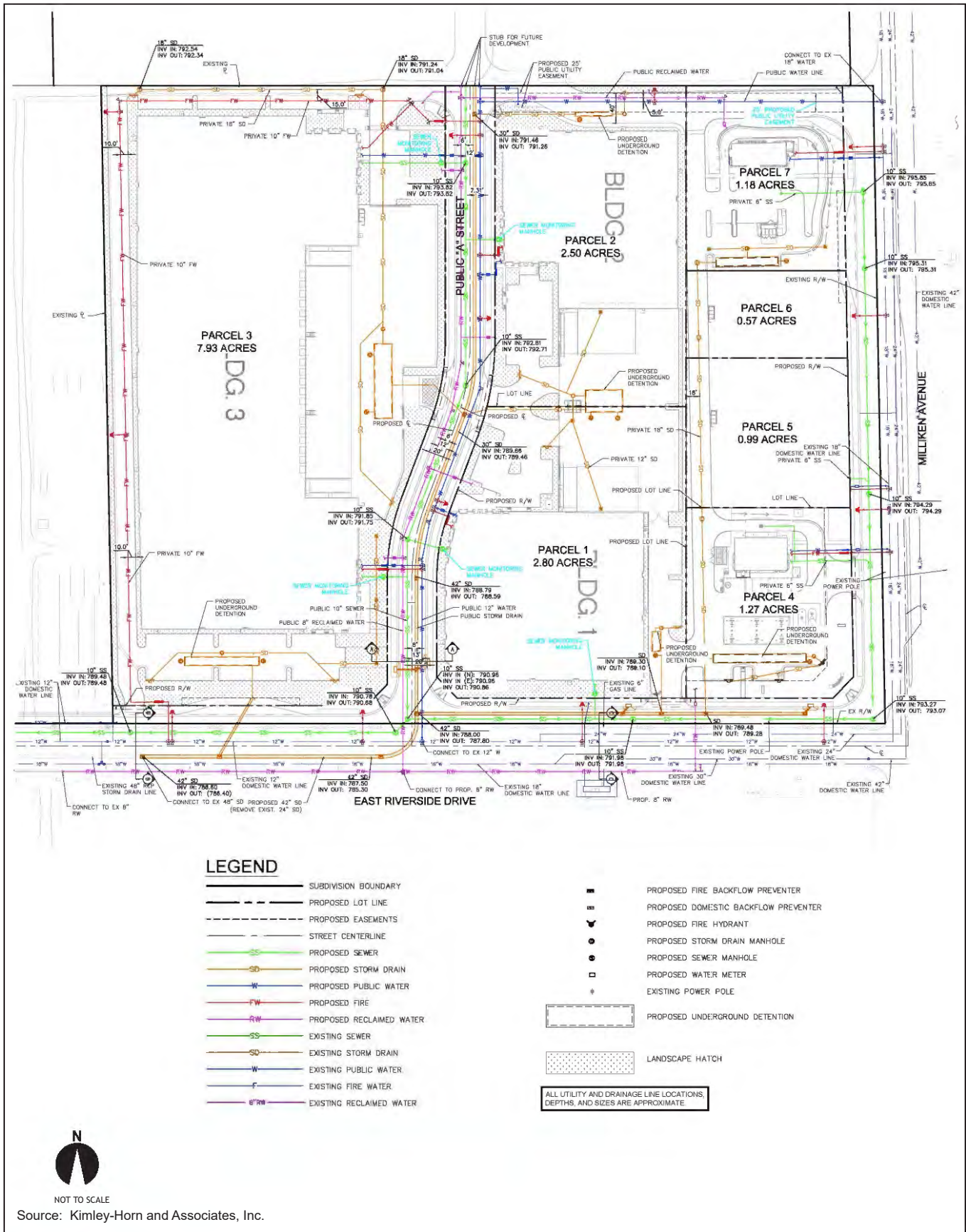


Figure 2.4-5
Utilities Plan

2.4.4.3 Sewer Services

Sewer service will be provided by the City of Ontario consistent with the City's Sewer Master Plan. An existing 10-inch sewer line is located within Riverside Drive, coming from the west and currently terminating at the easterly edge of the SCE Easement. As part of the Project, this line will be extended easterly along Riverside Drive to Milliken Avenue. Additional lines will be installed in Milliken Avenue and A Street.

2.4.4.4 Stormwater Management System

Drainage from the Project area flows into the County Line Channel along Bellgrave Avenue, as shown in the City Master Plan of Drainage. Presently, there is an existing 48-inch storm drain in Riverside Drive extending to the westerly edge of the Project site that ultimately connects to the Channel. This line will be extended along Riverside Drive. A 42-inch line will be installed within A Street, and stubbed for future development to the north. Several storm drain laterals will be located throughout the Project site utilizing an underground storage system.

2.4.4.5 Solid Waste Management

The City of Ontario provides solid waste collection services for the City and will service the site.

2.4.4.6 Electricity

Southern California Edison will provide electricity to the site from existing facilities in the vicinity. Proposed new facilities will be owned and operated by Southern California Edison and located underground.

2.4.4.7 Natural Gas

The Gas Company will provide natural gas to the site. Gas mains will be installed to the site by the Gas Company as necessary.

2.4.4.8 Communications Services

Communications services, including wired and wireless telephone and internet services are available through numerous private providers and would be provided on an as-needed basis. To the extent practical and consistent with City Conditions of Approval, existing and proposed wires, conductors, conduits, raceways, and similar communications improvements within the Project area would be installed underground. Any necessary surface-mounted equipment, e.g., terminal boxes, transformers, meters, service cabinets, etc., would be screened and would conform to City building setback requirements.

2.4.5 Energy Efficiency/Sustainability

Energy-saving and sustainable design features and operational programs would be incorporated into all facilities developed pursuant to The Vine Project. The Project would be required to comply with incumbent energy efficiency and performance standards established under the CALGreen Code.

2.4.6 Construction Area Traffic Management Plan

Temporary and short-term traffic detours and traffic disruptions could result during construction activities including implementation of access and circulation improvements noted above. Accordingly, the Applicant would be responsible for the preparation and submittal of a Construction Area Traffic Management Plan (Plan). Typical elements and information incorporated in the Plan would include, but not be limited to:

- **Name of on-site construction superintendent and contact phone number.**
- **Identification of Construction Contract Responsibilities** - For example, for excavation and grading activities, describe the approximate depth of excavation, and quantity of soil import/export (if any).
- **Identification and Description of Truck Routes** - to include the number of trucks and their staging location(s) (if any).
- **Identification and Description of Material Storage Locations (if any).**

- **Location and Description of Construction Trailer (if any).**
- **Identification and Description of Traffic Controls** - Traffic controls shall be provided per the Manual of Uniform Traffic Control Devices (MUTCD) if the occupation or closure of any traffic lanes, parking lanes, parkways or any other public right-of-way is required. If the right-of-way occupation requires configurations or controls not identified in the MUTCD, a separate traffic control plan must be submitted to the City for review and approval. All right-of-way encroachments would require permitting through the City.
- **Identification and Description of Parking** - Estimate the number of workers and identify parking areas for their vehicles.
- **Identification and Description of Maintenance Measures** - Identify and describe measures taken to ensure that the work site and public right-of-way would be maintained (including dust control).

The Plan would be reviewed and approved by the City prior to the issuance of the first building permit. The Plan and its requirements would also be required to be provided to all contractors as one component of building plan/contract document packages.

2.4.7 Opening Year

For the purposes of this analysis, the Project Opening Year is defined as mid-2021, by which time all proposed uses are assumed to be complete, occupied, and operational.

2.5 PROJECT OBJECTIVES

The primary goal of the Addendum Project is the development of the subject site with a productive mix of industrial and commercial uses. Complementary objectives include the following:

- Create an integrated development that provides a range of employment opportunities for residents in surrounding areas.

- Create a planned development wherein commercial uses would benefit from the site's freeway visibility.
- Locate commercial shopping and service uses proximate to underserved residential uses.
- Provide an industrial park supporting varied warehouse distribution and industrial tenants.
- Provide safe and convenient access for trucks in a manner that minimizes any potential disruption to residential areas.
- Facilitate goods movement locally, regionally, nationally, and internationally.
- Establish new development that would further the City's near-term and long-range fiscal goals.

2.6 DISCRETIONARY APPROVALS and PERMITS

Discretionary actions, permits, and related consultation(s) necessary to approve and implement the Project include, but are not limited to, the following.

2.6.1 Lead Agency Discretionary Actions and Permits

- CEQA Compliance;
- Adoption of this Addendum;
- Approval of a General Plan Amendment;
- Approval of a Specific Plan Amendment;
- Approval of a Zone Change;
- Approval of Tentative Parcel Maps; and
- Approval of Development Plans.

2.6.2 Other Consultation and Permits

Anticipated consultation and permits necessary to realize the Addendum Project would likely include, but are not limited to, the following:

- Permitting may be required by/through the Regional Water Quality Control Board (RWQCB) pursuant to requirements of the City's National Pollutant Discharge Elimination System (NPDES) Permit.

- Permitting may be required by/through the South Coast Air Quality Management District (SCAQMD) for certain equipment or land uses that may be implemented pursuant to the Addendum Project.
- Permitting (i.e., utility construction and connection permits) from affected utility purveyors.
- Other ministerial permits necessary to realize all on and offsite improvements related to the development of the site.

3.0 ENVIRONMENTAL CHECKLIST

ENVIRONMENTAL CHECKLIST

2020 Addendum to The Ontario Plan Certified EIR (SCH No. 2008101140)

General Note: The CEQA Initial Study Checklist categories and topics presented below conform to the suggested content presented in the *2019 CEQA Guidelines*, Appendix G. In certain instances, the 2019 CEQA Initial Study Checklist content differs from that presented in the Certified EIR. Additional or new environmental topics considered in the 2019 CEQA Initial Study Checklist, and not reflected in the Certified EIR, are recognized in the discussions below. Other Certified EIR discussions have been restructured or paraphrased to align with the format and content of the 2019 CEQA Initial Study Checklist, with no substantial effect on environmental findings or conclusions.

1. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
a) Have a substantial adverse effect on a scenic vista?					X	
b) Substantially damage visible scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?					X	
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?					X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?					X	

Substantiation:

a-d) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR acknowledges that buildout of the City would affect the visual character of the City. However, the Certified EIR concludes that compliance with the City Municipal Code, as well as applicable policies presented within the Policy Plan, would ensure impacts in this regard would be less-than-significant. (Certified EIR pp. 5.1-7 – 5.1-17).

Certified EIR Mitigation Measures: None.

Addendum Project: Final designs of the Project facilities including, but not limited to, the proposed buildings, landscape/hardscape features, and lighting configurations would be required to conform to all applicable City design and development standards, and would be subject to City review and approval. Conformance with City design and development standards would ensure that the Addendum Project would not substantially degrade scenic vistas, scenic resources, and the existing visual character or quality of the area. No new or substantially increased aesthetic impacts would occur as a result of the Addendum Project.

Addendum Project Mitigation Measures: None.

Sources: *The Ontario Plan Draft Environmental Impact Report, State Clearinghouse No. 2008101140* (The Planning Center) April 2009; Addendum Project Design Concepts.

2. AGRICULTURE AND FORESTRY RESOURCES

<p>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 project:</p>	<p>Substantial Change in Project Requiring Major MND Revisions</p>	<p>Substantial Change in Circumstances Requiring Major MND Revisions</p>	<p>New Information Showing Greater Significant Effects than Previous MND</p>	<p>New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND</p>	<p>No Changes or New Information Requiring Preparation of an MND or EIR or EIR</p>	<p>No Impact</p>
<p>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>					<p>X</p>	
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>					<p>X</p>	
<p>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p>					<p>X</p>	
<p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p>					<p>X</p>	
<p>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?</p>					<p>X</p>	

Substantiation:

a) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR notes that implementation of The Ontario Plan would potentially convert all of the City's Important Farmland to non-farmland uses, and have significant and unavoidable impacts in this regard. (Certified EIR pp. 5.2-9 – 5.2-10).

Certified EIR Mitigation Measures: The Certified EIR examined several alternatives designed to result in increased preservation of agricultural land, including the retention of on-site agricultural uses, the replacement of agricultural resources off-site, the relocation of Prime Farmland topsoil, the establishment of conservation easements or preserves, and the transfer of development rights. However, no feasible alternatives or mitigation measures were identified to minimize this significant impact.

Addendum Project: No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is located within the Addendum site. Implementation of the Addendum Project would not result in impacts to agricultural lands beyond those previously addressed by the Certified EIR. On this basis, the Addendum Project's conversion of Prime Farmland to non-agricultural use is considered less-than-significant. No changed or new information has been identified to indicate that any potential Farmland impacts resulting from the Addendum Project would be different from those previously determined.

Addendum Project Mitigation Measures: None.

b) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR noted that implementation of The Ontario Plan would affect all active Williamson Act contracts within the City, and concluded that impacts to these resources would be significant and unavoidable. (Certified EIR p. 5.2-10).

Certified EIR Mitigation Measures: The Certified EIR identified no feasible alternatives or mitigation measures to minimize this significant impact.

Addendum Project: No Williamson Act contracts are in place for the subject site. The Addendum Project will therefore not conflict with any existing agricultural zoning designations, nor affect any existing Williamson Act contract(s).

Addendum Project Mitigation Measures: None.

c) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: This environmental topical concern has been added to the *CEQA Guidelines Appendix G, Environmental Checklist Form* since the adoption of the Certified EIR and was therefore not specifically addressed in the Certified EIR.

Certified EIR Mitigation Measures: Not Applicable.

Addendum Project: The Addendum Project site is not zoned for forest land, timberland, or timberland zoned Timberland Production. The Project would therefore have no impact on forest land or timberland.

Addendum Project Mitigation Measures: None.

d) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: Similar to Checklist Item c, above, this question has been added to the *CEQA Guidelines Appendix G, Environmental Checklist Form* since the adoption of the Certified EIR and was therefore not specifically addressed in the Certified EIR.

Certified EIR Mitigation Measures: Not Applicable.

Addendum Project: No forest land is located on the Addendum Project site or in the vicinity. The Addendum Project would therefore have no impact on forest land.

Addendum Project Mitigation Measures: None.

e) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: Similar to Checklist Items c and d, above, this question has been added to the *CEQA Guidelines Appendix G, Environmental Checklist Form* since the adoption of the Certified EIR and was therefore not specifically addressed in the Certified EIR.

Certified EIR Mitigation Measures: Not Applicable.

Addendum Project: The Addendum Project does not require or propose other changes to the environment which could result in the conversion of farm land or forest land to other uses. The Addendum Project would therefore have no impact on the existing environment that could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

Addendum Project Mitigation Measures: None.

Sources: *The Ontario Plan Draft Environmental Impact Report, State Clearinghouse No. 2008101140* (The Planning Center) April 2009; Addendum Project Design Concepts.

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 project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?					X	

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 project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
b) 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?					X	
c) Expose sensitive receptors to substantial pollutant concentrations?					X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?					X	

Substantiation:

Information regarding the Addendum Project presented below is summarized in part from the Project Air Quality/Greenhouse Gas Assessment (AQ/GHG Analysis)¹ which is presented at Attachment A of this Addendum.

a) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR determined that The Ontario Plan would be inconsistent with the AQMP because air pollutant emissions associated with buildout of the City would cumulatively contribute to the nonattainment designations in the South Coast Air Basin (SCAB). Furthermore, buildout of the City consistent with The Ontario Plan would exceed current estimates of population, employment, and VMT for Ontario and therefore these emissions are not included in the current regional emissions inventory for the SCAB. For these reasons, the Certified EIR concluded that The Ontario Plan would result in significant impacts in this regard.

Certified EIR Mitigation Measures: The Certified EIR determined that, while the Goals and Policies included in the Policy Plan would facilitate continued City cooperation with

¹ *The Vine Air Quality, Greenhouse Gas & Health Risk Assessment Memorandum* (Urban Crossroads, Inc.) October 5, 2020.

the South Coast Air Quality Management District (SCAQMD) and Southern California Association of Governments (SCAG) to achieve regional air quality improvement goals, no mitigation measures are available that would reduce impacts associated with consistency with the Air Quality Management Plan (AQMP).

Addendum Project: Although the Addendum Project would amend the site's current land use designations, the Addendum Project would not substantively increase or otherwise alter the development intensities beyond that currently anticipated for the subject site under the Policy Plan. Moreover, the Addendum Project uses would result in fewer emissions than would result from development of the subject site pursuant to the Policy Plan. On this basis, when compared to the Certified EIR findings, no new or substantially increased AQMP consistency impacts would occur under the Addendum Project.

Addendum Project Mitigation Measures: None.

b) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR determined that buildout of The Ontario Plan may generate short-term and long-term emissions that exceed South Coast Air Quality Management District's regional significance thresholds for VOC, CO, NO_x, PM₁₀, and PM_{2.5} and cumulatively contribute to the SCAB nonattainment designations for O₃, PM₁₀ and PM_{2.5}. Even with the implementation of mitigation measures, impacts were considered significant and unavoidable.

Certified EIR Mitigation Measures:

3-1 *The City of Ontario Building Department shall require that all new construction projects incorporate all feasible mitigation measures to reduce air quality emissions. Potential measures shall be incorporated as conditions of approval for a project and may include:*

- *Requiring fugitive dust control measures that exceed South Coast Air Quality Management District's Rule 403, such as:*

- *Requiring use of nontoxic soil stabilizers to reduce wind erosion.*
- *Applying water every four hours to active soil-disturbing activities.*
- *Tarping and/or maintaining a minimum of 24 inches of freeboard on trucks hauling dirt, sand, soil, or other loose materials.*
- *Using construction equipment rated by the United States Environmental Protection Agency as having Tier 3 or higher exhaust emission limits.*
- *Ensuring construction equipment is properly serviced and maintained to the manufacturer's standards.*
- *Limiting nonessential idling of construction equipment to no more than five consecutive minutes.*
- *Using Super-Compliant VOC paints for coating of architectural surfaces whenever possible. A list of Super-Compliant architectural coating manufactures can be found on the South Coast Air Quality Management District's website at:*
http://www.aqmd.gov/prdas/brochures/Super-Compliant_AIM.pdf.

3-2 *The City of Ontario shall evaluate new development proposals within the City and require all developments to include access or linkages to alternative modes of transportation, such as transit stops, bike paths, and/or pedestrian paths (e.g., sidewalks).*

Addendum Project: The SCAQMD has developed regional significance thresholds for regulated pollutants, and indicates that any projects in the SCAB with daily emissions that exceed any of the indicated thresholds should be considered as having an individually and cumulatively significant air quality impact. The following discussions compare the regional significance thresholds with the emissions associated with the Addendum Project.

Construction Emissions

Construction activities associated with the Project would result in emissions of carbon monoxide (CO), Volatile Organic Compounds (VOCs), Nitrogen Oxides (NOX), Sulfur Oxides (SOX), particulate matter ≤ 10 microns (PM₁₀), and particulate matter ≤ 2.5 microns (PM_{2.5}). Table 3-1 presents the emissions expected to be generated by construction of the Addendum Project.

Table 3-1
Regional Construction Emissions Summary

Phase	Emissions (lbs./day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
<i>Summer</i>						
2021	48.62	82.28	81.50	0.26	23.51	9.99
<i>Winter</i>						
2021	48.68	82.11	75.18	0.25	23.51	9.99
Maximum Daily Emissions	48.68	82.28	81.50	0.26	23.51	9.99
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Source: The Vine Air Quality, Greenhouse Gas & Health Risk Assessment Memorandum (Urban Crossroads, Inc.) October 5, 2020.

As shown above, emissions resulting from the Addendum Project construction would not exceed criteria pollutant thresholds established by the SCAQMD for emissions of any criteria pollutant.

Operational Emissions

Operational activities associated with the Project would result in emissions of CO, VOCs, NO_x, SO_x, PM₁₀, and PM_{2.5}. Operational related emissions are expected from the following primary sources: area source emissions, energy source emissions, mobile source emissions, and on-site equipment emissions. Table 3-2 presents the emissions expected to be generated by operations of the Addendum Project.

Table 3-2
Operational Emissions Summary

Operational Activities	Emissions (lbs./day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
<i>Summer</i>						
Area Source	16.64	1.8E-03	0.20	1.00e-05	7.0e-04	7.0e-04
Energy Source	0.58	5.23	4.40	0.03	0.40	0.40
Mobile Source	16.85	60.72	157.60	0.45	42.46	11.73
On-Site Equipment	0.27	3.09	1.54	6.34E-03	0.10	0.10
Maximum Daily Emissions	34.34	69.05	163.74	0.49	42.96	12.23
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	NO	YES	NO	NO	NO	NO
<i>Winter</i>						
Area Source	16.64	1.8E-03	0.20	1.00e-05	7.0e-04	7.0e-04
Energy Source	0.58	5.23	4.40	0.03	0.40	0.40
Mobile Source	15.53	62.66	137.08	0.42	42.45	11.73
On-Site Equipment	0.27	3.09	1.54	6.34E-03	0.10	0.10
Maximum Daily Emissions	33.02	70.98	143.22	0.46	42.95	12.22
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	NO	YES	NO	NO	NO	NO

Source: *The Vine Air Quality, Greenhouse Gas & Health Risk Assessment Memorandum* (Urban Crossroads, Inc.) October 5, 2020.

As shown above, Addendum Project operational emissions would exceed the SCAQMD regional thresholds of significance for emissions of NO_x.

Table 3-3 compares peak operational-source criteria pollutant emissions assumed within the Certified EIR with peak operational-source criteria pollutant emissions generated by the Addendum Project.

Table 3-3
Operational Emissions Comparison

Operational Activities	Emissions (lbs./day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
<i>Summer</i>						
Addendum Project	34.34	69.05	163.74	0.49	42.96	12.23
Certified EIR	102.42	198.04	460.14	1.23	100.93	28.34
Variance	-68.08	-128.99	-296.40	-0.74	-57.97	-16.11
<i>Winter</i>						
Addendum Project	33.02	70.98	143.22	0.46	42.95	12.22
Certified EIR	97.34	203.84	412.16	1.15	100.92	28.34
Variance	-64.32	-132.86	-268.94	-0.69	-57.97	-16.12

Source: The Vine Air Quality, Greenhouse Gas & Health Risk Assessment Memorandum (Urban Crossroads, Inc.) October 5, 2020.

As indicated, emissions generated by the Addendum Project would generally result in a net decrease in peak operational-source criteria pollutant emissions when compared to peak operational-source criteria pollutant emissions assumed within the Certified EIR. NO_x exceedances that would occur under the Addendum Project are considered and addressed within the Certified EIR. As such, the Addendum Project would not result in new or substantively different or substantively increased operational-source air quality impacts.

Addendum Project Mitigation Measures: None.

c) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR concluded that development pursuant to the Policy Plan would result in significant and unavoidable air quality impacts due to elevated concentrations of air pollutants at sensitive receptors. (Certified EIR, p. 5.3-26).

Certified EIR Mitigation Measures:

3-3 *The City of Ontario shall evaluate new development proposals within the City for potential incompatibilities with regard to the California Air Resources Board's Air Quality and Land Use Handbook: A Community Health Perspective (April 2005). New development*

that is inconsistent with the recommended buffer distances shall only be approved if all feasible mitigation measures, such as high efficiency Minimum Efficiency Reporting Value filters have been incorporated into the project design to protect future sensitive receptors from harmful concentrations of air pollutants as a result of proximity to existing air pollution sources.

Addendum Project: The following discussions evaluate the potential for the Addendum Project to expose sensitive receptors to substantial pollutant concentrations.

Localized Emissions

The SCAQMD has established that impacts to air quality are significant if there is a potential to contribute or cause localized exceedances of the federal and/or state ambient air quality standards (NAAQS/CAAQS). Collectively, these are referred to as Localized Significance Thresholds (LSTs). LSTs represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard at the sensitive receptor.

Receptor locations are off-site locations where individuals may be exposed to emissions from Project activities. Sensitive receptors in the study area include existing residential homes and an educational use, as described below. Refer also to Exhibit C of the AQ/GHG Analysis.

- R1: Located approximately 196 feet west of the Project site, R1 represents an existing residential home located at 3977 Yuba River Drive in the City of Ontario.
- R2: Location R2 represents the existing single-family residential home at 2913 McCloud River Lane located roughly 285 feet west of the Project site in the City of Ontario.
- R3: Located approximately 287 feet west of the Project site across the power transmission lines, R3 represents an existing residential home at 2965 McCloud River Lane in the City of Ontario.
- R4: Location R4 represents the Colony High School located approximately 1,731 feet south west of the Project site at 3850 E Riverside Drive.

R5: Located approximately 294 feet south of the Project site across E Riverside Drive, R5 represents an existing single-family residential home at 4097 E Auburn Way in the City of Ontario.

Tables 3-4 and 3-5 identify the localized construction and operational impacts at the nearest receptor location in the vicinity of the Addendum Project site.

**Table 3-4
Construction Localized Significance Summary**

Activity	Emissions (lbs./day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
<i>Demolition</i>				
Maximum Daily Emissions	31.44	21.57	2.25	1.55
SCAQMD Localized Threshold	118	863	20	7
Threshold Exceeded?	NO	NO	NO	NO
<i>Site Preparation</i>				
Maximum Daily Emissions	60.79	21.85	14.46	8.38
SCAQMD Localized Threshold	220	1,713	39	12
Threshold Exceeded?	NO	NO	NO	NO
<i>Grading</i>				
Maximum Daily Emissions	56.54	31.23	21.31	9.35
SCAQMD Localized Threshold	237	1,873	45	12
Threshold Exceeded?	NO	NO	NO	NO

Source: *The Vine Air Quality, Greenhouse Gas & Health Risk Assessment Memorandum* (Urban Crossroads, Inc.) October 5, 2020.

**Table 3-5
Operational Localized Significance Summary**

	Emissions (lbs./day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Maximum Daily Emissions	11.45	12.99	2.62	1.09
SCAQMD Localized Threshold	270	2,193	14	3
Threshold Exceeded?	NO	NO	NO	NO

Source: *The Vine Air Quality, Greenhouse Gas & Health Risk Assessment Memorandum* (Urban Crossroads, Inc.) October 5, 2020.

As shown above, emissions resulting from the Project construction and operation will not exceed the numerical thresholds of significance established by the SCAQMD for any criteria pollutant.

Health Risk Assessment

The AQ/GHG Analysis also evaluated the potential mobile-source health risk impacts to receptors (residents or workers) associated with the development of the Addendum Project. Health risk exposures were modeled in accordance with the guidelines in the SCAQMD's Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis.

The analysis evaluates potential health risk impacts that could result from exposure to Toxic Air Contaminants (TACs), including diesel particulate matter (DPM) generated by heavy-duty diesel trucks and from emissions of benzene, hexane, methyl tert-butyl ether, toluene, and xylene associated with gasoline dispensing from the Addendum Project.

At the maximally exposed individual receptor (MEIR), the maximum incremental cancer risk attributable to the Addendum Project is estimated at 1.43 in one million, which is less than the SCAQMD threshold of 10 in one million. At this same location, non-cancer risks were estimated to be 0.002, which would not exceed the applicable SCAQMD threshold of 1.0.

Based on the preceding, the Addendum Project would not expose sensitive receptors to substantial pollutant concentrations. No new or substantially increased impacts in this regard would occur as a result of the Addendum Project.

Addendum Project Mitigation Measures: None.

d) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR concluded that development pursuant to The Policy Plan would result in significant and unavoidable temporary odor impacts

associated with transition of agricultural lands to nonagricultural uses. (Certified EIR, p. 5.3-28).

Certified Mitigation Measures: No feasible mitigation.

Addendum Project: The Addendum Project does not propose or require transition of agricultural lands to nonagricultural uses, nor is the subject site affected by proximate agricultural use odor sources. Further, construction-source and operational-source odor impacts that may result from the Addendum Project are controlled as a byproduct of hazardous/potentially hazardous materials handling plans and Best Management Practices implemented under SCAQMD Rule 402 et al. The Addendum Project would comply with all SCAQMD Rules regulating and controlling odors and odor sources. The Addendum Project would therefore not create objectionable odors affecting a substantial number of people. On this basis, when compared to the Certified EIR findings, no new or substantially increased odor impacts would occur under the Addendum Project.

Addendum Project Mitigation Measures: None.

Sources: The Ontario Plan Draft Environmental Impact Report, State Clearinghouse No. 2008101140 (The Planning Center) April 2009; The Vine Air Quality, Greenhouse Gas & Health Risk Assessment Memorandum (Urban Crossroads, Inc.) October 5, 2020; Addendum Project Design Concepts.

4. BIOLOGICAL RESOURCES

Would the project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
a) Have a substantial adverse effect, either directly or through habitat modification, 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 and 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 state or federally protected wetlands (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	

Substantiation:

- a) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR notes that implementation of The Ontario Plan would not directly affect sensitive species since the General Plan does not confer entitlements for development. However, development in accordance with The Ontario Plan could impact sensitive species. Projects considered for approval under The Ontario Plan would be subject to independent CEQA review to determine whether there is potential habitat on-site for sensitive species. The Certified EIR did not identify any significant impacts in this regard. (Certified EIR, pp. 5.4-26 – 5.4-28).

Certified EIR Mitigation Measures: None.

Addendum Project: In order to assess the current conditions at the Addendum Project site, a biological report has been prepared.² The full report is presented as Attachment B to this Addendum. The following discussions summarize the findings of the Biological Report.

Special-Status Plant Species

No special-status plant species were observed on the Addendum Project site during the 2019 site surveys.

Special-Status Wildlife Species

Although no special-status wildlife species were observed at the site, a number of special-status wildlife species were identified as *potentially* occurring onsite, including some species with historic records from the site vicinity. Of primary concern for the site are the Delhi Sands Flower-Loving Fly (*Rhaphiomidas terminatus abdominalis*) and the Burrowing owl (*Athene cunicularia*), as discussed below.

² *Biological Report for the Toscana Square Project Site* (Harmsworth Associates) October 2019.

Delhi Sands Flower-Loving Fly

Delhi Sands Flower-Loving Fly (DSF) is restricted to the Delhi Sands formation, on ancient inland sand dunes. The entire Addendum Project site has been mapped by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Survey as being composed of Delhi sand soils. Since Delhi sand soils are wind deposited (aeolian), the boundaries established by the USDA are not exact and change over time. Due to surrounding development, the Delhi sand soils on the Addendum site are no longer subject to aeolian processes.

To assess the suitability of the onsite soils to support DSF, a Habitat Suitability Assessment was conducted for the Addendum site.³ The site was evaluated for the quality or purity and for its potential to support DSF. Areas were assigned one or more ratings ranging between 1 and 5, with 5 being the best quality and most suitable habitat. Please refer also to Exhibit 5 of the Habitat Suitability Assessment, included as Attachment B to this Addendum.

The Habitat Suitability Assessment determined that there are Delhi sand soils within the vineyard located in the northern half of the Addendum site that are moderately contaminated from agricultural activities associated with vineyards. This area totals approximately 23 acres, and was rated as low quality to moderate quality with a habitat quality rating of 3/4. The Habitat Suitability Assessment concluded that this area is expected to have a low to moderate potential to support DSF. Further analysis and consultation with the USFWS and CFWS will be undertaken for this northern portion of the Addendum site as part future development plans, as no specific development is currently being proposed for this area. Consistent with Federal, State, and local requirements, the preparation of protocol surveys and consultation will need to occur prior to the issuance of any construction permits for this area.

Soils surrounding the existing buildings along the eastern boundary of the Addendum site were rated either as very low quality with a habitat quality rating of 2, or were rated as unsuitable with a habitat quality rating of 1 due to the lack of clean Delhi sand soils,

³ *Toscana Square Project Site, City of Ontario, San Bernardino County, California, Delhi Sands Flower-Loving Fly Habitat Suitability Assessment* (ELMT Consulting, Inc.) October 2019.

impervious surfaces, and loose gravel. The Habitat Suitability Assessment concluded that this area is unlikely to support a population of DSF.

The Vine portion (southern half) of the Addendum site contains Delhi sand soils that are no longer clean due to extensive contamination with organic material from disking and weed abatement activities. This area totals approximately 20 acres that was rated as very low quality to low quality with a habitat quality rating of 2/3. It is also noted that focused DSF presence/absence surveys were conducted for The Vine portion of the Addendum site for five (5) consecutive years from 2004 to 2008 with negative results. Given the above ratings of Delhi sand soils and negative focused survey results, the Habitat Suitability Assessment concluded that The Vine portion of the Addendum site is considered poor-quality habitat and is unlikely to support a population of DSF.

Burrowing owl

Burrowing owls occur in shortgrass prairies, grasslands, lowland scrub, agricultural lands (particularly rangelands), prairies, coastal dunes, desert floors, and some artificial, open areas as a yearlong resident. They require large open expanses of sparsely vegetated areas on gently rolling or level terrain with an abundance of active small mammal burrows. As a critical habitat feature, they require the use of rodent or other burrows for roosting and nesting cover. They can also use pipes, culverts, and nest boxes. No burrowing owls or their sign were detected during the surveys and there was no evidence that any burrowing owls occur onsite. No onsite burrows showed any evidence of owl occupancy. In addition, this species has not been recorded at the site in the past. Burrowing owls are presumed absent from the site.

Summary

Based on the preceding discussion, no special-status species have been observed at the Project site; however, common bird species are present. Impacts to nesting birds is prohibited by the Federal Migratory Bird Treaty Act of 1918 (MBTA), and is considered a potentially significant impact. With the implementation of the following mitigation, impacts to special-status species resulting from the Addendum Project would be less-than-significant. It is also noted that, as stated within the Certified EIR, projects located within the New Model Colony (such as the Addendum Project) are required to pay a

Mitigation Fee that would be used by the Greater Prado Basin Habitat Conservation Program to acquire, restore, enhance, maintain, or manage mitigation lands.

Addendum Project Mitigation Measures:

- 4-1 *Avoidance of Nesting Migratory Birds: If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season, all suitable habitat will be thoroughly surveyed within 72 hours prior to clearing for the presence of nesting birds by a qualified biologist (Project Biologist). The Project Biologist shall be approved by the City and retained by the Applicant. The survey results shall be submitted by the Project Applicant to the City Planning Department. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 300-foot buffer, with the final buffer distance to be determined by the Project Biologist. The buffer area shall be avoided until, as determined by the Project Biologist, the nesting cycle is complete or it is concluded that the nest has failed. In addition, the Project Biologist shall be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.*
- 4-2 *Avoidance of Nesting Burrowing Owls: No more than 72 hours prior to any site disturbances, focused surveys for the burrowing owl shall be conducted. If absence of this species is confirmed, project work can proceed. If, however, burrowing owl is located on site, the appropriate resource agencies (CDFW and USFWS) shall be contacted. The Project Applicant shall consult with the wildlife agencies regarding the most appropriate methods and timing for removal of owls. As necessary, owls will be actively evicted following agency approved protocols (i.e., placing a one-way door at the burrow entrance to ensure that owls cannot access the burrow once they leave). Any such active eviction shall occur outside of the breeding/nesting season. That is, active eviction shall be accomplished between September 1 and February 15. If more than 30 days has elapsed between owl eviction and completion of clearing and grubbing activities, a subsequent survey for the burrowing owl shall be conducted to ensure that owls have not re-populated the site. Any reoccupation by owls will require subsequent protocol active eviction.*

b, c) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR determined that implementation of The Ontario Plan would not result in direct impacts, however, projects approved pursuant to the General Plan could indirectly result in impacts to such resources. As such, individual projects undergoing environmental review under CEQA would be required to determine whether there is potential habitat onsite for sensitive species. The Certified EIR did not identify any significant impacts in this regard.

Certified EIR Mitigation Measures: None.

Addendum Project: Based on the findings of the Biological Report, no riparian habitat, sensitive natural communities, or federally protected wetlands exist within the subject site. Nor does the Addendum Project propose or require uses or facilities that would result in potentially significant impacts to offsite riparian habitat, sensitive natural community, or federally protected wetlands. The Addendum Project would not have a substantial adverse effect on any riparian habitat, sensitive natural community, or federally protected wetlands.

Addendum Project Mitigation Measures: None.

d) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR states that no regional wildlife movement corridors have been identified in the City, and most of the City is ill-suited for the purposes of wildlife movement. Additionally, compliance with existing policies and regulations would ensure impacts in this regard are less-than-significant. (Certified EIR, p. 5.4-30).

Certified EIR Mitigation Measures: None.

Addendum Project: The Biological Report determined that no wildlife corridors or linkages are located onsite, and it is unlikely that the site is of any significance to wildlife

movement. Consistent with the conclusion of the Certified EIR, the Addendum Project would not 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.

Addendum Project Mitigation Measures: None.

e, f) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR did not identify any conflicts with any local policies or ordinances protecting biological resources, adopted Habitat Conservation Plan, Natural Community Plan, or other approved local, regional, or state habitat conservation plan. (Certified EIR, pp. 5.4-30 – 5.4-31).

Certified EIR Mitigation Measures: None.

Addendum Project: The Addendum Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Addendum Project Mitigation Measures: None.

Sources: *The Ontario Plan Draft Environmental Impact Report, State Clearinghouse No. 2008101140 (The Planning Center) April 2009; Biological Report for the Toscana Square Project Site (Harmsworth Associates) October 2019; Addendum Project Design Concepts.*

5. CULTURAL RESOURCES

Would the project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?					X	

Would the project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?					X	
c) Disturb any human remains, including those interred outside of formal cemeteries?					X	

Substantiation:

- a) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: Historic resources in the City include historic districts, historic landmarks or points of historical interest, and other buildings, structures, objects, and sites that appear eligible for listing on the National, California, or Local Registers of Historic Places. The Certified EIR concluded that adoption of The Ontario Plan itself would not directly affect any historical structures; however, identified and potential historic structures and sites may be vulnerable as development occurs. The Certified EIR concluded this was a potentially significant impact. (Certified EIR, pp. 5.5-16 – 5.5-19).

Certified EIR Mitigation Measures:

5-1 Historic or potentially historic resources in the City shall be evaluated for historic significance through the City’s tier system prior to the issuance of development approvals in the Focus Areas.

Even with the implementation of Mitigation Measure 5-1, the Certified EIR concluded that impacts to historical resources would be significant and unavoidable.

Addendum Project: To assess the potential for historic resources, a Cultural Resources Assessment has been conducted for the Addendum site.⁴ During the field survey, a small remnant of a historic period vineyard was identified, comprising a historic-period residence, barn, stable, and several acres of grapevines.⁵ The Cultural Resources Assessment determined that the property is not recommended eligible for the California Register and does not qualify as a City Historic Landmark. The Assessment concluded that the property would not be considered a “historical resource” under CEQA, and does not warrant further consideration. As such, no new or substantially increased historical resources impacts would occur under the Addendum Project.

Addendum Project Mitigation Measures: None.

b) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: Adoption of The Ontario Plan in itself would not directly affect archaeological resources. However, long-term implementation of the proposed Land Use Plan could allow development and redevelopment of potentially sensitive areas. The Certified EIR concluded this was a potentially significant impact. (Certified EIR, p. 5.5-20).

Certified EIR Mitigation Measures:

5-2 *In areas of documented or inferred archaeological and/or paleontological resource presence, City staff shall require applicants for development permits to provide studies to document the presence/absence of such resources. On properties where resources are identified, such studies shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of a qualified cultural preservation expert. The mitigation plan shall include the following requirements:*

⁴ *Cultural Resources Assessment, Toscana Square Project, City of Ontario, San Bernardino County, California* (BCR Consulting, LLC) December 1, 2019.

⁵ It is noted that the San Antonio Winery tasting room, located along Milliken Avenue, was not a part of the Addendum Project site at the time of the Assessment. The tasting room was constructed in 1972, and is not considered a historic resource. The Cultural Resources Assessment concluded that the San Antonio Winery tasting room did not warrant further consideration.

- a) *Archaeologists and/or paleontologist shall be retained for the project and will be on call during grading and other significant ground-disturbing activities.*
- b) *Should any cultural/scientific resources be discovered, no further grading shall occur in the area of the discovery until the Planning Director is satisfied that adequate provisions are in place to protect these resources.*
- c) *Unanticipated discoveries shall be evaluated for significance by a San Bernardino County Certified Professional Archaeologist/Paleontologist. If significance criteria are met, then the project shall be required to perform data recovery, professional identification, radiocarbon dates, and other special studies; submit materials to a museum for permanent curation; and provide a comprehensive final report including catalog with museum numbers.*

- 5-3 *Upon receipt of an application for a Specific Plan or a project that requires a General Plan amendment subject to CEQA and is within the City's jurisdiction, the City's representative shall consult with the relevant tribe(s)' representative(s) to determine if the proposed project is within a culturally sensitive area to the tribe. If sufficient evidence is provided to reasonably ascertain that the site is within a [tribal] culturally sensitive area, then a cultural resources assessment prepared by an archaeologist shall be required. The findings of the cultural resources assessment shall be incorporated into the CEQA documentation. A copy of the report shall be forwarded to the tribe(s). If mitigation is recommended in the CEQA document, the procedure described in Mitigation Measure 5-4 shall be followed.*
- 5-4 *Prior to the issuance of grading permits for a Specific Plan or project that requires a General Plan amendment for which the CEQA document defines cultural resource mitigation for potential tribal resources, the project applicant shall contact the designated tribe(s) to notify them of the grading, excavation, and monitoring program. The applicant shall coordinate with the City of Ontario and the tribal representative(s) to develop mitigation measures that address the designation, responsibilities, and participation of tribal monitors during grading, excavation, and ground-disturbing activities; scheduling; terms of compensation; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site. The City of Ontario shall be the final arbiter of the conditions for projects within the City's jurisdiction.*

With the implementation of Mitigation Measures 5-2 through 5-4, the Certified EIR concluded that impacts to archaeological and/or paleontological resources would be less-than-significant.

Addendum Project: No archaeological resources were identified within the Addendum site. The Cultural Resources Assessment determined that historic period and modern disturbances related to development have disturbed sediments beyond depths at which buried archaeological resources are likely. The Assessment concluded that no additional cultural resources work or monitoring is necessary for the Addendum site.

Potential impacts to tribal cultural resources are discussed subsequently, at Checklist Item 18, *Tribal Cultural Resources*.

Addendum Project Mitigation Measures: None.

c) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR concluded that compliance with existing regulations would ensure that the potential for The Ontario Plan to disturb any human remains, including those interred outside of formal cemeteries was less-than-significant. (Certified EIR, p. 5.5-21).

Certified EIR Mitigation Measures: None.

Addendum Project: The Addendum Project would be required to comply with all existing regulations, including the California Public Resources Code Section 5097.98, which would afford protection for any human remains discovered during development activities. No significant impacts would occur.

Addendum Project Mitigation Measures: None.

Sources: *The Ontario Plan Draft Environmental Impact Report, State Clearinghouse No. 2008101140* (The Planning Center) April 2009; *Cultural Resources Assessment, Toscana*

Square Project, City of Ontario, San Bernardino County, California (BCR Consulting, LLC)
 December 1, 2019; Addendum Project Design Concepts.

6. ENERGY

Would the project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?					X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?					X	

Substantiation:

a – b) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: This environmental topical concern has been added to the *CEQA Guidelines* Appendix G, Environmental Checklist Form since the adoption of the Certified EIR, and was therefore not specifically addressed in the Certified EIR.

Certified EIR Mitigation Measures: Not Applicable.

Addendum Project: The Addendum Project in total would be required to comply with incumbent performance standards established under the Building Energy Efficiency Standards contained in the California Code of Regulations (CCR), Title 24, Part 6 (Title 24, Energy Efficiency Standards). The Addendum Project would be required to conform to applicable CALGreen provisions (CCR, Title 24, Part 11 – CALGreen). CALGreen was implemented in 2007 to support the goals of the State’s greenhouse gas reduction and building energy efficiency programs.

Additionally, developers and owners/tenants generally have vested financial incentives to avoid imprudent energy consumption practices. In this regard, there is growing recognition among developers and owners/tenants that energy-efficient and sustainable practices yield both environmental and economic benefits.

Based on the preceding, the Addendum Project would not result in or cause wasteful, inefficient, and unnecessary consumption of energy; and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. No new or substantially increased energy impacts would occur under the Addendum Project.

Addendum Project Mitigation Measures: None.

Sources: The Ontario Plan Draft Environmental Impact Report, State Clearinghouse No. 2008101140 (The Planning Center) April 2009; Addendum Project Design Concepts.

7. GEOLOGY AND SOILS

Would the project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:						
(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; or					X	

Would the project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
(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, creating substantial risks to life or property?					X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?						X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?					X	

Substantiation:

a - d) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR recognizes existing geological conditions and location of the City within a seismically active area, but concludes that compliance with California Building Code (CBC) regulations and standard conditions of approval would preclude significant impacts in this regard. (Certified EIR, pp. 5.7-16 – 5.7-19).

Certified EIR Mitigation Measures: None.

Addendum Project: Underlying geology/soils conditions at the subject site and the surrounding area have not changed since the preparation of the Certified EIR. No active or potentially active faults are known to exist at the site. In addition, the subject site does not lie within an Alquist-Priolo Earthquake Fault Zone. According to Figure S-1, *Seismic Hazards* of The Ontario Plan, the site is not located in an area of geological concern.

As part of the City's standard review and approval of development projects, the Addendum Project would be required to comply with requirements of a final City-approved geotechnical report, and applicable provisions of the UBC and CBC. All final plans would be required to incorporate design- and site-appropriate means to avoid or minimize any geological concerns. The Addendum Project would therefore not result in new, additional, or different geological impacts than were considered and addressed in the Certified EIR.

Addendum Project Mitigation Measures: None.

e) *No Impact.*

Certified EIR Conclusions: According to the Certified EIR, wastewater from the City of Ontario is treated at wastewater treatment facilities owned and operated by the Inland Empire Utilities Agency (Regional Plant No. 1 in the City of Ontario and Regional Plant No. 5 in the City of Chino). The use of septic tanks would not occur in the City.

Certified EIR Mitigation Measures: None.

Addendum Project: As under the Certified EIR, the Addendum Project would connect to the City's sanitary sewer system. No septic tanks or other alternative wastewater disposal systems are proposed. On this basis, the Addendum Project would have no impacts relative to septic tanks or alternative waste water disposal systems.

Addendum Project Mitigation Measures: None.

f) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: Adoption of The Ontario Plan in itself would not directly affect paleontological resources. However, long-term implementation of the proposed Land Use Plan could allow development and redevelopment of potentially sensitive areas. The Certified EIR concluded this was a potentially significant impact. (Certified EIR, p. 5.5-20).

Certified EIR Mitigation Measures: Please refer to Mitigation Measures 5-2 through 5-4 (presented previously). With the implementation of these mitigation measures, the Certified EIR deemed impacts to paleontological resources would be less-than-significant.

Addendum Project: As discussed previously at Checklist Item 5, *Cultural Resources*, the Cultural Resources Assessment prepared for the Addendum Project determined that no cultural resources would be affected by the Addendum Project and no further work or monitoring in this regard would be required. The Addendum Project would therefore not result in new, additional, or different impacts than were considered and addressed in the Certified EIR.

Addendum Project Mitigation Measures: None.

Sources: *The Ontario Plan Draft Environmental Impact Report, State Clearinghouse No. 2008101140* (The Planning Center) April 2009; Addendum Project Design Concepts.

8. GREENHOUSE GAS EMISSIONS

Would the project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?					X	
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?					X	

Substantiation:

a,b) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR determined that buildout of The Ontario Plan would contribute to global climate change through direct emissions of GHG from onsite area sources, offsite energy production required for onsite activities, and indirect emissions from water use and vehicle trips. As such, the potential for implementation of The Ontario Plan to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases was deemed significant and unavoidable, even with the implementation of the following mitigation measures. (Re-Circulated Portions of The Ontario Plan Draft Environmental Impact Report, p. 2-118).

Certified EIR Mitigation Measures:

6-1 *The City of Ontario shall prepare a Climate Action Plan within 18 months after adopting The Ontario Plan. The goal of the Climate Action Plan shall be to reduce GHG emissions from all activities within the City boundaries to support the State’s efforts under AB 32*

and to mitigate the impact of climate change on the City, State, and world. Once completed, the City shall update The Ontario Plan and associated policies, as necessary, to be consistent with the Climate Action Plan and prepare a subsequent or supplemental Environmental Impact Report, if new significant impacts are identified. The Climate Action Plan shall include the following:

- *Emission Inventories: The City shall establish GHG emissions inventories including emissions from all sectors within the City, using methods approved by, or consistent with guidance from, the CARB; the City shall update inventories every 3 years or as determined by state standards to incorporate improved methods, better data, and more accurate tools and methods, and to assess progress. If the City is not on schedule to achieve the GHG reduction targets, additional measures shall be implemented, as identified in the CAP.*
 - *The City shall establish a baseline inventory of GHG emissions including municipal emissions, and emissions from all business sectors and the community.*
 - *The City shall define a “business as usual” scenario of municipal, economic, and community activities, and prepare a projected inventory for 2020 based on that scenario.*

- *Emission Targets: The City will develop Plans to reduce or encourage reductions in GHG emissions from all sectors within the City:*
 - *A Municipal Climate Action Plan which shall include measures to reduce GHG emissions from municipal activities by at least 30 percent by 2020 compared to the “business as usual” municipal emissions (including any reductions required by the California Air Resource Board under AB 32.*
 - *A Business Climate Action Plan in collaboration with the business community, which shall include measures to reduce GHG emissions from business activities, and which shall seek to reduce emissions by at least 30 percent by 2020 compared to “business as usual” business emissions.*

- *A Community Climate Action Plan in collaboration with the stakeholders from the community at large, which shall include measures reduce GHG emissions from community activities, and which shall seek to reduce emissions by at least 30 percent by 2020 compared to "business as usual" community emissions.*

6-2 *The Climate Action Plan shall include specific measures to achieve the GHG emissions reduction targets identified in Mitigation Measure 6-1. The Climate Action Plan shall quantify the approximate greenhouse gas emissions reductions of each measure and measures shall be enforceable. Measures listed below, along with others, shall be considered during the development of the Climate Action Plan (CAP):*

- *Require all new or renovated municipal buildings to seek Silver or higher Leadership in Energy and Environmental Design (LEED) standard, or compliance with similar green building rating criteria.*
- *Require all municipal fleet purchases to be fuel efficient vehicles for their intended use based on the fuel type, design, size, and cost efficiency.*
- *Require that new development projects in Ontario that require demolition prepare a demolition plan to reduce waste by recycling and/or salvaging a nonhazardous construction and demolition debris.*
- *Require that new developments design buildings to be energy efficient by siting buildings to take advantage of shade, prevailing winds, landscaping, and sun screening to reduce energy required for cooling.*
- *Require that cool roofs for non-residential development and cool pavement to be incorporated into the site/building design for new development where appropriate.*
- *Evaluate the feasibility of implementing a Public Transit Fee to support Omnitrans in developing additional transit service in the City.*

- *Require diesel emission reduction strategies to eliminate and/or reduce idling at truck stops, warehouses, and distribution facilities throughout the City.*
- *Install energy efficient lighting and lighting control systems in all municipal buildings.*
- *Require all new traffic lights installed be energy efficient traffic signals. Require the use of reclaimed water for landscape irrigation in all new development and on public property where such connections are within the service boundaries of the City's reclaimed water system.*
- *Require all new landscaping irrigation systems installed within the City to be automated, high-efficient irrigation systems to reduce water use and require use of bubbler irrigation; low-angle, low-flow spray heads; or moisture sensors. Conduct energy efficiency audits of existing municipal buildings by checking, repairing, and readjusting heating, ventilation, and air conditioning systems, lighting, water heating equipment, insulation, and weatherization.*
- *Ensure that its local Climate Action, Land Use, Housing, and Transportation Plans are aligned with, support, and enhance any regional plans that have been developed consistent with state guidance to achieve reductions in GHG emissions.*
- *Mitigate climate change by decreasing heat gain from pavement and other hard surfaces associated with infrastructure.*
- *Reduce heat gain from pavement and other similar hardscaping.*
- *Work with appropriate agencies to create an interconnected transportation system that allows a shift in travel from private passenger vehicles to alternative modes, including public transit, ride sharing, car-sharing, bicycling and walking.*

- *Provide safe and convenient access for pedestrians and bicyclists to, across, and along major transit priority streets.*
- *Facilitate employment opportunities that minimize the need for private vehicle trips, by:*
 - *Amending zoning ordinances and the Development Code to include live/work sites and satellite work centers in appropriate locations.*
- *Encouraging telecommuting options with new and existing employers, through project review and incentives, as appropriate.*
- *Establish policies and programs to reduce onsite parking demand and promote ridesharing and public transit at large events.*
- *Support and promote the use of low-and zero-emission vehicles, by:*
 - *Encouraging the necessary infrastructure to facilitate the use of zero emission vehicles and clean alternative fuels, such as electric vehicle charging facilities and conveniently located alternative fueling stations.*
 - *Encouraging new construction to include vehicle access to properly wired outdoor receptacles to accommodate ZEV and/or plug in electric hybrids (PHEV).*
 - *Encouraging transportation fleet standards to achieve the lowest emissions possible, using a mix of alternate fuels, PZEV or better fleet mixes.*
 - *Establishing incentives, as appropriate, to taxicab owners to use alternative fuel or gas-electric hybrid vehicles.*

- *Establish green building requirements and standards for new development and redevelopment projects, and work to provide incentives for green building practices and remove barriers that impede their use.*
- *Allow increased height limits and/or flexibility in other standards for projects that incorporate energy efficient green building practices where not prohibited by Airport Land Use Compatibility Plan (ALUCP)/Federal Aviation Administration (FAA).*
- *Identify and remove regulatory or procedural barriers to implementing green building practices within its jurisdiction, such as updating codes, guidelines, and zoning, and ensure that all plan review and building inspection staff are trained in green building materials, practices, and techniques.*
- *Support the use of green building practices by:*
 - *Providing information, marketing, training, and technical assistance about green building practices.*
 - *Adopting a Green Building ordinance with guidelines for green building practices in residential and commercial development.*
- *Adopt energy efficiency performance standards for buildings designed to achieve a greater reduction in energy and water use than currently required by state law, including:*
 - *Standards for the installation of "cool roofs".*
 - *Standards for improved overall efficiency of lighting systems.*
 - *Requirements for the use of Energy Star appliances and fixtures in discretionary new development.*

- *Encourage the performance of energy audits for residential and commercial buildings prior to completion of sale, and that audit results and information about opportunities for energy efficiency improvements be presented to the buyer.*
- *Establish policies and programs that facilitate the siting of new renewable energy generation.*
- *Require that any building constructed in whole or in part with City funds incorporate passive solar design features, such as daylighting and passive solar heating, where feasible.*
- *Prepare and implement a comprehensive plan to improve energy efficiency of municipal facilities, including:*
 - *Conducting energy audits.*
 - *Retrofitting municipal facilities for energy efficiency where feasible and when remodeling or replacing components, including increased insulation, installing green or reflective roofs and low-emissive window glass.*
 - *Implementing an energy tracking and management system for its municipal facilities.*
 - *Installing energy-efficient exit signs, street signs, and traffic lighting, subject to life/safety considerations.*
 - *Installing energy-efficient lighting retrofits and occupancy sensors, and institute a "lights out at night" policy, subject to life/safety considerations.*
 - *Retrofitting heating and cooling systems to optimize efficiency (e.g., replace chillers, boilers, fans, pumps, belts, etc.).*
 - *Installing Energy Star® appliances and energy-efficient vending machines.*

- *Improving water use efficiency, including a schedule to replace or retrofit system components with high-efficiency units (i.e., ultra-low-flow toilets, fixtures, etc.).*
- *Installing irrigation control systems which maximize water use efficiency and minimize off-peak use.*
- *Adopting an accelerated replacement schedule for energy inefficient systems and components.*
- *Insure that staff receives appropriate training and support to implement objectives and policies to reduce GHG emissions, including:*
 - *Providing energy efficiency training to design, engineering, building operations, and maintenance staff.*
 - *Providing information on energy use and management, including data from the tracking and management system, to managers and others making decisions that influence energy use.*
 - *Providing energy design review services to departments undertaking new construction or renovation projects, to facilitate compliance with LEED standards.*
- *Maximize efficiency at drinking water treatment, pumping, and distribution facilities, including development of off-peak demand schedules for heavy commercial and industrial users.*
- *Establish a replacement policy and schedule to replace fleet vehicles and equipment with the most fuel-efficient vehicles practical, including gasoline hybrid and alternative fuel or electric models.*
- *Require the installation of outdoor electrical outlets on buildings to support the use,*

where practical, of electric lawn and garden equipment, and other tools that would otherwise be run with small gas engines or portable generators.

- *Implement measures to reduce employee vehicle trips and to mitigate emissions impacts from municipal travel.*
- *Conduct a comprehensive inventory and analysis of the urban forest, and coordinate tree maintenance responsibilities with all responsible departments, consistent with best management practices.*
- *Evaluate existing landscaping and options to convert reflective and impervious surfaces to landscaping, and will install or replace vegetation with drought-tolerant, low-maintenance native species or edible landscaping that can also provide shade and reduce heat-island effects.*
- *Implement enhanced programs to divert solid waste from landfill operations, by:*
 - *Establishing a diversion target which meets or exceeds AB 939 requirements.*
 - *Promoting and expanding recycling programs, purchasing policies, and employee education to reduce the amount of waste produced.*
- *Reduce per capita water consumption consistent with state law by 2020.*
- *Establish a water conservation plan that may include such policies and actions as:*
 - *Maintaining and refining the City's tiered rate structure for water use.*
 - *Establishing restrictions on time of use for landscape watering, or other demand management strategies.*

- *Establishing performance standards for irrigation equipment and water fixtures, consistent with state law.*
- *Establish programs and policies to increase the use of recycled water, including:*
 - *Promoting the use of recycled water for agricultural, industrial, and irrigation purposes, including grey water systems for residential irrigation.*
- *Ensure that building standards and permit approval processes promote and support water conservation, by:*
 - *Establishing building design guidelines and criteria to promote water efficient building design, including minimizing the amount of non-roof impervious surfaces around the building(s).*
 - *Establishing menus and check-lists for developers and contractors to ensure water-efficient infrastructure and technology are used in new construction, including low-flow toilets and shower heads, moisture-sensing irrigation, and other such advances.*
- *Organize workshops on waste reduction activities for the home or business, such as backyard composting, or office paper recycling, and shall schedule recycling dropoff events and neighborhood chipping/mulching days.*
- *Organize workshops on steps to increase energy efficiency in the home or business, such as weatherizing the home or building envelope, installing smart lighting systems, and how to conduct a self-audit for energy use and efficiency.*

6-3 *The City of Ontario will amend the Municipal Code within 18 months after adopting The Ontario Plan, with provisions implementing the following GHG emission reduction concepts:*

- *Increase densities in urban core areas to support public transit, by, among other means:*
 - *Removing barriers to the development of accessory dwelling units in existing residential neighborhoods.*

- *Reduce required road width standards wherever feasible to calm traffic and encourage alternative modes of transportation.*

- *Add bicycle facilities to city streets and public spaces, where feasible.*

- *Promote infill, mixed-use, and higher density development, and provide incentives to support the creation of affordable housing in mixed use zones.*

- *Plan for and create incentives for mixed-use development.*

- *Identify sites suitable for mixed-use development and establish appropriate site-specific standards to accommodate mixed uses which could include:*
 - *Increasing allowable building height or allow height limit bonuses, in appropriate areas and where safe to do so.*

 - *Allowing flexibility in applying development standards (such as FAR2 and lot coverage) based on the location, type, and size of the units, and the design of the development.*

 - *Allowing reduced and shared parking based on the use mix, and availability of and proximity to public transit stops.*

 - *Allowing for tandem parking, shared parking and off-site parking leases.*

- *Enable prototype mixed-use structures for use in neighborhood center zones that can be adapted to new uses over time with minimal internal remodeling.*

- *Identify and facilitate the inclusion of complementary land uses not already present in local zoning districts, such as supermarkets, parks and recreational fields, schools in neighborhoods, and residential uses in business districts, to reduce the vehicle miles traveled and promote bicycling and walking to these uses.*
- *Revise zoning ordinance(s) to allow local-serving businesses, such as childcare centers, restaurants, banks, family medical offices, drug stores, and other similar services near employment centers to minimize midday vehicle use.*
- *Develop form-based community design standards to be applied to development projects and land use plans, for areas designated mixed-use.*
- *Implement a Housing Overlay Zone for residential properties at transit centers and along transit corridors. This may include average minimum residential densities of 25 units per acre within one quarter miles of transit centers; average minimum densities of 15 units per acre within one quarter mile of transit corridors; and minimum FAR of 0.5:1 for non-residential uses within a quarter mile of transit centers or corridors.*
- *Identify transit centers appropriate for mixed-use development, and promote transit oriented, mixed-use development within these targeted areas, by:*
 - *Providing maximum parking standards and flexible building height limitations.*
 - *Providing density bonus programs.*
 - *Establishing guidelines for private and public spaces for transit-oriented and mixed-use development.*
 - *Discouraging auto-oriented development.*
- *Ensure new development is designed to make public transit a viable choice for residents, including:*

- *Locating medium to high density development near activity centers that can be served efficiently by public transit and alternative transportation modes.*
- *Locating medium to high density development near streets served by public transit whenever feasible.*
- *Linking neighborhoods to bus stops by continuous sidewalks or pedestrian paths.*
- *Develop form-based community design standards to be applied to development projects and land use plans, for areas designated mixed-use.*
- *Create and preserve distinct, identifiable neighborhoods whose characteristics support pedestrian travel, especially within, but not limited to, mixed-use and transit-oriented development areas, by:*
 - *Designing or maintaining neighborhoods where the neighborhood amenities can be reached in approximately five minutes of walking.*
 - *Encouraging pedestrian-only streets and/or plazas within developments, and destinations that may be reached conveniently by public transportation, walking, or bicycling.*
 - *Allowing flexible parking strategies in neighborhood activity centers to foster a pedestrian-oriented streetscape.*
 - *Providing continuous sidewalks with shade trees and landscape strips to separate pedestrians from traffic.*
 - *Encouraging neighborhood parks and recreational centers near concentrations of residential areas (preferably within one quarter mile) and include pedestrian walkways and bicycle paths that encourage nonmotorized travel.*

- *Ensure pedestrian access to activities and services, especially within, but not limited to, mixed-use and transit-oriented development areas, by:*
 - *Ensuring new development that provides pedestrian connections in as many locations as possible to adjacent development, arterial streets, thoroughfares.*
 - *Ensuring a balanced mix of housing, workplaces, shopping, recreational opportunities, and institutional uses, including mixed-use structures.*
 - *Locating schools in neighborhoods, within safe and easy walking distances of residences served.*
 - *Encouraging new development in which primary entrances are pedestrian entrances, with automobile entrances and parking located to the rear.*
 - *Supporting development where automobile access to buildings does not impede pedestrian access, by consolidating driveways between buildings or developing alley access.*
 - *Utilizing street parking as a buffer between sidewalk pedestrian traffic and the automobile portion of the roadway.*
 - *Prioritizing the physical development of pedestrian connectors for existing areas that do not meet established connectivity standards.*
- *Mitigate climate change by decreasing heat gain from pavement and other hard surfaces associated with infrastructure.*
- *Reduce heat gain from pavement and other similar hardscaping, by:*
 - *Including low-water landscaping in place of hardscaping around transportation infrastructure and in parking areas.*

- *Establishing standards that provide for pervious pavement options.*
- *Removing obstacles to natural, drought tolerant landscaping and low-water landscaping.*
- *Coordinate with appropriate agencies to create an interconnected transportation system that allows a shift in travel from private passenger vehicles to alternative modes, including public transit, ride sharing, car-sharing, bicycling and walking, including, but not limited to:*
 - *Providing safe and convenient access for pedestrians and bicyclists to, across, and along major transit priority streets.*
- *Upgrade and maintain the following transit system infrastructure to enhance public use, including:*
 - *Ensuring transit stops and bus lanes are safe, convenient, clean and efficient.*
 - *Ensuring transit stops have clearly marked street-level designation, and are accessible.*
 - *Ensuring transit stops are safe, sheltered, benches are clean, and lighting is adequate.*
 - *Working with transit providers to place transit stations along transit corridors within mixed-use or transit-oriented development areas at intervals appropriate for the mode of transit.*
- *Facilitate employment opportunities that minimize the need for private vehicle trips, by:*
 - *Amending zoning ordinances and the Development Code to include live/work sites and satellite work centers in appropriate locations.*

- *Encouraging telecommuting options with new and existing employers, through project review and incentives, as appropriate.*
- *Establish standards for new development and redevelopment projects to support bicycle use, including:*
 - *Amending the Development Code to include standards for pedestrian and bicyclist accommodations, including:*
 - *Providing access for pedestrians and bicyclist to public transportation through construction of dedicated paths, where feasible.*
 - *Requiring new development and redevelopment projects to include bicycle facilities, as appropriate with the new land use, including:*
 - *Where feasible, promote the construction of weatherproof bicycle facilities and at a minimum, provide bicycle racks or covered, secure parking near the building entrances.*
- *Establish a network of multi-use trails to facilitate direct off-street bicycle and pedestrian travel, and will provide bike racks along these trails at secure, lighted locations.*
- *Establish policies and programs to reduce onsite parking demand and promote and public transit at large events.*
- *Require new commercial and retail developments to provide prioritized parking for electric vehicles and vehicles using alternative fuels.*
- *Support and promote the use of low-and zero-emission vehicles (NEV), by:*

- *Encouraging the necessary infrastructure to facilitate the use of zero emission vehicles and clean alternative fuels, such as electric vehicle charging facilities and conveniently located alternative fueling stations.*
- *Encouraging new construction to include vehicle access to properly wired outdoor receptacles to accommodate ZEV and/or plug in electric hybrids (PHEV).*
- *Encouraging transportation fleet standards to achieve the lowest emissions possible, using a mix of alternate fuels, PZEV or better fleet mixes.*
- *Establishing incentives, as appropriate, to taxicab owners to use alternative fuel or gas-electric hybrid vehicles.*

- *Establish green building requirements and standards for new development and redevelopment projects, and work to provide incentives for green building practices and remove barriers that impede their use.*
- *Allow increased height limits and/or flexibility in other standards for projects that incorporate energy efficient green building practices where not prohibited by ALUCP/FAA.*

- *Identify and remove regulatory or procedural barriers to implementing green building practices within its jurisdiction, such as updating codes, guidelines, and zoning, and ensure that all plan review and building inspection staff are trained in green building materials, practices, and techniques.*

- *Support the use of green building practices by:*
 - *Establishing guidelines for green building practices in residential and commercial development.*

- *Providing incentives, which may include reduction in development fees, administrative fees, and/or expedited permit processing for projects that use green building practices.*

- *Adopt energy efficiency performance standards for buildings that achieve a greater reduction in energy and water use than otherwise required by current state law, including:*
 - *Standards for the installation of "cool roofs".*

 - *Standards for improved overall efficiency of lighting systems.*

 - *Requirements for the use of Energy Star appliances and fixtures in discretionary new development.*

 - *Requirements for new residential lots and/or structures to be arranged and oriented to maximize effective use of passive solar energy.*

- *Require that affordable housing development incorporate energy efficient design and features to the maximum extent feasible.*

- *Identify possible sites for production of renewable energy (such as solar, wind, small hydro, and biogas).*

- *Identify and remove or otherwise address barriers to renewable energy production, including:*
 - *Reviewing and revising building and development codes, design guidelines, and zoning ordinances to remove renewable energy production barriers.*

- *Working with related agencies, such as fire, water, health and others that may have policies or requirements that adversely impact the development or use of renewable energy technologies.*
- *Developing protocols for safe storage of renewable and alternative energy products with the potential to leak, ignite or explode, such as biodiesel, hydrogen, and/or compressed air.*
- *Allow renewable energy projects in areas zoned for open space, where consistent with the Land Use element, and other uses and values.*
- *Promote and encourage renewable energy generation, and co-generation projects where feasible and appropriate.*
- *Require that, where feasible, all new buildings be constructed to allow for easy, cost effective installation of solar energy systems in the future, using such “solar-ready” features as:*
 - *Optimal roof orientation (between 20 to 55 degrees from the horizontal), with sufficient south-sloped roof surface, where such buildings architecture and construction are designed for sloped roofs.*
 - *Clear access without obstructions (chimneys, heating and plumbing vents, etc.) on the south sloped roof.*
 - *Roof framing that will support the addition of solar panels.*
 - *Installation of electrical conduit to accept solar electric system wiring.*
 - *Installation of plumbing to support a solar hot water system and provision of space for a solar hot water storage tank.*

- *Require that any building constructed in whole or in part with City funds incorporate passive solar design features, such as daylighting and passive solar heating, where feasible.*
- *Prepare and implement a comprehensive plan to improve energy efficiency of municipal facilities, including:*
 - *Conducting energy audits.*
 - *Retrofitting municipal facilities for energy efficiency where feasible and when remodeling or replacing components, including increased insulation, installing green or reflective roofs and low-emissive window glass.*
 - *Implementing an energy tracking and management system for its municipal facilities.*
 - *Installing energy-efficient exit signs, street signs, and traffic lighting, subject to life/safety considerations.*
 - *Installing energy-efficient lighting retrofits and occupancy sensors, and institute a "lights out at night" policy, subject to life/safety considerations.*
 - *Retrofitting heating and cooling systems to optimize efficiency (e.g., replace chillers, boilers, fans, pumps, belts, etc.).*
 - *Installing Energy Star® appliances and energy-efficient vending machines.*
 - *Improving water use efficiency, including a schedule to replace or retrofit system components with high-efficiency units (i.e., ultra-low-flow toilets, fixtures, etc.).*
 - *Installing irrigation control systems maximizing water use efficiency and minimizing off-peak use.*

- *Adopting an accelerated replacement schedule for energy inefficient systems and components.*
- *Require that any newly constructed, purchased, or leased municipal space meet minimum standards, such as:*
 - *The Energy Star® New Homes Program established by U.S. EPA.*
 - *The incorporation of passive solar design features in new buildings, including daylighting and passive solar heating.*
- *Reduce per capita water consumption consistent with state law by 2020.*
- *Establish a water conservation plan that may include such policies and actions as:*
 - *Maintaining and refining the City's tiered rate structure for water use.*
 - *Establishing restrictions on time of use for landscape watering, or other demand management strategies.*
 - *Establishing performance standards for irrigation equipment and water fixtures, consistent with State Law.*
- *The City will establish programs and policies to increase the use of recycled water, including:*
 - *Promoting the use of recycled water for agricultural, industrial, and irrigation purposes, including grey water systems for residential irrigation.*
- *Ensure that building standards and permit approval processes promote and support water conservation, by:*

- *Establishing building design guidelines and criteria to promote water efficient building design, including minimizing the amount of non-roof impervious surfaces around the building(s).*
- *Establishing menus and check-lists for developers and contractors to ensure water-efficient infrastructure and technology are used in new construction, including low-flow toilets and shower heads, moisture-sensing irrigation, and other such advances.*
- *Install water-efficient landscapes and irrigation, including:*
 - *Requiring planting drought-tolerant and native species, and covering exposed dirt with moisture-retaining mulch or other materials such as decomposed granite.*
 - *Requiring the installation of water-efficient irrigation systems and devices, including advanced technology such as moisture-sensing irrigation controls.*
- *Promote the planting of shade trees and establish shade tree guidelines and specifications, including:*
 - *Establishing guidelines for tree planting based on the land use (residential, commercial, parking lots, etc.).*
 - *Establishing guidelines for tree types based on species size, branching patterns, whether deciduous or evergreen, whether roots are invasive, etc.*
 - *Establishing tree guidelines for placement, including distance from structures, density of planting, and orientation relative to structures and the sun.*
- *Develop an Urban Forestry Program to consolidate policies and ordinances regarding tree planting, maintenance, and removal, including:*

- *Establishing guidelines for tree planting, including criteria for selecting deciduous or evergreen trees low-VOC-producing trees, and emphasizing the use of drought-tolerant native trees and vegetation.*

6-4 *Measures listed in Mitigation Measure 6-2 and 6-3 shall be considered by the City while reviewing all new development, as appropriate, between the time of adoption of The Ontario Plan and adoption of the Climate Action Plan (CAP).*

6-5 *Pursuant to a goal of overall consistency with the Sustainable Communities Strategies, the City of Ontario shall evaluate new development for consistency with the development pattern set forth in the Sustainable Communities Strategies plan, upon adoption of the plan by the Southern California Association of Governments.*

6-6 *The City of Ontario shall participate in the County of San Bernardino’s Green Valley Initiative.*

Addendum Project: GHG emissions of the Addendum Project were modeled employing the latest version of the California Emissions Estimator Model™ (CalEEMod™ v2016.3.2), and are presented at Table 8-1.

**Table 8-1
Addendum Project GHG Emissions**

Emission Source	Emissions (MT/yr.)			
	CO ₂	CH ₄	N ₂ O	Total CO ₂ E
Annual construction-related emissions amortized over 30 years	49.40	0.01	0.00	49.54
Area Source	0.05	1.30e-04	0.00	0.05
Energy Source	3,033.56	0.10	0.04	3,046.87
Mobile Source	5,798.31	0.33	0.00	5,805.44
On-Site Equipment	101.68	0.03	0.00	102.50
Waste	181.17	10.71	0.00	448.84
Water Usage	733.12	5.35	0.13	905.91
Total CO₂E (All Sources)	10,359.16			

Source: *The Vine Air Quality, Greenhouse Gas & Health Risk Assessment Memorandum* (Urban Crossroads, Inc.) October 5, 2020.

As shown at Table 8-1, the Addendum Project would generate a total of approximately 10,359.16 MTCO_{2e} per year. Table 8-2 compares these emissions with those identified within the Certified EIR.

Table 8-2
GHG Emissions Comparison

Emission Source	Annual Emissions (MTCO_{2e})
Addendum Project	10,359.16
Certified EIR	29,046.98
Variance	-18,687.82

Source: *The Vine Air Quality, Greenhouse Gas & Health Risk Assessment Memorandum* (Urban Crossroads, Inc.) October 5, 2020.

As shown above, the Addendum Project would result in a net decrease in GHG emissions when compared to the GHG emissions assumed within the Certified EIR. The Addendum Project would therefore not result in new or substantively different or substantively increased GHG emissions impacts.

Addendum Project Mitigation Measures: None.

Sources: *The Ontario Plan Draft Environmental Impact Report, State Clearinghouse No. 2008101140* (The Planning Center) April 2009; *The Vine Air Quality, Greenhouse Gas & Health Risk Assessment Memorandum* (Urban Crossroads, Inc.) October 5, 2020; Addendum Project Design Concepts.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	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 ¼ 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 or excessive noise for people residing or working in the project area?					X	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?					X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?					X	

Substantiation:

a-c) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR determined that buildout in accordance with The Ontario Plan would involve the transport, use, and/or disposal of hazardous materials; however, these activities would be in compliance with federal, state, and local regulations thus precluding significant impacts in this regard. (Certified EIR, p. 5.8-24).

Certified EIR Mitigation Measures: None.

Addendum Project: The Addendum Project would not result in or cause exposure(s) to hazards or potentially hazardous conditions. That is, uses proposed under the Project are not considered hazardous.

During the normal course of construction and operation activities, there would be limited transport of potentially hazardous materials (e.g., gasoline, diesel fuel, paints, solvents, fertilizer, etc.) to and from the Addendum Project site. However, as presented within the Certified EIR, the Project would be required to comply with all City and County Hazardous Materials Management Plans and regulations addressing transport, use, storage and disposal of these materials. The Addendum Project does not propose or require uses or activities that would result in atypical transportation, use, storage, or disposal of hazardous or potentially hazardous materials not addressed under current regulations and policies.

Further, any occupancies that would store or use hazardous materials would be required to comply with California Hazardous Materials Business Plan (HMBP) requirements (*California Health & Safety Code, Division 20, Chapter 6.95*) The HMBP contains detailed information on the storage of hazardous materials at regulated facilities. The purpose of the HMBP is to prevent or minimize damage to public health, safety, and the environment, from a release or threatened release of a hazardous material. The HMBP also provides emergency response personnel with adequate information to help them better prepare and respond to chemical-related incidents at regulated facilities.

Based on the preceding, no new or substantially increased impacts in this regard would occur as a result of the Addendum Project.

Addendum Project Mitigation Measures: None.

d) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: Many properties within the City of Ontario are included on State and federal lists of registered hazardous materials sites. The Certified EIR concluded that compliance with federal, state, and local regulations would ensure these properties would not cause significant impacts. (Certified EIR, p. 5.8-25).

Certified EIR Mitigation Measures: None.

Addendum Project: Based on information contained within the EnviroStor database, maintained by the Department of Toxic Substance Control (DTSC, <http://www.envirostor.dtsc.ca.gov/>), the Addendum site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As such, no new or substantially increased impacts in this regard would occur as a result of the Addendum Project.

Addendum Project Mitigation Measures: None.

e) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: Airport Influence Areas for Ontario International Airport (ONT), as well as Chino Airport property, are located within the City of Ontario. The Certified EIR determined that consistency reviews of new development with the appropriate Airport Land Use Compatibility Plan (ALUCP) would be sufficient to prevent significant impacts. (Certified EIR, p. 5.8-27).

Certified EIR Mitigation Measures: None.

Addendum Project: The Addendum site is within the ONT Airport Influence Area (AIA). Specifically, the site is located approximately 1.9 miles southerly of ONT and approximately 2.8 miles from the nearest runway (RW 8R-26L). The ALUCP for ONT defines the AIA as an area in which current and future airport-related noise, overflight, safety, and airspace protection factors may significantly affect land uses or necessitate restriction on those uses. The Project site is located outside the ONT safety zones⁶ and the Chino Airport safety zones⁷. As with the development anticipated within the Certified EIR, development implemented pursuant to the Addendum Project would comply with all requirements set forth within the ALUCP. Based on the preceding, no new or substantially increased impacts in this regard would occur as a result of the Addendum Project.

Addendum Project Mitigation Measures: None.

f) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The City manages disaster preparedness through the Technical Services Bureau of the Ontario Fire Department, which is responsible for the preparation of the community for disasters and the organization of recovery efforts. The Fire Department also works with other local public departments, such as the San Bernardino County Fire Department Hazardous Materials Division and, if necessary, the Countywide HazMat Team of the County Environmental Health Department, to enact these principles and to protect the community in the event of a disaster.

Additionally, the City maintains a Local Hazard Mitigation Plan and participates in the Standardized Emergency Management System (SEMS) as required under Government Code Section 8607(a).

The Certified EIR concluded that buildout in accordance with The Ontario Plan would not significantly affect these resources. (Certified EIR, p. 5.8-28).

⁶ http://www.ont-iac.com/wp-content/uploads/2019/02/ONT-compatibility-Exhibit-8-_July-2018-Amendment.pdf

⁷ <https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/californiaairportlanduseplanninghandbook-a11y.pdf>

Certified EIR Mitigation Measures: None.

Addendum Project: The Addendum Project would not cause permanent alteration to vehicle circulation routes, and would not interfere with any identified emergency response or emergency evacuation plan. In accordance with existing City policies, coordination with the local fire and police departments during pre-construction review of the Project's plans will ensure that potential interference with emergency response and evacuation efforts are avoided. No new or substantially increased impacts regarding emergency response plans or emergency evacuation plans would occur as a result of the Addendum Project.

Addendum Project Mitigation Measures: None.

g) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR determined that adherence to existing regulations and review of building plans by the Ontario Fire Department would reduce risks from urban and wildland fire threats to the City. No significant impacts were identified. (Certified EIR, p. 5.8-32).

Certified EIR Mitigation Measures: None.

Addendum Project: The Addendum Project site is located in an urbanized area, and no wildlands are located in the vicinity of the site. Fire protection services are provided to the City and the Project site by the Ontario Fire Department. Preconstruction coordination with Fire Department staff and adherence to local fire department regulations during construction and operation of the Project will be required. As such, no new or substantially increased impacts in this regard would occur as a result of the Addendum Project.

Addendum Project Mitigation Measures: None.

Sources: The Ontario Plan Draft Environmental Impact Report, State Clearinghouse No. 2008101140 (The Planning Center) April 2009; Addendum Project Design Concepts.

10. HYDROLOGY AND WATER QUALITY

Would the project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
a) Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?					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 or through the addition of impervious surfaces, in a manner which would:					X	
(i) result in substantial erosion or siltation on- or off-site?					X	
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?						

Would the project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?					X	
(iv) impede or redirect flood flows?					X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?					X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?						X

Substantiation:

a) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR noted that although buildout of The Ontario Plan would increase concentrations of pollutants during construction and post-construction activities, future projects would be required to prepare a Water Quality Management Plan (WQMP) identifying Best Management Practices (BMPs) to reduce pollutants, including site-design, source-control, and/or treatment BMPs. The Certified EIR did not identify any significant impacts in this regard. (Certified EIR, p. 5.9-23).

Certified EIR Mitigation Measures: None.

Addendum Project: A WQMP has been prepared for The Vine (southern) portion of the Addendum site (*Water Quality Management Plan For: Toscana Square 20-Acre Site Ontario, CA [Kimley-Horn] October 2019*), and is provided at Attachment C to this Addendum.

Similarly, a WQMP for the remaining portion will be prepared as part of future development plans. The WQMP for the southern portion identifies applicable BMPs to be implemented by The Vine Project.

Buildout of the entire Addendum site would occur in compliance with erosion control measures, including grading and dust control measures, imposed via City grading permit regulations. Operations would comply with the National Pollutant Discharge Elimination System (NPDES) permit requirements. The NPDES requirements include, but are not limited to: minimizing stormwater pollutants of concern; containing properly designed outdoor material storage areas; containing properly designed trash storage areas; and providing proof of ongoing BMP maintenance.

Based on the preceding, the Addendum Project's potential to violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality is considered less-than-significant; no new or substantially increased water quality impacts would occur as a result of the Addendum Project.

Addendum Project Mitigation Measures: None.

b) No Changes or New Information Requiring Preparation of an MND or EIR.

Certified EIR Conclusions: The Certified EIR acknowledged that development pursuant to The Ontario Plan would increase the amount of impervious surface within the City; however, groundwater recharge efforts would not be hindered. Future development projects would be required to prepare project-specific hydrology studies, implement BMPs for compliance with NPDES regulations, and comply with City policies promoting infiltration of runoff and groundwater recharge. (Certified EIR, pp. 5.9-19 – 5.9-20).

Certified EIR Mitigation Measures: None.

Addendum Project: Direct additions or withdrawals of groundwater are not proposed by the Addendum Project. Construction proposed by the Project would not involve

massive substructures at depths that would significantly impair or alter the direction or rate of flow of groundwater.

A Hydrology Report has been prepared for The Vine (southern) portion of the Addendum Project site (*Preliminary Drainage Report, Toscana Square, San Bernardino County, California* [Kimley Horn] October 2019), and is provided at Attachment C to this Addendum. The drainage study identifies the use of dry wells within the site. Dry wells are used to capture runoff water and allow it to percolate into the ground. This minimizes drainage and water quality impacts to the municipal drainage system and allows for groundwater recharge.

A specific hydrology study addressing the northern portion will be prepared concurrently with future development plans. It is assumed that similar water percolation features will be utilized within the northern portion of the Addendum site.

The Addendum Project would not contribute to groundwater depletion or interfere with groundwater recharge to an environmentally significant degree. No new or substantially increased groundwater impacts would occur as a result of the Addendum Project.

Addendum Project Mitigation Measures: None.

c) No Changes or New Information Requiring Preparation of an MND or EIR.

Certified EIR Conclusions: Consistent with NPDES requirements, post-development runoff quantities would not be permitted to substantially increase as a result of a development project considered for approval under The Ontario Plan. In this regard, projects would be required to prepare project-specific hydrology studies. Further, existing City policies encourage the use of low impact development strategies to intercept runoff, slow the discharge rate, increase infiltration and ultimately reduce discharge volumes to traditional storm drain systems.

The Certified EIR notes that while the amount of impervious surfaces would be increased under The Ontario Plan (and thus surface water flows into drainage systems), existing

City and County requirements would ensure significant impacts do not occur. (Certified EIR, p. 5.9-19).

Certified EIR Mitigation Measures: None.

Addendum Project: Existing drainage patterns onsite would be retained. The Vine portion of the Addendum site will utilize a series of inlets that will retain runoff volume in six underground detention vaults to decrease the post-development peak flows. Additionally, the development will employ the use of dry wells to capture runoff.

These drainage facilities have been sized to accommodate drainage for the entire Addendum Project site, and limit the post-development peak flows to 80 percent of the pre-development peak flows. No new or substantially increased drainage impacts would occur as a result of the Addendum Project.

Addendum Project Mitigation Measures: None.

d) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR concluded that, although inundation within the City is possible, the gently sloping terrain and emergency procedures in place would preclude significant hazards in this regard. (Certified EIR, pp. 5.9-23 through 5.9-24).

Certified EIR Mitigation Measures: None.

Addendum Project: According to Figure S-2, *Flood Hazards* of The Ontario Plan, the Addendum site is not located within a floodplain, near any drainage basins or channels, or within a dam inundation area. No new or substantially increased inundation impacts would occur as a result of the Addendum Project.

Addendum Project Mitigation Measures: None.

e) *No Impact.*

Certified EIR Conclusions: This checklist item was not specifically addressed within the Certified EIR.

Certified EIR Mitigation Measures: Not Applicable.

Addendum Project: The Addendum Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The Project would have no impact in this regard.

Addendum Project Mitigation Measures: None.

Sources: *The Ontario Plan Draft Environmental Impact Report, State Clearinghouse No. 2008101140 (The Planning Center) April 2009; Water Quality Management Plan For: Toscana Square 20-Acre Site Ontario, CA (Kimley-Horn) October 2019; Preliminary Drainage Report, Toscana Square, San Bernardino County, California (Kimley Horn) October 2019; Addendum Project Design Concepts.*

11. LAND USE AND PLANNING

Would the project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
a) Physically divide an established community?					X	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?					X	

Substantiation:

a, b) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR concludes that implementation of The Ontario Plan would not result in significant land use impacts. (Certified EIR, p. 5.10-31).

Certified EIR Mitigation Measures: None.

Addendum Project: No established community is located on the site. To accommodate the Addendum Project, the site's land use designations would be amended. Tables 11-1 and 11-2 detail the breakdown of amended land use and zoning designations.

Table 11-1
Existing and Proposed Land Use Designations

Parcel	Existing TOP Land Use Designation	Existing Acreage	Proposed TOP Land Use Designation	Proposed Acreage
1083-361-01	Mixed Use	20.0	Industrial General Commercial	15.0 5.0
1083-361-04	Mixed Use	9.4	Industrial General Commercial	6.8 2.6
1083-361-07	Mixed Use Open Space Non-Recreation	11.95 3.75	Industrial Open Space Non-Recreation	11.95 3.75
Total				45.1

Table 11-2
Existing and Proposed Zoning Designations

Parcel	Existing Zoning Designation	Existing Acreage	Proposed Zoning Designation	Proposed Acreage
1083-361-01	Specific Plan	20.0	IL, Light Industrial CC, Community Commercial	15.0 5.0
1083-361-04	LDR-5, Low Density Residential CC, Community Commercial	8.1 1.3	IL, Light Industrial CC, Community Commercial	6.8 2.6
1083-361-07	CC, Community Commercial OS-R, Open Space Recreation	11.95 3.75	IL, Light Industrial OS-R, Open Space Recreation	11.95 3.75
Total				45.1

Table 11-3 presents a comparison between the maximum allowable FAR assumed within the General Plan and what is being proposed by the Addendum Project.

Table 11-3
Comparison of Assumed and Proposed FAR

Land Use	General Plan Assumption (Maximum Allowable)	Proposed Addendum Project
Industrial	n/a	0.47 FAR 697,150 square feet
Commercial	0.25 FAR 254,499 square feet	0.08 FAR 26,700 square feet
Office	1.5 FAR 669,735 square feet	n/a
Residential	25 du/ac 185 units total	n/a
Total	924,234 square feet	723,850 square feet

Land use goals, plans, policies, and regulations germane to the Project include the City of Ontario General Plan and Zoning Ordinance. The Addendum Project would comport to requirements and standards of the IL (Light Industrial), CC (Community Commercial), and OS-R (Open Space) zones. On this basis, and with the incorporation of any applicable mitigation measures identified within Table 5.1-1 of this Addendum, the potential for the Project to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect is considered less-than-significant.

Addendum Project Mitigation Measures: None.

Sources: The Ontario Plan Draft Environmental Impact Report, State Clearinghouse No. 2008101140 (The Planning Center) April 2009; Addendum Project Design Concepts.

12. MINERAL RESOURCES

Would the project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
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	

Substantiation:

a, b) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR concludes that implementation of The Ontario Plan would have no potential to result in the loss of a known mineral resource of value to the region or the state; or 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. (Certified EIR, p. 5.11-7).

Certified EIR Mitigation Measures: None.

Addendum Project: Underlying conditions at the subject site have not changed since preparation of the Certified EIR, and the site remains devoid of any potentially valuable or locally-important mineral resources. On this basis, the Addendum Project would have no potential to result in the loss of a known mineral resource of value to the region or the state; or 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. No new or substantially increased mineral resources impacts would occur as a result of the Addendum Project.

Addendum Project Mitigation Measures: None.

Sources: The Ontario Plan Draft Environmental Impact Report, State Clearinghouse No. 2008101140 (The Planning Center) April 2009; Addendum Project Design Concepts.

13. NOISE

Would the project result in:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?					X	
b) Generation of excessive groundborne vibration or groundborne noise levels?					X	
c) For a project located within the vicinity of a private airstrip or 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	

Substantiation:

a) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR determined that new development implemented pursuant to The Ontario Plan would result in an increase in traffic on local roadways, and substantially increase the existing noise environment. Additionally, because construction activities associated with new development may occur near noise-sensitive receptors and noise disturbances may occur for prolonged periods of time, construction noise

impacts were considered potentially significant. Even with the implementation of Mitigation Measures 12-1 and 12-4, the potential for a substantial temporary or permanent increase in ambient noise levels was considered a significant and unavoidable impact of The Ontario Plan. (Certified EIR, p. 5.12-41).

Certified EIR Mitigation Measures:

12-1 Prior to the issuance of building permits for any project that involves a noise-sensitive use within the 65 dBA CNEL contour along major roadways, freeways, railroads, or the Los Angeles/Ontario International Airport, the project property owner/developers shall retain an acoustical engineer to conduct an acoustic analysis and identify, where appropriate, site design features (e.g., setbacks, berms, or sound walls) and/or required building acoustical improvements (e.g., sound transmission class rated windows, doors, and attic baffling), to ensure compliance with the City's Noise Compatibility Criteria and the California State Building Code and California Noise Insulation Standards (Title 24 and 21 of the California Code of Regulations).

12-4 Construction activities associated with new development that occurs near sensitive receptors shall be evaluated for potential noise impacts. Mitigation measures such as installation of temporary sound barriers for adjacent construction activities that occur adjacent to occupied noise-sensitive structures, equipping construction equipment with mufflers, and reducing nonessential idling of construction equipment to no more than five minutes shall be incorporated into the construction operations to reduce construction-related noise to the extent feasible.

Addendum Project: To evaluate the noise levels associated with the Addendum Project, a Noise Impact Assessment was conducted⁸, and is presented as Attachment D to this Addendum. The following discussions summarize the findings of the Noise Impact Assessment.

⁸ *The Vine Noise Impact Assessment Memorandum* (Urban Crossroads, Inc.) October 6, 2020.

Noise Standards

Construction

The City of Ontario has set restrictions to control noise impacts associated with construction. Construction noise would be considered significant if construction activities occurring outside of the hours specified (7:00 AM and 6:00 PM weekdays and 9:00 AM to 6:00 PM weekends, excluding federal holidays) or if construction activities substantially elevate the ambient noise environment at noise-sensitive uses for a substantial period. It is assumed that the Addendum Project construction activities would comply with the City approved hour of activity restrictions, thereby precluding construction activities during noise-sensitive time periods. To present a conservative approach, this analysis nonetheless evaluates construction noise based on the 65 dBA Leq exterior noise level limit for the neighboring residential land uses (Noise Zone I).

Operational

The City of Ontario requires that noise from new stationary sources in the City comply with the City's Noise Ordinance, which limits the acceptable noise at the property line of the impacted property, to reduce nuisances to sensitive land uses. For Manufacturing and Industrial land uses (Noise Zone V), such as the Addendum Project, ambient exterior noise levels may not exceed 70 dBA Leq. For residential land uses (Noise Zone I), ambient exterior noise levels may not exceed 65 dBA Leq during the daytime hours (7:00 a.m. to 10:00 p.m.), and may not exceed 45 dBA Leq during the nighttime hours (10:00 p.m. to 7:00 a.m.).

Ambient Conditions

To assess the existing noise level environment, five 24-hour noise level measurements were taken at noise sensitive receiver locations in the Addendum Project study area. Table 13-1 presents the ambient noise measurements. Please also refer to Noise Impact Assessment Exhibit C, *Noise Measurement Locations*.

Table 13-1
Ambient Noise Measurements

Location	Description	Energy Average Noise Level (dBA Leq)	
		Daytime	Nighttime
L1	Located on McCloud River Lane behind an existing single-family home at 3968 Klamath River Drive.	55.8	52.8
L2	Located near the intersection of Merced River Road and McCloud River Lane in the nearby single-family residential neighborhood.	54.5	54.8
L3	Located north of East Riverside Drive and south of the single-family home at 2965 McCloud River Lane.	56.8	55.2
L4	Located near Mill Creek Avenue west of the single-family home at 3935 E. Lindenwood Drive.	59.9	57.8
L5	Located south of East Riverside Drive and east of the single-family home at 4097 E. Auburn Way.	55.1	54.8

Source: *The Vine Noise Impact Assessment Memorandum* (Urban Crossroads, Inc.) October 6, 2020.

Sensitive Receivers

To assess the potential for short-term construction and long-term operational impacts, the following five receiver locations, shown at Noise Impact Assessment Exhibit D, *Sensitive Receiver Locations*, were identified as representative locations for analysis.

R1: Located approximately 196 feet west of the Project site, R1 represents an existing residential home located at 3977 Yuba River Drive in the City of Ontario. A 24-hour noise level measurement was taken near this location, L1, to describe the existing ambient noise environment.

R2: Location R2 represents the existing single-family residential home at 2913 McCloud River Lane located roughly 285 feet west of the Project site in the City of Ontario. A 24-hour noise level measurement was taken near this location, L2, to describe the existing ambient noise environment.

R3: Located approximately 287 feet west of the Project site across the power transmission lines, R3 represents an existing residential home at 2965 McCloud River Lane in the City of

Ontario. L3 represents the nearest 24-hour noise level measurement taken near this location to describe the existing ambient noise environment.

R4: Location R4 represents the Colony High School located approximately 1,731 feet south west of the Project site at 3850 E. Riverside Drive. The 24-hour noise level measurement location L4 is used to describe the existing ambient noise environment.

R5: Located approximately 294 feet south of the Project site across E. Riverside Drive, R5 represents an existing single-family residential home at 4097 E. Auburn Way in the City of Ontario. A 24-hour noise level measurement was taken near this location, L5, to describe the existing ambient noise environment.

Construction Noise Impacts

To describe the Addendum Project construction noise levels, measurements were collected for similar activities at several construction sites. Based on the reference construction noise levels, noise levels associated with construction of the Addendum Project were estimated as presented at Table 13-2.

Table 13-2
Construction Equipment Noise Level Summary

Location	Construction Noise Levels (dBA Leq)		
	Highest Construction Noise Levels	Threshold	Threshold Exceeded?
R1	62.7	65	No
R2	59.5	65	No
R3	59.4	65	No
R4	43.8	65	No
R5	59.2	65	No

Source: *The Vine Noise Impact Assessment Memorandum* (Urban Crossroads, Inc.) October 6, 2020.

As shown at Table 13-2, the construction noise levels will satisfy the City of Ontario exterior noise level limit of 65 dBA Leq for the neighboring residential land uses (Noise Zone I).

Operational Noise Impacts

To assess the highest potential noise conditions, the analysis assumes the Addendum Project would be operational 24 hours per day, seven days per week. The Addendum Project business operations would primarily be conducted within the enclosed buildings, except for traffic movement, parking, and the loading/unloading of trucks at designated loading bays. The onsite Project-related noise sources are expected to include: short term truck idling, delivery truck activities, backup alarms, and the loading/unloading of dry goods, roof-top air conditioning units, and parking lot vehicle movements.

Table 13-3 presents the combined total Project-only operational noise level projections at the nearby sensitive receiver locations in comparison with the City of Ontario Municipal Code exterior noise level standards.

Table 13-3
Operational Noise Level Compliance

Location	Noise Sources			Combined Operational Noise Levels	Noise Level Standard		Threshold Exceeded	
	Unloading/Docking Activity	Roof-Top A/C Unit	Parking Lot Movements		Day time	Night time	Day time	Night time
R1	36.0	35.3	27.0	39.0	65	45	No	No
R2	36.9	30.8	25.6	38.1	65	45	No	No
R3	35.3	28.4	24.6	36.4	65	45	No	No
R4	24.7	17.6	13.1	25.7	65	45	No	No
R5	33.9	28.1	24.2	35.3	65	45	No	No

Source: The Vine Noise Impact Assessment Memorandum (Urban Crossroads, Inc.) October 6, 2020.

As shown above, the Addendum Project operational noise levels at the nearby sensitive receiver locations are expected to range from 25.7 to 39.0 dBA Leq. Based on the results of this analysis, the Addendum Project operational noise levels will satisfy the City of Ontario Municipal Code 65 dBA Leq daytime and 45 dBA Leq nighttime exterior noise level standards at nearby noise sensitive single-family residential land uses.

Operational noise levels that comply with applicable standards do not comprise a substantial permanent increase in ambient noise levels, or a substantial temporary or periodic increase in ambient noise levels.

Off-Site Traffic Noise Impacts

To describe the potential off-site traffic noise associated with the Addendum Project, a Trip Generation Analysis Comparison was prepared.⁹ Trip generation for the Addendum Project was compared to trip generation that would occur under the development of the subject site envisioned under The Ontario Plan. As detailed at Section 17, *Transportation*, the Addendum Project is anticipated to generate 15,299 fewer trip-ends per day (with 326 fewer AM and 1,100 fewer PM peak hour trips) than those assumed within the Certified EIR. This equates to a 34% reduction during the AM, 62% reduction during the PM peak hours, and a 71% reduction to daily trip-ends.

In 2019, the land uses envisioned for the Addendum site were modified within the Land Use Element of TOP. These changes were based on previous land use approvals for the Addendum site. The modified uses included multi-family residential, retail, and office uses. The Addendum Project is anticipated to generate 12,870 fewer trip-ends per day (with 333 fewer AM and 1,194 fewer PM peak hour trips) as compared to the uses currently envisioned for the site. This equates to a 33% reduction during the AM, 64% reduction during the PM peak hours, and a 68% reduction to daily trip-ends.

Based on the preceding, the Addendum Project would result in far fewer daily trips than either those assumed within the Certified EIR, or when compared to the land uses currently approved for the site. Reduced traffic generation under the Addendum Project would translate to diminished traffic noise impacts when compared to impacts identified in the Certified EIR. The Certified EIR concluded that development of land uses pursuant to The Ontario Plan would result in significant and unavoidable transportation-source noise impacts. Under the Addendum Project, transportation-source noise impacts would be diminished when compared to impacts presented in the Certified EIR. On this basis, when compared to the Certified EIR findings, no new or substantially increased transportation-source noise impacts would occur under the Addendum Project.

⁹ *The Vine Trip Generation Evaluation* (Urban Crossroads, Inc) September 24, 2020.

Summary

The Certified EIR concluded that development of land uses pursuant to The Ontario Plan would result in significant and unavoidable noise impacts. As presented in the preceding discussions, under the Addendum Project, noise impacts would be less-than-significant. On this basis, when compared to the Certified EIR findings, no new or substantially increased noise impacts would occur under the Addendum Project.

Addendum Project Mitigation Measures: None.

b) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR determined that mobile-source and operational vibration impacts associated with buildout of The Ontario Plan would be less-than-significant. However, construction activities associated with buildout of the individual land uses could expose sensitive uses to strong levels of groundborne vibration. Additionally, sensitive land uses along the Union Pacific railroad corridor would be exposed to strong levels of groundborne vibration. Even with the implementation of Mitigation Measure 12-1, the Certified EIR concluded that construction-source groundborne vibration would be a significant and unavoidable impact. Impacts related to the Union Pacific railroad corridor would be less-than-significant, as mitigated. (Certified EIR, pp. 5.12-40 – 5.12-42).

Certified EIR Mitigation Measures:

12-2 *Individual projects that involve vibration-intensive construction activities, such as pile drivers, jack hammers, and vibratory rollers, occurring near sensitive receptors shall be evaluated for potential vibration impacts. If construction-related vibration is determined to be perceptible at vibration-sensitive uses (i.e., exceed the Federal Transit Administration vibration-annoyance criteria of 78 VdB during the daytime), additional requirements, such as use of less vibration intensive equipment or construction techniques, shall be implemented during construction (e.g., drilled piles to eliminate use of vibration-intensive pile driver).*

12-3 *Prior to the issuance of building permits for any project that involves a vibration-sensitive use directly adjacent to the Union Pacific Railroad or Southern California Regional Rail Authority*

main lines shall retain an acoustical engineer to evaluate potential for trains to create perceptible levels of vibration indoors. If vibration-related impacts are found, mitigation measures, such as use of concrete, iron, or steel, or masonry materials to ensure that levels of vibration amplification are within acceptable limits to building occupants, shall be implemented. Pursuant to the Federal Transit Administration vibration-annoyance criteria, these acceptable limits are 78 VdB during the daytime and 72 VdB during the nighttime for residential uses, 84 VdB for office uses, and 90 VdB for workshops.

Addendum Project:

Construction Vibration

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures and soil type. It is expected that groundborne vibration from construction activities would cause only intermittent, localized intrusion. The Addendum Project's construction activities most likely to cause vibration impacts are:

- **Heavy Construction Equipment:** Although all heavy mobile construction equipment has the potential of causing at least some perceptible vibration, the vibration is usually short-term and is not of sufficient magnitude to cause building damage. It is not expected that heavy equipment such as large bulldozers would operate close enough to any residences to cause a vibration impact.
- **Trucks:** Trucks hauling building materials to construction sites can be sources of vibration intrusion if the haul routes pass through residential neighborhoods on streets with bumps or potholes. Repairing the bumps and potholes generally eliminates the problem.

Groundborne vibration levels resulting from construction activities occurring within the Project site were estimated by data published by the Federal Transit Administration (FTA), as shown at Table 13-4.

Table 13-4
Construction Equipment Vibration Levels

Location	Land Use	Distance to Construction Activity	Receiver Vibration Levels (VdB)					Threshold (VdB)	Threshold Exceeded?
			Small Bulldozer	Jack-hammer	Loaded Trucks	Large Bulldozer	Highest Vibration Levels		
R1	Residential	196'	31.2	52.2	59.2	60.2	60.2	78	No
R2	Residential	285'	26.3	47.3	54.3	55.3	55.3	78	No
R3	Residential	287'	26.2	47.2	54.2	55.2	55.2	78	No
R4	School	1,731'	2.8	23.8	30.8	31.8	31.8	78	No
R5	Residential	294'	25.9	46.9	53.9	54.9	54.9	78	No

Source: *The Vine Noise Impact Assessment Memorandum* (Urban Crossroads, Inc.) October 6, 2020.

Table 13-4 shows the highest construction vibration levels are expected to approach 60.2 VdB at sensitive receiver location R1. This vibration level would not exceed the 78 VdB residential identified by the FTA. All other locations would experience vibration levels below those anticipated to affect receiver R1. Moreover, the impacts at the site of the closest sensitive receivers are unlikely to be sustained during the entire construction period but will occur rather only during the times that heavy construction equipment is operating adjacent to the Project site perimeter.

Operational Vibration

The operation of the Addendum Project will include heavy trucks moving on site to and from the loading dock areas. Truck vibration levels are dependent on vehicle characteristics, load, speed, and pavement conditions. Typical vibration levels for heavy trucks at normal traffic speeds do not exceed 65 VdB at 25 feet. Therefore, given that delivery trucks would be traveling on-site at lower speeds, unmitigated Project-related operational vibration levels at the nearby receiver locations are anticipated to remain below 65 VdB. As such, unmitigated Project operational vibration levels would remain below the FTA vibration thresholds of 78 VdB at nearby sensitive receiver locations. On this basis, the operational vibration impacts resulting from transiting heavy trucks would be less-than-significant.

Summary

Based on the preceding, the potential for the Addendum Project to result in the generation of excessive groundborne vibration or groundborne noise levels is considered less-than-

significant. No new or substantially increased impacts would occur as a result of the Addendum Project.

Addendum Project Mitigation Measures: None.

c) No Changes or New Information Requiring Preparation of an MND or EIR.

Certified EIR Conclusions: Aircraft overflights, takeoffs, and landings in the City of Ontario contribute to the ambient noise environment. The Certified EIR concluded that Chino Airport does not significantly affect sensitive receptors within the City of Ontario. However, sensitive land uses within the 65 dba CNEL noise contour of the Ontario International Airport would be exposed to substantial levels of airport-related noise. Even with the implementation of mitigation, airport-related noise was deemed a significant and unavoidable impact of The Ontario Plan. (Certified EIR, pp. 5.12-40 – 5.12-42).

Certified EIR Mitigation Measures: Refer to Mitigation Measure 12-1, above.

Addendum Project: The Addendum Project site is located roughly two miles southeast of the Ontario International Airport (ONT). The Ontario International Airport Land Use Compatibility Plan was adopted by Ontario City Council on April 19, 2011 to promote compatibility between the airport and the land uses that surround it. The Project site is located within the airport influence area exposing the site to exterior noise levels ranging from 60-65 dBA CNEL. The Table 2-3 Noise Criteria established within the Ontario International Airport Land Use Compatibility Plan would apply to the Addendum Project. Industrial land uses located within the 60-65 dBA CNEL noise level contours of ONT, such as the Addendum Project, are considered a normally compatible land use and must reduce interior noise levels to 50 dBA CNEL. Standard building construction practices required under the State of California Green Building Standards Code (CALGreen) typically provide up to 25 dBA CNEL of attenuation. As such, application of standard CALGreen construction practices would yield acceptable Project interior noise levels of approximately 35 to 40 dBA CNEL.

Based on the preceding, the Addendum Project would not be adversely affected by airport/airfield noise, nor would the Addendum Project contribute to or result in adverse

airport/airfield noise impacts. No new or substantially increased impacts would occur as a result of the Addendum Project.

Addendum Project Mitigation Measures: None.

Sources: The Ontario Plan Draft Environmental Impact Report, State Clearinghouse No. 2008101140 (The Planning Center) April 2009; The Vine Noise Impact Assessment Memorandum (Urban Crossroads, Inc.) October 6, 2020; Addendum Project Design Concepts.

14. POPULATION AND HOUSING

Would the project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?					X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?					X	

Substantiation:

a – b) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR concluded that, while The Ontario Plan would increase both population and employment in the City, impacts would be less-than-significant. (Certified EIR pp. 5.13-12 – 5.13-20).

Certified EIR Mitigation Measures: None.

Addendum Project:

Direct Population Growth Inducement

No housing exists within the Addendum Project site. The site does not accommodate any resident populations. The Addendum Project represents a component of development and growth generally anticipated by the City, as reflected by the site's current Land Use designations. Development proposed by the Addendum Project responds globally to existing and anticipated market demands of the City and region.

Indirect Growth Inducement

Indirect population growth inducement could result from creation of additional jobs and the extension of infrastructure and services to areas not currently served, or substantial capacity/capability upgrades to existing systems and services.

Job Creation

In general terms, job creation furthers growth via wages, salaries and general fiscal benefits; increased demands for housing; and increased demands for housing, and consumer goods and services. However, job creation and associated growth would not result in impacts not already considered and addressed in the Certified EIR.

Infrastructure Improvements

The Addendum Project would implement infrastructure improvements that are consistent with the City and purveyor master plans. Growth that may result from or be facilitated by the Addendum Project infrastructure improvements would not result in impacts not previously considered and addressed in the Certified EIR.

SCAG Regional Population Growth Projections

SCAG population growth projections reflect assumptions and development scenarios incorporated in local plans including City general plans. As demonstrated in the preceding discussions, the Project would not induce or generate growth beyond that reflected in the Certified EIR. Accordingly, the Project would not result in growth not already anticipated within SCAG population growth projections for the region.

Summary

Based on the preceding discussions, the Addendum Project would not induce substantial population growth; displace substantial numbers of existing housing; or displace substantial numbers of people. No new or substantially increased population and housing impacts would occur as a result of the Addendum Project.

Addendum Project Mitigation Measures: None.

Sources: The Ontario Plan Draft Environmental Impact Report, State Clearinghouse No. 2008101140 (The Planning Center) April 2009; Addendum Project Design Concepts.

15. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of 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 public service:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
a) Fire protection?						X
b) Police protection?						X
c) Schools?						X
d) Parks?						X
e) Other public facilities?						X

Substantiation:

a – e) *No Impact.*

Certified EIR Conclusions: Section 5.14, *Public Services*, of the Certified EIR concluded that no significant impacts related to public services would occur.

Certified EIR Mitigation Measures: None.

Addendum Project: The Addendum Project would be constructed within an already-developed urban environment. Fire protection and police protection services are currently available to the subject site via existing facilities. Further, the industrial and commercial uses proposed by the Project would not create substantive additional demands for school or park facilities. Development impact fees and sales tax revenues generated by the Addendum Project would provide funding sources available for support and enhancement of public services commensurate with incremental demands of the development. No new or substantially increased public service impacts would occur as a result of the Addendum Project.

Addendum Project Mitigation Measures: None.

Sources: *The Ontario Plan Draft Environmental Impact Report, State Clearinghouse No. 2008101140* (The Planning Center) April 2009; Addendum Project Design Concepts.

16. RECREATION

Would the project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
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) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?					X	

Substantiation:

a, b) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR determined that because new development would be required to provide sufficient public parkland or pay in-lieu fees, impacts to recreational facilities would be less-than-significant. (Certified EIR, pp. 5.15-12 – 5.15-15).

Certified EIR Mitigation Measures: None.

Addendum Project: The Addendum Project does not propose residential uses or recreational facilities. The proposed industrial and commercial uses would not generate resident populations, and therefore would have no potential to 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; or to include or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Additionally, as discussed within the Certified EIR, the Addendum Project would be required to pay in-lieu fees. No new or substantially increased recreation impacts would occur as a result of the Addendum Project.

Addendum Project Mitigation Measures: None.

Sources: The Ontario Plan Draft Environmental Impact Report, State Clearinghouse No. 2008101140 (The Planning Center) April 2009; Addendum Project Design Concepts.

17. TRANSPORTATION

Would the project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
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 or be inconsistent with CEQA Guidelines section 15064.3 ¹⁰ or will 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) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?					X	
d) Result in inadequate emergency access?					X	

Substantiation:

a) *No Changes or New Information Requiring Preparation of an MND or EIR.*

¹⁰ CEQA Guidelines section 15064.3(c) provides that a lead agency “may elect to be governed by the provisions” of the section immediately; otherwise, the section’s provisions apply July 1, 2020. Here, the District has not elected to be governed by Section 15064.3. Accordingly, an analysis of vehicles miles traveled (VMT) is not necessary to determine whether a proposed project will have a significant transportation impact.

Certified EIR Conclusions: The Certified EIR concluded that with the implementation of regulatory requirements, all transportation impacts would be less-than-significant, with the exception of the following:

“Trips generated as a result of buildout of the proposed land use plan would cause a deficient level of service for the existing area intersections without implementation of the recommended lane geometry improvements. In addition, buildout of the proposed land use plan would also cumulatively contribute to the cumulatively significant freeway level of service impact that is already projected to occur in the future.”

The Certified EIR concluded that cumulative impacts in this regard would be significant and unavoidable. More specifically, the Certified EIR states, “Mitigation Measure 16-1 includes development of more enhanced intersections throughout the City, as identified in Table 5.16-6, and construction of additional turn and through lanes. Implementation of these improvements would result in LOS E or above at all intersections during both AM and PM peak hours. These improvements would occur through the entitlement process. Under the City’s development impact fee program, project applicants for new developments can either contribute their fair share toward traffic improvements or make the improvements as part of the project. Additionally, the City of Ontario has a Capitol [*sic*] Improvement Program that details the implementation of regional improvements. With implementation of the mitigation measure, impacts to local roadways would be less than significant. However, buildout of the Proposed Land Use Plan would result in additional traffic volume that would significantly cumulatively contribute to mainline freeway segment impacts. The City’s development impact fees cannot be used for improvements to roadway facilities under Caltrans’ sole jurisdiction, such as freeway mainline segments, and the City cannot widen the freeway itself. Indeed, the widening of a freeway would require the acquisition of additional right-of-way, often at the expense of residential uses, and the high cost financially and socially of such a disruption would render such cumulative mitigation infeasible, even if it were within the City’s jurisdiction. Consequently, impacts to freeway segments within the City under Impact 5.16-1 would be significant and unavoidable.” (Certified EIR, p. 5.16-47).

Certified EIR Mitigation Measure:

16-1 *The Mobility Element of the Ontario Plan shall be consistent with the traffic study prepared by Kimley-Horn and Associates. Table 5.16-6 shows the recommended lane geometry for the Proposed Land Use Plan.*

Addendum Project: Comparative traffic impacts of the Addendum Project can be inferred by comparing the estimated trip generation between the land uses that were assumed within the Certified EIR Traffic Impact Analysis (TIA) to the traffic generation of the Addendum Project land uses. To this end, a Trip Generation Analysis Comparison has been conducted for the Addendum Project.¹¹ The Trip Generation Analysis Comparison is presented as Attachment E to this Addendum.

The trip generation for a development is expressed in vehicle trip ends, defined as one-way vehicular movements, either entering or exiting the generating land use. Trip generation rates for different land uses are typically found in publications by the Institute of Transportation Engineers (ITE) and by local agencies such as San Diego Association of Governments (SANDAG). Trip generation rates for the Project were obtained from ITE's *Trip Generation*, 10th Edition for the peak hours of adjacent street traffic (7 am to 9 am during the morning peak period and 4 pm to 6 pm during the evening peak period), and on a typical weekday.

The Traffic Impact Analysis prepared for the Certified EIR was based on a traffic model that subdivided the City into 254 traffic analysis zones. The Addendum Project site comprises Traffic Analysis Zone (TAZ) 191. Within the Certified EIR, TAZ 191 was assumed to contain over 1.3 million square feet of commercial and retail uses.

Table 17-1 presents a comparison of the trip generation associated with the Addendum Project compared to those assumed under the Certified EIR for TAZ 191.

¹¹ *The Vine Trip Generation Evaluation* (Urban Crossroads, Inc.) September 24, 2020.

Table 17-1
Trip Generation Comparison (General Plan)

Land Use	AM Peak Hour			PM Peak Hour			Daily
	In	Out	Total	In	Out	Total	
Currently Adopted TAZ 191							
Passenger Cars	674	322	996	734	1,037	1,771	21,495
Addendum Project							
Passenger Cars	496	126	623	170	466	636	5,490
Truck Trips	39	8	47	8	27	35	706
Total Project Trips (PCE)	535	134	670	178	493	671	6,196
Variance							
Passenger Cars	-178	-196	-373	-564	-571	-1,135	-16,005
Truck Trips	39	8	47	8	27	35	706
Total Variance (PCE)	-139	-188	-326	-556	-544	-1,100	-15,299

Source: *The Vine Trip Generation Evaluation* (Urban Crossroads, Inc.) September 24, 2020.

As shown above, the Addendum Project is anticipated to generate 15,299 fewer trip-ends per day (with 326 fewer AM and 1,100 fewer PM peak hour trips) than those assumed within the Certified EIR for TAZ 191. This equates to a 34% reduction during the AM, 62% reduction during the PM peak hours, and a 71% reduction to daily trip-ends.

In 2019, the land uses envisioned for the Addendum site were modified within the Land Use Element of TOP. These changes were based on previous land use approvals for the Addendum site. The modified uses included multi-family residential, retail, and office uses.

Table 17-2 presents a comparison of the trip generation associated with the Addendum Project compared to the modified land uses currently approved for the site.

Table 17-2
Trip Generation Comparison (Currently Adopted Land Uses)

Land Use	AM Peak Hour			PM Peak Hour			Daily
	In	Out	Total	In	Out	Total	
Currently Adopted Land Uses							
Passenger Cars	753	250	1,003	686	1,180	1,865	19,066
Addendum Project							
Passenger Cars	496	126	623	170	466	636	5,490
Truck Trips	39	8	47	8	27	35	706
Total Project Trips (PCE)	535	134	670	178	493	671	6,196
Variance							
Passenger Cars	-257	-124	-380	-516	-714	-1,229	-13,576
Truck Trips	39	8	47	8	27	35	706
Total Variance (PCE)	-218	-116	-333	-508	-687	-1,194	-12,870

Source: *The Vine Trip Generation Evaluation* (Urban Crossroads, Inc.) September 24, 2020.

As shown above, the Addendum Project is anticipated to generate 12,870 fewer trip-ends per day (with 333 fewer AM and 1,194 fewer PM peak hour trips) as compared to the uses currently envisioned for the site. This equates to a 33% reduction during the AM, 64% reduction during the PM peak hours, and a 68% reduction to daily trip-ends.

Based on the preceding discussions, the Addendum Project would result in far fewer daily trips than either those assumed within the Certified EIR for TAZ 191 (-71%), or when compared to the land uses currently assumed in TOP for the site (-68%). As such, the Addendum Project would not result in any new or substantially increased impacts that were not identified as part of the Certified EIR.

Addendum Project Mitigation Measures: None.

b) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: *CEQA Guidelines* Section 15064.3, subdivision (b) was added to the *CEQA Guidelines* in 2019. The Vehicle Miles Traveled (VMT) metric established under Section 15064.3 is recognized. The VMT metric is effective as of July 2020. The VMT metric and related provisions were therefore not considered in the Certified EIR.

Certified EIR Mitigation Measures: None.

Addendum Project: The *CEQA Guidelines* Section 15064.3 VMT metric and related provisions have not yet been adopted or implemented by the City. Pending City adoption and implementation of a VMT analysis methodology/VMT thresholds, current jurisdictional LOS analysis methodologies and LOS deficiency criteria are reflected in this Addendum analysis. The Addendum Project would therefore not result in any impacts relative to *CEQA Guidelines* Section 15064.3, subdivision (b).

Addendum Project Mitigation Measures: None.

c – d) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR concluded that although buildout of the of the City would result in changes to the circulation network, it would not increase hazards due to design features. Roadway classification standards adopted by the City include roadway design standards that would preclude the construction of any unsafe features. Additionally, a review of emergency access is included as part of the City's Design Review process. (Certified EIR, p. 5.16-36).

Certified EIR Mitigation Measures: None.

Addendum Project: The Addendum Project does not propose elements or aspects that would substantially increase transportation/traffic hazards. Moreover, all improvements would be designed and implemented consistent with City traffic engineering and safety

standards, thereby minimizing the potential to result in or cause hazardous traffic/transportation conditions.

The Addendum Project would generate urban traffic comparable to and compatible with the vehicle mix and vehicle categories present within the area roadway system. The Project uses would therefore not cause or result in incompatible vehicle movements or traffic that would substantively increase hazards. Further, based on the projected net decrease in trip generation under the Addendum Project, the potential for the Project to result in potential traffic hazards would likely be reduced when compared to the uses assumed within the Certified EIR.

The Addendum Project does not propose or require uses or facilities that would permanently or adversely affect emergency access to the subject or surrounding properties. In conjunction with the review and approval of building permits, all plans would be reviewed to assure compliance with all applicable emergency access and safety requirements.

Additionally, pursuant to the Project Construction Traffic Management Plan (please refer to Addendum Section 2, *Project Description*, 2.4.6 *Construction Traffic Management Plan*), the Addendum Project would be required to maintain appropriate access during construction activities.

Addendum Project Mitigation Measures: None.

Sources: *The Ontario Plan Draft Environmental Impact Report, State Clearinghouse No. 2008101140* (The Planning Center) April 2009; *The Vine Trip Generation Evaluation* (Urban Crossroads, Inc.) September 24, 2020; Addendum Project Design Concepts.

18. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or					X	
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.					X	

Substantiation:

a, b) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: This environmental topical concern has recently been added to the *CEQA Guidelines* Appendix G, Environmental Checklist Form and was therefore not specifically addressed in the Certified EIR. Impacts to tribal cultural resources were addressed through Section 5.5, *Cultural Resources*, of the Certified EIR. With the implementation of mitigation, the Certified EIR concluded that impacts would be less-than-significant.

Certified EIR Mitigation Measures:

- 5-3 *Upon receipt of an application for a Specific Plan or a project that requires a General Plan amendment subject to CEQA and is within the City's jurisdiction, the City's representative shall consult with the relevant tribe(s)' representative(s) to determine if the proposed project is within a culturally sensitive area to the tribe. If sufficient evidence is provided to reasonably ascertain that the site is within a [tribal] culturally sensitive area, then a cultural resources assessment prepared by an archaeologist shall be required. The findings of the cultural resources assessment shall be incorporated into the CEQA documentation. A copy of the report shall be forwarded to the tribe(s). If mitigation is recommended in the CEQA document, the procedure described in Mitigation Measure 5-4 shall be followed.*
- 5-4 *Prior to the issuance of grading permits for a Specific Plan or project that requires a General Plan amendment for which the CEQA document defines cultural resource mitigation for potential tribal resources, the project applicant shall contact the designated tribe(s) to notify them of the grading, excavation, and monitoring program. The applicant shall coordinate with the City of Ontario and the tribal representative(s) to develop mitigation measures that address the designation, responsibilities, and participation of tribal monitors during grading, excavation, and ground-disturbing activities; scheduling; terms of compensation; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site. The City of Ontario shall be the final arbiter of the conditions for projects within the City's jurisdiction.*

Addendum Project: As discussed previously at Checklist Item 5, *Cultural Resources*, the Addendum Project would not affect historic, archaeological, or paleontological resources. Consistent with Mitigation Measure 5-3, the City initiated tribal notification on November 19, 2019. In response to information received from the Native American Heritage Commission, additional tribes were notified on December 20, 2019. Of the responses received to date, only the Gabrieleno Band of Mission Indians – Kizh Nation has requested consultation. Moving forward, Certified EIR Mitigation Measure 5-4 will be implemented by the Addendum Project, as presented within the *Mitigation and Implementation Summary Matrix*, shown within Section 5.0 of this Addendum.

Consultation and coordination with relevant tribes, as required by Mitigation Measures 5-3 and 5-4, act to preclude significant impacts to tribal cultural resources. The Addendum Project would not result in any new or substantially increased impacts that were not identified as part of the Certified EIR.

Addendum Project Mitigation Measures: None.

Sources: The Ontario Plan Draft Environmental Impact Report, State Clearinghouse No. 2008101140 (The Planning Center) April 2009; Addendum Project Design Concepts.

19. UTILITIES AND SERVICE SYSTEMS

Would the project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?					X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?					X	
c) 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	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?					X	

Would the project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?					X	

Substantiation:

a-c) *No Changes or New Information Requiring Preparation of an MND or EIR.*

Certified EIR Conclusions: The Certified EIR concluded that, although buildout of The Ontario Plan would generate additional wastewater, it would be adequately treated in accordance with Regional Water Quality Control Board and California Department of Public Health requirements. Additionally, storm drainage systems would be expanded to accommodate growth associated with the buildout of The Ontario Plan. Upon implementation of regulatory requirements and standard conditions of approval, impacts in this regard were deemed less-than-significant. (Certified EIR, pp. 5.17-25 and 5.17-28).

The Certified EIR also determined that buildout of The Ontario Plan would create a four percent greater need for water supply than previously assessed in the City of Ontario Urban Water Management Plan (2005). Mitigation Measures 17-1 through 17-3 were included to preclude significant impacts. (Certified EIR, p. 5.17-20).

Certified EIR Mitigation Measures:

17-1 *The City shall include a policy in the Policy Plan that requires water conservation measures for development projects to improve water use efficiency and reduce overall water demand. Reduce potable water demand, through conservation measures, including but not limited to:*

- a) *Work cooperatively with all developers to incorporate conservation measures into project designs (such as those recommended by the California Urban Water Conservation Council).*
- b) *Continue to develop and implement drought contingency plans to assist citizens and businesses reduce water use during water shortages and emergencies.*
- c) *Revise the City Code to include a Water-Efficient Landscape Ordinance to encourage or, as appropriate, require the use of water-efficient landscaping consistent with AB 325.*

17-2 *The City shall include a policy in the Policy Plan that maximizes the use of recycled water as an irrigation (nonpotable) source for landscaping, parks, and other irrigation opportunities in all areas of the City and requires use of recycled water in dual-system office and industrial uses in selected urban areas of the City, where available and feasible.*

17-3 *The City shall include a policy in the Policy Plan that the City participate through the Chino Basin Water Master and the Inland Empire Utilities Agency in regional efforts to develop finding additional sources of water for groundwater recharge, such as capture of stormwater runoff, recycled water, or other sources to ensure that the Chino Basin stays in long-term hydraulic balance and sustainability and that adequate additional local water sources would be available to increase the flexibility of the City's water supply.*

Addendum Project: Assuming a base water demand factor of 2,200 gallons per day/acre for commercial uses and 2,000 gallons per day/acre for industrial uses, development of the Addendum Project would result in a water demand reduction of 53.6 acre-feet per year as compared to the water demand assumed in Certified EIR.¹²

¹² Water Supply Assessment, Meredith International Centre, Albert C. Webb, 2014

**Table 19-1
Water Demand**

	Land Use	Acreage/DU	Water Factor (gpd/acre)	Total Water Use (gal/day)	Total Water Use (acre feet per year)	Water Use Reduction
Existing General Plan						
	Residential	7.4/185	251/DU	46,435	52.0	
	Retail	23.3	2200	51,260	57.0	
	Office	10.2	3400	34,680	38.8	
<i>Total General Plan</i>				132,375	147.8	
Addendum Project						
	Industrial	33.7	2000	67,400	75.5	
	Commercial	7.6	2200	16,720	18.7	
<i>Total Addendum</i>				84,120	94.2	
Difference				(48,255)	(53.6)	(36.7%)

As shown in Table 19-1, implementation of the Addendum Project would result in a 36.7 percent reduction in water demand as compared to the uses assumed within the Certified EIR.

Current development plans for The Vine Project show connections to existing potable and recycled water facilities located adjacent to the site, as illustrated at Figure 2.4-5. All improvements would be constructed and inspected by the City of Ontario. The Project proponents would be required to pay utility and service system connection fees established by the City to support the maintenance and planned improvement of existing infrastructure.

No additional or non-standard treatment is required to meet the Addendum Project's water demands. The Addendum Project would be required to pay applicable water and sewer connection and service fees, which act to fund City improvement plans, operations, and maintenance. The IEUA, as a regional wastewater treatment provider, will determine when and in what manner treatment facilities will be constructed and/or upgraded to meet increasing demands of areawide development, including the incremental demands of the Addendum Project.

The Addendum Project would not result in any new or substantially increased utility or service system impacts not previously identified within the Certified EIR.

Addendum Project Mitigation Measures: None.

d,e) No Changes or New Information Requiring Preparation of an MND or EIR.

Certified EIR Conclusions: The Certified EIR concluded that buildout of The Ontario Plan would be served by landfills with sufficient permitted capacities to accommodate all solid waste disposal needs. Additionally, no conflicts with federal, state, and local management and reduction statutes and regulations related to solid waste were identified. The Certified EIR determined that impacts related to solid waste would be less-than-significant. (Certified EIR, p. 5.17-31).

Certified EIR Mitigation Measures: None.

Addendum Project: Refuse within the City is sent to the West Valley Materials Recovery Facility (MRF) in Fontana for processing, recycling, or landfilling. Most refuse is then transported from the MRF to El Sobrante Landfill in the City of Corona. El Sobrante landfill has a capacity of 184,930,000 tons and is expected to close in 2030.

Solid waste management statutes and regulations applicable to the Addendum Project are summarized below.

City of Ontario Construction & Demolition Recycling Plan (CDRP)

Pursuant to Ontario Municipal Ordinance (OMC) Sec. 6-3.602 *Construction & Demolition Recycling Plan* and the 2016 California Green Building Standards Code (CALGreen), all building and demolition permit applicants are required to prepare and submit a Construction & Demolition Recycling Plan (CDRP) and a Construction & Demolition Recycling Plan (CDRP) Summary Report. OMC Sec. 6-3.602 and CALGreen require all construction and qualifying renovation and demolition projects to divert at least 65% of all generated waste materials. The Addendum Project would be subject to (OMC) Sec. 6-3.602 and CALGreen construction waste diversion mandates. The City oversees

compliance with OMC Sec. 6-3.602 and CALGreen construction waste diversion mandates.

AB 939 - California Integrated Waste Management Act of 1989

Solid waste management is guided by the California Integrated Waste Management Act of 1989 (AB 939), which emphasizes resource conservation through reduction, recycling, and reuse of solid waste. AB 939 requires that localities conduct a Solid Waste Generation Study (SWGS) and develop a Source Reduction Recycling Element (SRRE), providing for a minimum 50 percent reduction in waste sent to landfills. Diversion rates are calculated and tracked by the California Integrated Waste Management Board (Board). Alternatively, the Board can determine that a jurisdiction's "good faith efforts" to implement comprehensive diversion programs have satisfied the requirement even if diversion levels are below 50 percent.

To reduce waste disposal, AB 939 requires every California city and county to divert 50 percent of its waste from landfills. Residential, commercial and governmental waste recycling programs in support of the SRRE have been implemented by the City.

The City is currently meeting or exceeding all AB 939 solid waste diversion targets. The Addendum Project would be required to comply with AB 939 as implemented by the City.

AB 341 - Commercial Recycling

Assembly Bill 341 mandates recycling for businesses producing four or more cubic yards of solid waste per week, and multifamily dwellings of five units or more. Under the law, business must separate recyclables from trash and then either subscribe to City of Ontario recycling services, self-haul their recyclables, or contract with a permitted private recycler. The Addendum Project would be subject to Assembly Bill 341 mandates.

AB 1826 - Commercial Organics Recycling

Under Assembly Bill 1826, businesses are required to arrange for organic recycling services. The Project would be subject to Assembly Bill 1826 mandates.

The California Department of Resources Recycling and Recovery (CalRecycle) oversees both the mandatory commercial recycling program and the mandatory commercial organics recycling program. The City of Ontario supports both bills through public outreach, monitoring of recycling efforts, providing notification to non-compliant businesses, and periodic State reporting.

The Project would be required to comply with the above solid waste management statutes and regulations. The City and CalRecycle would oversee and monitor compliance with applicable solid waste management statutes and regulations.

SB 1383 - Organic Waste Management Requirements

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The law grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

The City is currently developing programs and strategies to address the requirements of SB 1383, the Addendum Project would be required to ultimately abide by those requirements.

As stated within the Certified EIR, impacts to solid waste services and facilities from new development such as the Addendum Project are handled through the payment of development impact fees as outlined in the City of Ontario Development Impact Fee Calculation and Nexus Fee Schedules. With the payment of required development impact fees and compliance with existing solid waste regulations, the Addendum Project would not result in any new or substantially increased solid waste impacts not previously identified within the Certified EIR.

Addendum Project Mitigation Measures: None.

Sources: The Ontario Plan Draft Environmental Impact Report, State Clearinghouse No. 2008101140 (The Planning Center) April 2009; Addendum Project Design Concepts.

20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?						X
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?						X
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?						X
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?						X

Substantiation:

a – d) *No Impact.*

Certified EIR Conclusions: This environmental topical concern has been recently added to the *CEQA Guidelines* Appendix G, Environmental Checklist Form and was therefore not specifically addressed in the Certified EIR.

Certified EIR Mitigation Measures: Not Applicable.

Addendum Project: The Addendum Project site, and City of Ontario as a whole, is a densely urbanized area. According to California Department of Forestry and Fire

Protection (CAL FIRE) Fire Hazard Severity Zone Maps, the area is not located within or near a state responsibility area, or within an area classified as a very high fire hazard severity zone.

Fire protection services for the Addendum Project site and vicinity are currently available through the Ontario Fire Department. Adherence to local fire department building and site design requirements, and compliance with codified fire protection and prevention measures during construction and operation of the Addendum Project are required. No new or substantially increased wildfire impacts would occur as a result of the Addendum Project.

Addendum Project Mitigation Measures: None.

Sources: https://osfm.fire.ca.gov/media/6781/fhszs_map62.pdf; Addendum Project Design Concepts.

21. MANDATORY FINDINGS OF SIGNIFICANCE

	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
Does the project: a) Have the potential to substantially 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, substantially 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	

Does the project:	Substantial Change in Project Requiring Major MND Revisions	Substantial Change in Circumstances Requiring Major MND Revisions	New Information Showing Greater Significant Effects than Previous MND	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous MND	No Changes or New Information Requiring Preparation of an MND or EIR	No Impact
b) 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 the past projects, the effects of other current projects, and the effects of probable future projects.)					X	
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?					X	

Substantiation:

a – c) *No Changes or New Information Requiring Preparation of an MND or EIR.*

This Addendum defines, describes, compares, and contrasts potential environmental impacts of the Addendum Project in the context of the environmental impacts assessed in the Certified EIR. In so doing, this Addendum substantiates consistency with applicable California Environmental Quality Act (CEQA) Guidelines provisions addressing preparation of an Addendum to a previously-Certified EIR.

As supported by the discussions presented herein, the Addendum Project would not substantially 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, substantially 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, either directly or indirectly.

The Addendum Project would not result in or cause any new significant impacts, substantively increased impacts, or substantively different environmental impacts than those previously addressed in the Certified EIR.

4.0 DETERMINATION

4.0 DETERMINATION

As supported by the analysis presented herein, the potential environmental effects of the development allowed by the Addendum Project, and associated required discretionary actions, have been adequately addressed in the Certified EIR. This Addendum provides minor technical changes to the Certified EIR analysis. As such, the development of any further information and analysis is not warranted. Pursuant to the requirements of *CEQA Guidelines* Section 15162 and 15164, the following determinations have been made.

Major Revisions to the Certified EIR Not Required

Based on the preceding analysis and information, there is no evidence that major changes to the Certified EIR are required. This Addendum indicates that there is no new significant or more severe environmental impact, and that the development of the Project described herein would essentially have the same, or reduced, impacts as those described in the Certified EIR.

No Substantial Change in Circumstances Requiring Major Revisions to the Certified EIR

No information exists in the record, or is otherwise available that indicates that there are substantial changes in circumstances that would require major changes to the Certified EIR.

No New Information Showing Greater Significant Effects than Identified in the Certified EIR

This Addendum has considered all available relevant information to determine whether there is new information, which was not available at the time the Certified EIR was prepared, that may indicate that a new significant effect may occur that was not reported in the Certified EIR. As supported by the analysis presented in this Addendum, there is no substantial new information that was not available at the time of

the Certified EIR, indicating that there will be a new, significant impact requiring major revisions of the Certified EIR.

No New Information Showing Ability to Reduce Significant Effects Identified in the Certified EIR

The Addendum analysis substantiates that there are no significant impacts requiring identification of new or additional alternatives to the Addendum Project. The continued implementation of applicable Certified EIR mitigation measures reduce the Project's potentially significant impacts to levels that are less-than-significant.

Summary

The analysis presented in this document substantiates that the analysis presented in the Certified EIR is sufficient to satisfy CEQA requirements for the proposed Addendum Project. That is, with incorporation of mitigation, implementation of the Addendum Project described and evaluated herein will not result in any significant new, different, additional, or substantially increased environmental impacts than were previously considered and addressed in the Certified EIR. As such, environmental assessment of the Addendum Project does not require any major revision of the previously-approved Certified EIR, nor will the development allowed by the Addendum Project result in conditions that would require preparation of further analysis as described in the *CEQA Guidelines*.

5.0 MITIGATION SUMMARY

5.0 MITIGATION SUMMARY

5.1 OVERVIEW

The following Table 5.1-1, *Mitigation and Implementation Summary Matrix*, comprehensively presents mitigation measures incorporated in the Certified EIR, and associated with the development of the Addendum Project described herein.

Within the “Mitigation Measures” column, Mitigation Measures that are no longer required are indicated by ~~strikeout font~~, new Mitigation Measures are indicated by ***bold italic text***. The “Remarks” column identifies status and applicability of Mitigation Measures. Retained or new mitigation measures presented at Table 5.1-1 will be implemented through Project Conditions of Approval or as otherwise deemed appropriate by the City.

At the discretion of the Planning Director, any of the mitigation measures identified at Table 5.1-1 may be modified to respond to conditions and context as they may apply to development proposed by the Addendum Project. Any such discretionary modifications cannot result in any new significant environmental impacts; rather, modifications would ensure compliance and consistency with current City goals, policies, regulations, and development programs/plans.

Table 5.1-1 Mitigation and Implementation Summary Matrix	
Mitigation Measures	Remarks
Aesthetics	
N/A	No mitigation was included within the Certified EIR; No mitigation is required of the Addendum Project.
Agriculture and Forestry Resources	
N/A	No mitigation was included within the Certified EIR; No mitigation is required of the Addendum Project.
Air Quality	
<p>3-1 The City of Ontario Building Department shall require that all new construction projects incorporate all feasible mitigation measures to reduce air quality emissions. Potential measures shall be incorporated as conditions of approval for a project and may include:</p> <ul style="list-style-type: none"> • Requiring fugitive dust control measures that exceed South Coast Air Quality Management District’s Rule 403, such as: <ul style="list-style-type: none"> ○ Requiring use of nontoxic soil stabilizers to reduce wind erosion. ○ Applying water every four hours to active soil-disturbing activities. ○ Tarping and/or maintaining a minimum of 24 inches of freeboard on trucks hauling dirt, sand, soil, or other loose materials. ○ Using construction equipment rated by the United States Environmental Protection Agency as having Tier 3 or higher exhaust emission limits. ○ Ensuring construction equipment is properly serviced and maintained to the manufacturer’s standards. ○ Limiting nonessential idling of construction equipment to no more than five consecutive minutes. ○ Using Super-Compliant VOC paints for coating of architectural surfaces whenever possible. A list of Super-Compliant architectural 	<p>Not Applicable. This is a directive for City staff for implementation during the development approval process; not mitigation measures for the Addendum Project. It is noted that the Addendum Project would not result in air quality impacts not previously addressed as part of the Certified EIR analysis.</p>

Table 5.1-1 Mitigation and Implementation Summary Matrix	
Mitigation Measures	Remarks
<p>coating manufactures can be found on the South Coast Air Quality Management District's website at: http://www.aqmd.gov/prdas/brochures/Super-Compliant_AIM.pdf.</p>	
<p>3-2 The City of Ontario shall evaluate new development proposals within the City and require all developments to include access or linkages to alternative modes of transportation, such as transit stops, bike paths, and/or pedestrian paths (e.g., sidewalks).</p>	<p>Not Applicable. This is a directive for City staff for implementation during the development approval process; not mitigation measures for the Addendum Project. It is noted that the Addendum Project would not result in air quality impacts not previously addressed as part of the Certified EIR analysis.</p>
<p>3-3 The City of Ontario shall evaluate new development proposals within the City for potential incompatibilities with regard to the California Air Resources Board's Air Quality and Land Use Handbook: A Community Health Perspective (April 2005). New development that is inconsistent with the recommended buffer distances shall only be approved if all feasible mitigation measures, such as high efficiency Minimum Efficiency Reporting Value filters have been incorporated into the project design to protect future sensitive receptors from harmful concentrations of air pollutants as a result of proximity to existing air pollution sources.</p>	<p>Not Applicable. This is a directive for City staff for implementation during the development approval process; not mitigation measures for the Addendum Project. It is noted that the Addendum Project would not result in air quality impacts not previously addressed as part of the Certified EIR analysis.</p>
Biological Resources	
<p><i>4-1 Avoidance of Nesting Migratory Birds: If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season, all suitable habitat will be thoroughly surveyed within 72 hours prior to clearing for the presence of nesting birds by a qualified biologist (Project Biologist). The Project Biologist shall be approved by the City and retained by the Applicant. The survey results shall be submitted by the Project Applicant to the City Planning Department. If any active nests are detected, the area shall</i></p>	<p>Applicable. This Measure shall be implemented by the Addendum Project.</p>

Table 5.1-1 Mitigation and Implementation Summary Matrix	
Mitigation Measures	Remarks
<p><i>be flagged and mapped on the construction plans along with a minimum 300-foot buffer, with the final buffer distance to be determined by the Project Biologist. The buffer area shall be avoided until, as determined by the Project Biologist, the nesting cycle is complete or it is concluded that the nest has failed. In addition, the Project Biologist shall be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.</i></p>	
<p>4-2 Avoidance of Nesting Burrowing Owls: <i>No more than 72 hours prior to any site disturbances, focused surveys for the burrowing owl shall be conducted. If absence of this species is confirmed, project work can proceed. If however, burrowing owl is located on site, the appropriate resource agencies (CDFW and USFWS) shall be contacted. The Project Applicant shall consult with the wildlife agencies regarding the most appropriate methods and timing for removal of owls. As necessary, owls will be actively evicted following agency approved protocols (i.e., placing a one-way door at the burrow entrance to ensure that owls cannot access the burrow once they leave). Any such active eviction shall occur outside of the breeding/nesting season. That is, active eviction shall be accomplished between September 1 and February 15. If more than 30 days has elapsed between owl eviction and completion of clearing and grubbing activities, a subsequent survey for the burrowing owl shall be conducted to ensure that owls have not re-populated the site. Any reoccupation by owls will require subsequent protocol active eviction.</i></p>	<p>Applicable. This Measure shall be implemented by the Addendum Project.</p>
Cultural Resources	
<p>5-1 Historic or potentially historic resources in the City shall be evaluated for historic significance through the City's tier system prior to the issuance of development approvals in the Focus Areas.</p>	<p>Not Applicable. This is a directive for City staff to review projects of historic significance. It is not a mitigation measure for the Addendum Project. It is noted that the Addendum Project would not result in</p>

Table 5.1-1 Mitigation and Implementation Summary Matrix	
Mitigation Measures	Remarks
	cultural resources impacts not previously addressed within the Certified EIR analysis.
<p>5-2 In areas of documented or inferred archaeological and/or paleontological resource presence, City staff shall require applicants for development permits to provide studies to document the presence/absence of such resources. On properties where resources are identified, such studies shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of a qualified cultural preservation expert. The mitigation plan shall include the following requirements:</p> <p>a) Archaeologists and/or paleontologist shall be retained for the project and will be on call during grading and other significant ground disturbing activities.</p> <p>b) Should any cultural/scientific resources be discovered, no further grading shall occur in the area of the discovery until the Planning Director is satisfied that adequate provisions are in place to protect these resources.</p> <p>c) Unanticipated discoveries shall be evaluated for significance by a San Bernardino County Certified Professional Archaeologist/Paleontologist. If significance criteria are met, then the project shall be required to perform data recovery, professional identification, radiocarbon dates, and other special studies; submit materials to a museum for permanent curation; and provide a comprehensive final report including catalog with museum numbers.</p>	<p>Not Applicable. This is a directive for City staff to require archaeological and paleontological resource studies as part of the development review process. This is not a mitigation measure for the Addendum Project. It is noted that the Addendum Project would not result in cultural resources impacts not previously addressed within the Certified EIR analysis.</p>
<p>5-3 Upon receipt of an application for a Specific Plan or a project that requires a General Plan amendment subject to CEQA and is within the City's jurisdiction, the City's representative shall consult with the relevant tribe(s)' representative(s) to determine if the proposed project is within a culturally sensitive area to the tribe. If sufficient</p>	<p>Applicable. This Measure would be implemented by the Addendum Project.</p>

Table 5.1-1 Mitigation and Implementation Summary Matrix	
Mitigation Measures	Remarks
evidence is provided to reasonably ascertain that the site is within a [tribal] culturally sensitive area, then a cultural resources assessment prepared by an archaeologist shall be required. The findings of the cultural resources assessment shall be incorporated into the CEQA documentation. A copy of the report shall be forwarded to the tribe(s). If mitigation is recommended in the CEQA document, the procedure described in Mitigation Measure 5-4 shall be followed.	
5-4 Prior to the issuance of grading permits for a Specific Plan or project that requires a General Plan amendment for which the CEQA document defines cultural resource mitigation for potential tribal resources, the project applicant shall contact the designated tribe(s) to notify them of the grading, excavation, and monitoring program. The applicant shall coordinate with the City of Ontario and the tribal representative(s) to develop mitigation measures that address the designation, responsibilities, and participation of tribal monitors during grading, excavation, and ground-disturbing activities; scheduling; terms of compensation; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site. The City of Ontario shall be the final arbiter of the conditions for projects within the City’s jurisdiction.	Applicable. This Measure would be implemented by the Addendum Project.
Energy	
N/A	
Geology and Soils	
Please refer to Certified EIR Mitigation Measures 5-2 through 5-4, presented previously.	

Table 5.1-1 Mitigation and Implementation Summary Matrix	
Mitigation Measures	Remarks
Greenhouse Gas Emissions	
<p>6-1 The City of Ontario shall prepare a Climate Action Plan within 18 months after adopting The Ontario Plan. The goal of the Climate Action Plan shall be to reduce GHG emissions from all activities within the City boundaries to support the State’s efforts under AB 32 and to mitigate the impact of climate change on the City, State, and world. Once completed, the City shall update The Ontario Plan and associated policies, as necessary, to be consistent with the Climate Action Plan and prepare a subsequent or supplemental Environmental Impact Report, if new significant impacts are identified. The Climate Action Plan shall include the following:</p> <ul style="list-style-type: none"> • Emission Inventories: The City shall establish GHG emissions inventories including emissions from all sectors within the City, using methods approved by, or consistent with guidance from, the CARB; the City shall update inventories every 3 years or as determined by state standards to incorporate improved methods, better data, and more accurate tools and methods, and to assess progress. If the City is not on schedule to achieve the GHG reduction targets, additional measures shall be implemented, as identified in the CAP. • The City shall establish a baseline inventory of GHG emissions including municipal emissions, and emissions from all business sectors and the community. • The City shall define a “business as usual” scenario of municipal, economic, and community activities, and prepare a projected inventory for 2020 based on that scenario. 	<p>Not Applicable. This is a directive for City staff to prepare a Climate Action Plan. This is not a mitigation measure for the Addendum Project. It is noted that the Addendum Project would not result in GHG impacts not previously addressed as part of the Certified EIR analysis.</p>

**Table 5.1-1
Mitigation and Implementation Summary Matrix**

Mitigation Measures	Remarks
<ul style="list-style-type: none"> • Emission Targets: The City will develop Plans to reduce or encourage reductions in GHG emissions from all sectors within the City: • A Municipal Climate Action Plan which shall include measures to reduce GHG emissions from municipal activities by at least 30 percent by 2020 compared to the "business as usual" municipal emissions (including any reductions required by the California Air Resource Board under AB 32. • A Business Climate Action Plan in collaboration with the business community, which shall include measures to reduce GHG emissions from business activities, and which shall seek to reduce emissions by at least 30 percent by 2020 compared to "business as usual" business emissions. • A Community Climate Action Plan in collaboration with the stakeholders from the community at large, which shall include measures reduce GHG emissions from community activities, and which shall seek to reduce emissions by at least 30 percent by 2020 compared to "business as usual" community emissions. 	
<p>6-2 The Climate Action Plan shall include specific measures to achieve the GHG emissions reduction targets identified in Mitigation Measure 6.1. The Climate Action Plan shall quantify the approximate greenhouse gas emissions reductions of each measure and measures shall be enforceable. Measures listed below, along with others, shall be considered during the development of the Climate Action Plan (CAP):</p> <ul style="list-style-type: none"> • Require all new or renovated municipal buildings to seek Silver or higher Leadership in Energy and Environmental Design (LEED) 	<p>Not Applicable. This is a directive for City staff during the preparation of the Climate Action Plan. This is not a mitigation measure for the Addendum Project. It is noted that the Addendum Project would not result in GHG impacts not previously addressed as part of the Certified EIR analysis.</p>

**Table 5.1-1
Mitigation and Implementation Summary Matrix**

Mitigation Measures	Remarks
<p>standard, or compliance with similar green building rating criteria.</p> <ul style="list-style-type: none"> • Require all municipal fleet purchases to be fuel efficient vehicles for their intended use based on the fuel type, design, size, and cost efficiency. • Require that new development projects in Ontario that require demolition prepare a demolition plan to reduce waste by recycling and/or salvaging a nonhazardous construction and demolition debris. • Require that new developments design buildings to be energy efficient by siting buildings to take advantage of shade, prevailing winds, landscaping, and sun screening to reduce energy required for cooling. • Require that cool roofs for non residential development and cool pavement to be incorporated into the site/building design for new development where appropriate. • Evaluate the feasibility of implementing a Public Transit Fee to support Omnitrans in developing additional transit service in the City. • Require diesel emission reduction strategies to eliminate and/or reduce idling at truck stops, warehouses, and distribution facilities throughout the City. • Install energy efficient lighting and lighting control systems in all municipal buildings. 	

**Table 5.1-1
Mitigation and Implementation Summary Matrix**

Mitigation Measures	Remarks
<ul style="list-style-type: none"> • Require all new traffic lights installed be energy efficient traffic signals. Require the use of reclaimed water for landscape irrigation in all new development and on public property where such connections are within the service boundaries of the City's reclaimed water system. • Require all new landscaping irrigation systems installed within the City to be automated, high-efficient irrigation systems to reduce water use and require use of bubbler irrigation; low-angle, low-flow spray heads; or moisture sensors. Conduct energy efficiency audits of existing municipal buildings by checking, repairing, and readjusting heating, ventilation, and air conditioning systems, lighting, water heating equipment, insulation, and weatherization. • Ensure that its local Climate Action, Land Use, Housing, and Transportation Plans are aligned with, support, and enhance any regional plans that have been developed consistent with state guidance to achieve reductions in GHG emissions. • Mitigate climate change by decreasing heat gain from pavement and other hard surfaces associated with infrastructure. • Reduce heat gain from pavement and other similar hardscaping. • Work with appropriate agencies to create an interconnected transportation system that allows a shift in travel from private passenger vehicles to alternative modes, including public transit, ride sharing, car sharing, bicycling and walking. • Provide safe and convenient access for pedestrians and bicyclists to, across, and along major transit priority streets. 	

**Table 5.1-1
Mitigation and Implementation Summary Matrix**

Mitigation Measures	Remarks
<ul style="list-style-type: none"> • Facilitate employment opportunities that minimize the need for private vehicle trips, by: • Amending zoning ordinances and the Development Code to include live/work sites and satellite work centers in appropriate locations. • Encouraging telecommuting options with new and existing employers, through project review and incentives, as appropriate. • Establish policies and programs to reduce onsite parking demand and promote ridesharing and public transit at large events. • Support and promote the use of low and zero emission vehicles, by: • Encouraging the necessary infrastructure to facilitate the use of zero emission vehicles and clean alternative fuels, such as electric vehicle charging facilities and conveniently located alternative fueling stations. • Encouraging new construction to include vehicle access to properly wired outdoor receptacles to accommodate ZEV and/or plug in electric hybrids (PHEV). • Encouraging transportation fleet standards to achieve the lowest emissions possible, using a mix of alternate fuels, PZEV or better fleet mixes. • Establishing incentives, as appropriate, to taxicab owners to use alternative fuel or gas electric hybrid vehicles. 	

**Table 5.1-1
Mitigation and Implementation Summary Matrix**

Mitigation Measures	Remarks
<ul style="list-style-type: none"> • Establish green building requirements and standards for new development and redevelopment projects, and work to provide incentives for green building practices and remove barriers that impede their use. • Allow increased height limits and/or flexibility in other standards for projects that incorporate energy efficient green building practices where not prohibited by Airport Land Use Compatibility Plan (ALUCP)/Federal Aviation Administration (FAA). • Identify and remove regulatory or procedural barriers to implementing green building practices within its jurisdiction, such as updating codes, guidelines, and zoning, and ensure that all plan review and building inspection staff are trained in green building materials, practices, and techniques. • Support the use of green building practices by: <ul style="list-style-type: none"> • Providing information, marketing, training, and technical assistance about green building practices. • Adopting a Green Building ordinance with guidelines for green building practices in residential and commercial development. • Adopt energy efficiency performance standards for buildings designed to achieve a greater reduction in energy and water use than currently required by state law, including: <ul style="list-style-type: none"> • Standards for the installation of "cool roofs". • Standards for improved overall efficiency of lighting systems. 	

**Table 5.1-1
Mitigation and Implementation Summary Matrix**

Mitigation Measures	Remarks
<ul style="list-style-type: none"> • Requirements for the use of Energy Star appliances and fixtures in discretionary new development. • Encourage the performance of energy audits for residential and commercial buildings prior to completion of sale, and that audit results and information about opportunities for energy efficiency improvements be presented to the buyer. • Establish policies and programs that facilitate the siting of new renewable energy generation. • Require that any building constructed in whole or in part with City funds incorporate passive solar design features, such as daylighting and passive solar heating, where feasible. • Prepare and implement a comprehensive plan to improve energy efficiency of municipal facilities, including: <ul style="list-style-type: none"> • Conducting energy audits. • Retrofitting municipal facilities for energy efficiency where feasible and when remodeling or replacing components, including increased insulation, installing green or reflective roofs and low emissive window glass. • Implementing an energy tracking and management system for its municipal facilities. • Installing energy efficient exit signs, street signs, and traffic lighting, subject to life/safety considerations. 	

**Table 5.1-1
Mitigation and Implementation Summary Matrix**

Mitigation Measures	Remarks
<ul style="list-style-type: none"> • Installing energy efficient lighting retrofits and occupancy sensors, and institute a "lights out at night" policy, subject to life/safety considerations. • Retrofitting heating and cooling systems to optimize efficiency (e.g., replace chillers, boilers, fans, pumps, belts, etc.). • Installing Energy Star® appliances and energy efficient vending machines. • Improving water use efficiency, including a schedule to replace or retrofit system components with high efficiency units (i.e., ultra low flow toilets, fixtures, etc.). • Installing irrigation control systems which maximize water use efficiency and minimize off-peak use. • Adopting an accelerated replacement schedule for energy inefficient systems and components. • Insure that staff receives appropriate training and support to implement objectives and policies to reduce GHG emissions, including: • Providing energy efficiency training to design, engineering, building operations, and maintenance staff. • Providing information on energy use and management, including data from the tracking and management system, to managers and others making decisions that influence energy use. 	

**Table 5.1-1
Mitigation and Implementation Summary Matrix**

Mitigation Measures	Remarks
<ul style="list-style-type: none"> • Providing energy design review services to departments undertaking new construction or renovation projects, to facilitate compliance with LEED standards. • Maximize efficiency at drinking water treatment, pumping, and distribution facilities, including development of off peak demand schedules for heavy commercial and industrial users. • Establish a replacement policy and schedule to replace fleet vehicles and equipment with the most fuel efficient vehicles practical, including gasoline hybrid and alternative fuel or electric models. • Require the installation of outdoor electrical outlets on buildings to support the use, where practical, of electric lawn and garden equipment, and other tools that would otherwise be run with small gas engines or portable generators. • Implement measures to reduce employee vehicle trips and to mitigate emissions impacts from municipal travel. • Conduct a comprehensive inventory and analysis of the urban forest, and coordinate tree maintenance responsibilities with all responsible departments, consistent with best management practices. • Evaluate existing landscaping and options to convert reflective and impervious surfaces to landscaping, and will install or replace vegetation with drought tolerant, low maintenance native species or edible landscaping that can also provide shade and reduce heat island effects. 	

Table 5.1-1 Mitigation and Implementation Summary Matrix	
Mitigation Measures	Remarks
<ul style="list-style-type: none"> • Implement enhanced programs to divert solid waste from landfill operations, by: • Establishing a diversion target which meets or exceeds AB 939 requirements. • Promoting and expanding recycling programs, purchasing policies, and employee education to reduce the amount of waste produced. • Reduce per capita water consumption consistent with state law by 2020. • Establish a water conservation plan that may include such policies and actions as: • Maintaining and refining the City's tiered rate structure for water use. • Establishing restrictions on time of use for landscape watering, or other demand management strategies. • Establishing performance standards for irrigation equipment and water fixtures, consistent with state law. • Establish programs and policies to increase the use of recycled water, including: • Promoting the use of recycled water for agricultural, industrial, and irrigation purposes, including grey water systems for residential irrigation. 	

**Table 5.1-1
Mitigation and Implementation Summary Matrix**

Mitigation Measures	Remarks
<ul style="list-style-type: none"> • Ensure that building standards and permit approval processes promote and support water conservation, by: • Establishing building design guidelines and criteria to promote water efficient building design, including minimizing the amount of non-roof impervious surfaces around the building(s). • Establishing menus and check lists for developers and contractors to ensure water efficient infrastructure and technology are used in new construction, including low flow toilets and shower heads, moisture sensing irrigation, and other such advances. • Organize workshops on waste reduction activities for the home or business, such as backyard composting, or office paper recycling, and shall schedule recycling dropoff events and neighborhood chipping/mulching days. • Organize workshops on steps to increase energy efficiency in the home or business, such as weatherizing the home or building envelope, installing smart lighting systems, and how to conduct a self-audit for energy use and efficiency. 	
<p>6-3 The City of Ontario will amend the Municipal Code within 18 months after adopting The Ontario Plan, with provisions implementing the following GHG emission reduction concepts:</p> <ul style="list-style-type: none"> • Increase densities in urban core areas to support public transit, by, among other means:- • Removing barriers to the development of accessory dwelling units in existing residential neighborhoods. 	<p>Not Applicable. This is a directive for the City to amend the Municipal Code to reflect certain GHG emission reduction concepts. This is not a mitigation measure for the Addendum Project.</p>

**Table 5.1-1
Mitigation and Implementation Summary Matrix**

Mitigation Measures	Remarks
<ul style="list-style-type: none"> • Reduce required road width standards wherever feasible to calm traffic and encourage alternative modes of transportation. • Add bicycle facilities to city streets and public spaces, where feasible. • Promote infill, mixed use, and higher density development, and provide incentives to support the creation of affordable housing in mixed use zones. • Plan for and create incentives for mixed use development. • Identify sites suitable for mixed use development and establish appropriate site specific standards to accommodate mixed uses which could include: • Increasing allowable building height or allow height limit bonuses, in appropriate areas and where safe to do so. • Allowing flexibility in applying development standards (such as FAR2 and lot coverage) based on the location, type, and size of the units, and the design of the development. • Allowing reduced and shared parking based on the use mix, and availability of and proximity to public transit stops. • Allowing for tandem parking, shared parking and off site parking leases. 	

**Table 5.1-1
Mitigation and Implementation Summary Matrix**

Mitigation Measures	Remarks
<ul style="list-style-type: none"> • Enable prototype mixed-use structures for use in neighborhood center zones that can be adapted to new uses over time with minimal internal remodeling. • Identify and facilitate the inclusion of complementary land uses not already present in local zoning districts, such as supermarkets, parks and recreational fields, schools in neighborhoods, and residential uses in business districts, to reduce the vehicle miles traveled and promote bicycling and walking to these uses. • Revise zoning ordinance(s) to allow local-serving businesses, such as childcare centers, restaurants, banks, family medical offices, drug stores, and other similar services near employment centers to minimize midday vehicle use. • Develop form based community design standards to be applied to development projects and land use plans, for areas designated mixed-use. • Implement a Housing Overlay Zone for residential properties at transit centers and along transit corridors. This may include average minimum residential densities of 25 units per acre within one quarter miles of transit centers; average minimum densities of 15 units per acre within one quarter mile of transit corridors; and minimum FAR of 0.5:1 for non-residential uses within a quarter mile of transit centers or corridors. • Identify transit centers appropriate for mixed-use development, and promote transit-oriented, mixed-use development within these targeted areas, by:- 	

**Table 5.1-1
Mitigation and Implementation Summary Matrix**

Mitigation Measures	Remarks
<ul style="list-style-type: none"> • Providing maximum parking standards and flexible building height limitations. • Providing density bonus programs. • Establishing guidelines for private and public spaces for transit-oriented and mixed-use development. • Discouraging auto-oriented development. • Ensure new development is designed to make public transit a viable choice for residents, including: • Locating medium to high density development near activity centers that can be served efficiently by public transit and alternative transportation modes. • Locating medium to high density development near streets served by public transit whenever feasible. • Linking neighborhoods to bus stops by continuous sidewalks or pedestrian paths. • Develop form-based community design standards to be applied to development projects and land use plans, for areas designated mixed-use. • Create and preserve distinct, identifiable neighborhoods whose characteristics support pedestrian travel, especially within, but not limited to, mixed-use and transit-oriented development areas, by: 	

**Table 5.1-1
Mitigation and Implementation Summary Matrix**

Mitigation Measures	Remarks
<ul style="list-style-type: none"> • Designing or maintaining neighborhoods where the neighborhood amenities can be reached in approximately five minutes of walking. • Encouraging pedestrian only streets and/or plazas within developments, and destinations that may be reached conveniently by public transportation, walking, or bicycling. • Allowing flexible parking strategies in neighborhood activity centers to foster a pedestrian-oriented streetscape. • Providing continuous sidewalks with shade trees and landscape strips to separate pedestrians from traffic. • Encouraging neighborhood parks and recreational centers near concentrations of residential areas (preferably within one quarter mile) and include pedestrian walkways and bicycle paths that encourage nonmotorized travel. • Ensure pedestrian access to activities and services, especially within, but not limited to, mixed use and transit-oriented development areas, by:- • Ensuring new development that provides pedestrian connections in as many locations as possible to adjacent development, arterial streets, thoroughfares. • Ensuring a balanced mix of housing, workplaces, shopping, recreational opportunities, and institutional uses, including mixed-use structures. 	

Table 5.1-1 Mitigation and Implementation Summary Matrix	
Mitigation Measures	Remarks
<ul style="list-style-type: none"> • Locating schools in neighborhoods, within safe and easy walking distances of residences served. • Encouraging new development in which primary entrances are pedestrian entrances, with automobile entrances and parking located to the rear. • Supporting development where automobile access to buildings does not impede pedestrian access, by consolidating driveways between buildings or developing alley access. • Utilizing street parking as a buffer between sidewalk pedestrian traffic and the automobile portion of the roadway. • Prioritizing the physical development of pedestrian connectors for existing areas that do not meet established connectivity standards. • Mitigate climate change by decreasing heat gain from pavement and other hard surfaces associated with infrastructure. • Reduce heat gain from pavement and other similar hardscaping, by: • Including low water landscaping in place of hardscaping around transportation infrastructure and in parking areas. • Establishing standards that provide for pervious pavement options. • Removing obstacles to natural, drought tolerant landscaping and low water landscaping. 	

**Table 5.1-1
Mitigation and Implementation Summary Matrix**

Mitigation Measures	Remarks
<ul style="list-style-type: none"> • Coordinate with appropriate agencies to create an interconnected transportation system that allows a shift in travel from private passenger vehicles to alternative modes, including public transit, ride sharing, car sharing, bicycling and walking, including, but not limited to: • Providing safe and convenient access for pedestrians and bicyclists to, across, and along major transit priority streets. • Upgrade and maintain the following transit system infrastructure to enhance public use, including: • Ensuring transit stops and bus lanes are safe, convenient, clean and efficient. • Ensuring transit stops have clearly marked street level designation, and are accessible. • Ensuring transit stops are safe, sheltered, benches are clean, and lighting is adequate. • Working with transit providers to place transit stations along transit corridors within mixed use or transit oriented development areas at intervals appropriate for the mode of transit. • Facilitate employment opportunities that minimize the need for private vehicle trips, by: • Amending zoning ordinances and the Development Code to include live/work sites and satellite work centers in appropriate locations. 	

**Table 5.1-1
Mitigation and Implementation Summary Matrix**

Mitigation Measures	Remarks
<ul style="list-style-type: none"> • Encouraging telecommuting options with new and existing employers, through project review and incentives, as appropriate. • Establish standards for new development and redevelopment projects to support bicycle use, including: • Amending the Development Code to include standards for pedestrian and bicyclist accommodations, including: • Providing access for pedestrians and bicyclist to public transportation through construction of dedicated paths, where feasible. • Requiring new development and redevelopment projects to include bicycle facilities, as appropriate with the new land use, including: • Where feasible, promote the construction of weatherproof bicycle facilities and at a minimum, provide bicycle racks or covered, secure parking near the building entrances. • Establish a network of multi-use trails to facilitate direct off-street bicycle and pedestrian travel, and will provide bike racks along these trails at secure, lighted locations. • Establish policies and programs to reduce onsite parking demand and promote and public transit at large events. • Require new commercial and retail developments to provide prioritized parking for electric vehicles and vehicles using alternative fuels. 	

**Table 5.1-1
Mitigation and Implementation Summary Matrix**

Mitigation Measures	Remarks
<ul style="list-style-type: none"> • Support and promote the use of low and zero emission vehicles (NEV), by: • Encouraging the necessary infrastructure to facilitate the use of zero emission vehicles and clean alternative fuels, such as electric vehicle charging facilities and conveniently located alternative fueling stations. • Encouraging new construction to include vehicle access to properly wired outdoor receptacles to accommodate ZEV and/or plug in electric hybrids (PHEV). • Encouraging transportation fleet standards to achieve the lowest emissions possible, using a mix of alternate fuels, PZEV or better fleet mixes. • Establishing incentives, as appropriate, to taxicab owners to use alternative fuel or gas electric hybrid vehicles. • Establish green building requirements and standards for new development and redevelopment projects, and work to provide incentives for green building practices and remove barriers that impede their use. • Allow increased height limits and/or flexibility in other standards for projects that incorporate energy efficient green building practices where not prohibited by ALUCP/FAA. • Identify and remove regulatory or procedural barriers to implementing green building practices within its jurisdiction, such 	

**Table 5.1-1
Mitigation and Implementation Summary Matrix**

Mitigation Measures	Remarks
<p>as updating codes, guidelines, and zoning, and ensure that all plan review and building inspection staff are trained in green building materials, practices, and techniques.</p> <ul style="list-style-type: none"> • Support the use of green building practices by: • Establishing guidelines for green building practices in residential and commercial development. • Providing incentives, which may include reduction in development fees, administrative fees, and/or expedited permit processing for projects that use green building practices. • Adopt energy efficiency performance standards for buildings that achieve a greater reduction in energy and water use than otherwise required by current state law, including: • Standards for the installation of "cool roofs". • Standards for improved overall efficiency of lighting systems. • Requirements for the use of Energy Star appliances and fixtures in discretionary new development. • Requirements for new residential lots and/or structures to be arranged and oriented to maximize effective use of passive solar energy. • Require that affordable housing development incorporate energy efficient design and features to the maximum extent feasible. 	

Table 5.1-1 Mitigation and Implementation Summary Matrix	
Mitigation Measures	Remarks
<ul style="list-style-type: none"> • Identify possible sites for production of renewable energy (such as solar, wind, small hydro, and biogas). • Identify and remove or otherwise address barriers to renewable energy production, including: <ul style="list-style-type: none"> • ⊙ Reviewing and revising building and development codes, design guidelines, and zoning ordinances to remove renewable energy production barriers. • ⊙ Working with related agencies, such as fire, water, health and others that may have policies or requirements that adversely impact the development or use of renewable energy technologies. • ⊙ Developing protocols for safe storage of renewable and alternative energy products with the potential to leak, ignite or explode, such as biodiesel, hydrogen, and/or compressed air. • Allow renewable energy projects in areas zoned for open space, where consistent with the Land Use element, and other uses and values. • Promote and encourage renewable energy generation, and co-generation projects where feasible and appropriate. • Require that, where feasible, all new buildings be constructed to allow for easy, cost effective installation of solar energy systems in the future, using such “solar ready” features as: <ul style="list-style-type: none"> • ⊙ Optimal roof orientation (between 20 to 55 degrees from the horizontal), with sufficient south-sloped roof surface, where such 	

Table 5.1-1 Mitigation and Implementation Summary Matrix	
Mitigation Measures	Remarks
<p>buildings architecture and construction are designed for sloped roofs.</p> <ul style="list-style-type: none"> • ☉ Clear access without obstructions (chimneys, heating and plumbing vents, etc.) on the south sloped roof. • Roof framing that will support the addition of solar panels. • Installation of electrical conduit to accept solar electric system wiring. • Installation of plumbing to support a solar hot water system and provision of space for a solar hot water storage tank. • Require that any building constructed in whole or in part with City funds incorporate passive solar design features, such as daylighting and passive solar heating, where feasible. • Prepare and implement a comprehensive plan to improve energy efficiency of municipal facilities, including: • Conducting energy audits. • Retrofitting municipal facilities for energy efficiency where feasible and when remodeling or replacing components, including increased insulation, installing green or reflective roofs and low emissive window glass. • Implementing an energy tracking and management system for its municipal facilities. 	

**Table 5.1-1
Mitigation and Implementation Summary Matrix**

Mitigation Measures	Remarks
<ul style="list-style-type: none"> • Installing energy efficient exit signs, street signs, and traffic lighting, subject to life/safety considerations. • Installing energy efficient lighting retrofits and occupancy sensors, and institute a "lights out at night" policy, subject to life/safety considerations. • Retrofitting heating and cooling systems to optimize efficiency (e.g., replace chillers, boilers, fans, pumps, belts, etc.). • Installing Energy Star® appliances and energy efficient vending machines. • Improving water use efficiency, including a schedule to replace or retrofit system components with high efficiency units (i.e., ultra-low flow toilets, fixtures, etc.). • Installing irrigation control systems maximizing water use efficiency and minimizing off-peak use. • Adopting an accelerated replacement schedule for energy inefficient systems and components. • Require that any newly constructed, purchased, or leased municipal space meet minimum standards, such as: <ul style="list-style-type: none"> • The Energy Star® New Homes Program established by U.S. EPA. • The incorporation of passive solar design features in new buildings, including daylighting and passive solar heating. 	

Table 5.1-1 Mitigation and Implementation Summary Matrix	
Mitigation Measures	Remarks
<ul style="list-style-type: none"> • Reduce per capita water consumption consistent with state law by 2020. • Establish a water conservation plan that may include such policies and actions as: • Maintaining and refining the City's tiered rate structure for water use. • Establishing restrictions on time of use for landscape watering, or other demand management strategies. • Establishing performance standards for irrigation equipment and water fixtures, consistent with State Law. • The City will establish programs and policies to increase the use of recycled water, including: • Promoting the use of recycled water for agricultural, industrial, and irrigation purposes, including grey water systems for residential irrigation. • Ensure that building standards and permit approval processes promote and support water conservation, by: • Establishing building design guidelines and criteria to promote water efficient building design, including minimizing the amount of non-roof impervious surfaces around the building(s). • Establishing menus and check-lists for developers and contractors to ensure water efficient infrastructure and technology are used in new 	

Table 5.1-1 Mitigation and Implementation Summary Matrix	
Mitigation Measures	Remarks
<p>construction, including low flow toilets and shower heads, moisture sensing irrigation, and other such advances.</p> <ul style="list-style-type: none"> • Install water efficient landscapes and irrigation, including: • Requiring planting drought tolerant and native species, and covering exposed dirt with moisture retaining mulch or other materials such as decomposed granite. • Requiring the installation of water efficient irrigation systems and devices, including advanced technology such as moisture sensing irrigation controls. • Promote the planting of shade trees and establish shade tree guidelines and specifications, including: • Establishing guidelines for tree planting based on the land use (residential, commercial, parking lots, etc.). • Establishing guidelines for tree types based on species size, branching patterns, whether deciduous or evergreen, whether roots are invasive, etc. • Establishing tree guidelines for placement, including distance from structures, density of planting, and orientation relative to structures and the sun. • Develop an Urban Forestry Program to consolidate policies and ordinances regarding tree planting, maintenance, and removal, including: 	

Table 5.1-1 Mitigation and Implementation Summary Matrix	
Mitigation Measures	Remarks
<ul style="list-style-type: none"> Establishing guidelines for tree planting, including criteria for selecting deciduous or evergreen trees low VOC producing trees, and emphasizing the use of drought tolerant native trees and vegetation. 	
<p>6-4 Measures listed in Mitigation Measure 6-2 and 6-3 shall be considered by the City while reviewing all new development, as appropriate, between the time of adoption of The Ontario Plan and adoption of the Climate Action Plan (CAP).</p>	<p>Not Applicable. This is a directive for City staff to consider Mitigation Measure 6-2 and 6-3 while reviewing all new development, as appropriate, between the time of adoption of The Ontario Plan and adoption of the Climate Action Plan. This is not a mitigation measure for the Addendum Project. It is noted that the Addendum Project would not result in GHG impacts not previously addressed as part of the Certified EIR analysis.</p>
<p>6-5 Pursuant to a goal of overall consistency with the Sustainable Communities Strategies, the City of Ontario shall evaluate new development for consistency with the development pattern set forth in the Sustainable Communities Strategies plan, upon adoption of the plan by the Southern California Association of Governments.</p>	<p>Not Applicable. This is a directive for City staff to evaluate new development for consistency with the development pattern set forth in the Sustainable Communities Strategies plan. This is not a mitigation measure for the Addendum Project. It is noted that the Addendum Project would not result in GHG impacts not previously addressed as part of the Certified EIR analysis.</p>
<p>6-6 The City of Ontario shall participate in the County of San Bernardino's Green Valley Initiative.</p>	<p>Not Applicable. This is a directive for the City to participate in the County of San Bernardino's Green Valley Initiative. This is not a mitigation measure for the Addendum Project. It is noted that the Addendum Project would not result in GHG impacts not previously addressed as part of the Certified EIR analysis.</p>
Hazards and Hazardous Materials	
N/A	No mitigation was included within the Certified EIR; No mitigation is required of the Addendum Project.
Hydrology and Water Quality	
N/A	No mitigation was included within the Certified EIR; No mitigation is required of the Addendum Project.

Table 5.1-1 Mitigation and Implementation Summary Matrix	
Mitigation Measures	Remarks
Land Use and Planning	
N/A	No mitigation was included within the Certified EIR; No mitigation is required of the Addendum Project.
Mineral Resources	
N/A	No mitigation was included within the Certified EIR; No mitigation is required of the Addendum Project.
Noise	
12-1 Prior to the issuance of building permits for any project that involves a noise sensitive use within the 65 dBA CNEL contour along major roadways, freeways, railroads, or the Los Angeles/Ontario International Airport, the project property owner/developers shall retain an acoustical engineer to conduct an acoustic analysis and identify, where appropriate, site design features (e.g., setbacks, berms, or sound walls) and/or required building acoustical improvements (e.g., sound transmission class rated windows, doors, and attic baffling), to ensure compliance with the City's Noise Compatibility Criteria and the California State Building Code and California Noise Insulation Standards (Title 24 and 21 of the California Code of Regulations).	Not Applicable. This is a directive for City staff to require applicants to retain an acoustical engineer to conduct an acoustic analysis. This is not a mitigation measure for the Addendum Project. It is noted that the Addendum Project would not result in noise impacts not previously addressed as part of the Certified EIR analysis.
12-2 Individual projects that involve vibration intensive construction activities, such as pile drivers, jack hammers, and vibratory rollers, occurring near sensitive receptors shall be evaluated for potential vibration impacts. If construction-related vibration is determined to be perceptible at vibration sensitive uses (i.e., exceed the Federal Transit Administration vibration annoyance criteria of 78 VdB during the daytime), additional requirements, such as use of less vibration intensive equipment or construction techniques, shall be implemented during construction (e.g., drilled piles to eliminate use of vibration intensive pile driver).	Not Applicable. This is a directive for City staff to require some applicants to study potential vibration on nearby uses. This is not a mitigation measure for the Addendum Project. It is noted that the Addendum Project would not result in noise impacts not previously addressed as part of the Certified EIR analysis.

Table 5.1-1 Mitigation and Implementation Summary Matrix	
Mitigation Measures	Remarks
<p>12-3 Prior to the issuance of building permits for any project that involves a vibration sensitive use directly adjacent to the Union Pacific Railroad or Southern California Regional Rail Authority main lines shall retain an acoustical engineer to evaluate potential for trains to create perceptible levels of vibration indoors. If vibration related impacts are found, mitigation measures, such as use of concrete, iron, or steel, or masonry materials to ensure that levels of vibration amplification are within acceptable limits to building occupants, shall be implemented. Pursuant to the Federal Transit Administration vibration annoyance criteria, these acceptable limits are 78 VdB during the daytime and 72 VdB during the nighttime for residential uses, 84 VdB for office uses, and 90 VdB for workshops.</p>	<p>Not Applicable. This is a directive for City staff to require some applicants to study potential railroad vibration on impact certain sensitive use. This is not a mitigation measure for the Addendum Project. It is noted that the Addendum Project would not result in noise impacts not previously addressed as part of the Certified EIR analysis.</p>
<p>12-4 Construction activities associated with new development that occurs near sensitive receptors shall be evaluated for potential noise impacts. Mitigation measures such as installation of temporary sound barriers for adjacent construction activities that occur adjacent to occupied noise sensitive structures, equipping construction equipment with mufflers, and reducing nonessential idling of construction equipment to no more than five minutes shall be incorporated into the construction operations to reduce construction related noise to the extent feasible.</p>	<p>Not Applicable. This is a directive for City staff to consider temporary sound barriers to reduce construction noise from adjacent uses. This is not a mitigation measure for the Addendum Project. It is noted that the Addendum Project would not result in noise impacts not previously addressed as part of the Certified EIR analysis.</p>
Population and Housing	
N/A	No mitigation was included within the Certified EIR; No mitigation is required of the Addendum Project.
Public Services	
N/A	No mitigation was included within the Certified EIR; No mitigation is required of the Addendum Project.

Table 5.1-1 Mitigation and Implementation Summary Matrix	
Mitigation Measures	Remarks
Recreation	
N/A	No mitigation was included within the Certified EIR; No mitigation is required of the Addendum Project.
Transportation	
16-1 The Mobility Element of the Ontario Plan shall be consistent with the traffic study prepared by Kimley-Horn and Associates. Table 5.16-6 shows the recommended lane geometry for the Proposed Land Use Plan.	Not Applicable. This is a directive for City staff to assure that the Mobility Element of the Ontario Plan is consistent with the recommendations of the associated traffic study. This is not a mitigation measure for the Addendum Project. It is noted that the Addendum Project would not result in transportation impacts not previously addressed as part of the Certified EIR analysis.
Tribal Cultural Resources	
Please refer to Mitigation Measures 5-3 and 5-4, presented under Cultural Resources.	See earlier remarks.
Utilities and Service Systems	
17-1 The City shall include a policy in the Policy Plan that requires water conservation measures for development projects to improve water use efficiency and reduce overall water demand. Reduce potable water demand, through conservation measures, including but not limited to: a) Work cooperatively with all developers to incorporate conservation measures into project designs (such as those recommended by the California Urban Water Conservation Council). b) Continue to develop and implement drought contingency plans to assist citizens and businesses reduce water use during water shortages and emergencies.	Not Applicable. This is a directive for City staff to assure that a water use efficiency policy is included in the Policy Plan. This is not a mitigation measure for the Addendum Project. It is noted that the Addendum Project would not result in utilities or service systems impacts not previously addressed as part of the Certified EIR analysis.

Table 5.1-1 Mitigation and Implementation Summary Matrix	
Mitigation Measures	Remarks
e) Revise the City Code to include a Water Efficient Landscape Ordinance to encourage or, as appropriate, require the use of water efficient landscaping consistent with AB 325.	
17-2 The City shall include a policy in the Policy Plan that maximizes the use of recycled water as an irrigation (nonpotable) source for landscaping, parks, and other irrigation opportunities in all areas of the City and requires use of recycled water in dual system office and industrial uses in selected urban areas of the City, where available and feasible.	Not Applicable. This is a directive for City staff to assure that a water use efficiency policy is included in the Policy Plan that maximizes the use of recycled water. This is not a mitigation measure for the Addendum Project. It is noted that the Addendum Project would not result in utilities or service systems impacts not previously addressed as part of the Certified EIR analysis.
17-3 The City shall include a policy in the Policy Plan that the City participate through the Chino Basin Water Master and the Inland Empire Utilities Agency in regional efforts to develop finding additional sources of water for groundwater recharge, such as capture of stormwater runoff, recycled water, or other sources to ensure that the Chino Basin stays in long term hydraulic balance and sustainability and that adequate additional local water sources would be available to increase the flexibility of the City's water supply.	Not Applicable. This is a directive for City staff to assure that policy is included in the Policy Plan that requires the City to participate with regional water agency in the pursuit of additional water sources. This is not a mitigation measure for the Addendum Project. It is noted that the Addendum Project would not result in utilities or service systems impacts not previously addressed as part of the Certified EIR analysis.
Wildfire	
N/A	No mitigation was included within the Certified EIR; No mitigation is required of the Addendum Project.

ATTACHMENT A
Air Quality, GHG, and HRA

October 5, 2020

Mr. Ross Geller
Applied Planning
11762 De Palma Road, 1-C 310
Corona, CA 92883

SUBJECT: THE VINE AIR QUALITY, GREENHOUSE GAS, & HEALTH RISK ASSESSMENT MEMORANDUM

Dear Mr. Ross Geller:

Urban Crossroads, Inc. is pleased to provide the following Air Quality, Greenhouse Gas, & Health Risk Assessment Memorandum (Memorandum) for The Vine Project (Addendum Project), which is located at the northwesterly corner of Milliken Avenue and East Riverside Drive, in the City of Ontario, as shown on Exhibit A. The purpose of this work effort is to determine if the Addendum Project would result in new or substantially different air quality or greenhouse gas impacts than those considered and addressed in The Ontario Plan EIR (Certified EIR).

ADDENDUM PROJECT SUMMARY

The Addendum Project considered herein is proposing to develop 557,720 square feet (80% of the total industrial square footage) of general light industrial use, 139,430 square feet (20% of the total industrial square footage) of manufacturing use, and 26,700 square feet of retail use within the approximate 44-acre Project site.

Within this analysis, likely maximum air quality and greenhouse gas impacts of the above uses are evaluated. At the discretion of the City, uses differing from those evaluated here, and that could result in substantially different air quality and greenhouse gas impacts than the uses evaluated, would be subject to additional CEQA environmental analysis. Ultimate scope and configuration of the Addendum Project uses would be as approved by the City. The Project site location is presented at Exhibit A.

PROPOSED LAND USE DESIGNATIONS

PROJECT SITE

The Project site existing Policy Plan Land Use designation and Zoning designation would be amended to allow for development and land uses proposed under the Addendum Project. More specifically, the existing Policy Plan Land Use designation of the Project site, “Mixed Use” (Area 12), would be amended to “Industrial” and General Commercial.” The Project site is currently zoned Specific Plan. As amended under the Addendum Project, Zoning of the Project site would be changed to “IL” (Light Industrial) and “CC” (Community Commercial).

ADJACENT PROPERTIES

Policy Plan (General Plan) Land Use and Zoning designations of adjacent properties are summarized below. The Addendum Project would not affect Land Use and Zoning designations of adjacent properties.

North SR-60 (Pomona) freeway/Caltrans Right-of-Way.

South Policy Plan Land Use Designation: General Commercial
Zoning: Specific Plan

East City of Eastvale General Plan: Business Park
City of Eastvale Zoning: C-P-S - Scenic Highway Commercial (southerly adjacent to SR-60); I-P - Industrial Park (northerly of East Riverside Drive)

West Policy Plan Land Use Designation: Open Space – Non-Recreation
Zoning: “UC” (Utilities Corridor)

EXISTING LAND USES

PROJECT SITE

A portion of the Project site is currently developed with two existing buildings. Information regarding the demolition quantities is not readily available. As such, the total building square footage of structures that would be demolished was conservatively estimated to be 27,491 square feet. It should be noted that this quantity is inclusive of demolition of other structures (i.e. sheds) and existing asphalt/pavement.

ADJACENT PROPERTIES

Existing land uses of adjacent properties are summarized below. The Addendum Project would not affect adjacent property land uses.

North SR-60 (Pomona) freeway/Caltrans Right-of-Way

South Southerly of the Project site, across East Riverside Drive, properties are currently vacant and undeveloped but are approved for Specific Plan Community Commercial uses (Edenglen Specific Plan)

East Easterly of the Project site, across Milliken Avenue and adjacent to the southerly portions of the Project site properties are City of Eastvale properties developed with light industrial uses; adjacent to the northerly portions of the Project site are City of Eastvale properties are vacant and undeveloped.

West An existing SCE easement defines the westerly Project boundary. A commercial nursery is located within the SCE easement adjacent to the Project site southern 20 acres. Single family homes (Creekside) are located westerly of the SCE easement.

ONTARIO PLAN EIR AIR QUALITY AND GREENHOUSE GAS IMPACT SIGNIFICANCE FINDINGS

The Ontario Plan EIR determined that development of the City pursuant to the Policy Plan would result in the following significant and unavoidable air quality impacts:

- Buildout of the City pursuant to the Policy Plan would conflict with the SCAQMD's AQMP.
- Construction-Source Impacts exceeding regional air quality thresholds, cumulative contribution to SCAQMD nonattainment designations, and elevated concentrations of air pollutants at sensitive receptors.
- Operational-Source Impacts exceeding regional air quality thresholds, cumulative contribution to SCAQMD nonattainment designations, and elevated concentrations of air pollutants at sensitive receptors.
- Conversion of agricultural land to nonagricultural uses would temporarily expose residents to objectionable odors.
- Buildout of the City pursuant to the Policy Plan would generate greenhouse gas emissions that would significantly contribute to global climate change impacts in California.

Where impacts were determined to be significant and unavoidable, the EIR identifies mitigation that would reduce the impact(s) to the extent feasible. The Ontario Plan EIR further determined that all greenhouse gas impacts resulting from development of the City pursuant to the Policy Plan would not be potentially significant or would be reduced to levels that would be less-than-significant through implementation of the Ontario Plan EIR mitigation measures. Please refer also to Ontario Plan EIR, available at the following link: <http://www.ontarioplan.org/environmental-impact-report/>.

ADDENDUM PROJECT AIR QUALITY IMPACT ANALYSIS

AIR QUALITY REGIONAL EMISSIONS THRESHOLDS

The SCAQMD has also developed regional significance thresholds for other regulated pollutants, as summarized at Table 1 (1). The SCAQMD’s CEQA Air Quality Significance Thresholds (April 2019) indicate that any projects in the SCAB with daily emissions that exceed any of the indicated thresholds should be considered as having an individually and cumulatively significant air quality impact.

TABLE 1: MAXIMUM DAILY REGIONAL EMISSIONS THRESHOLDS

Pollutant	Construction	Operations
Regional Thresholds		
NO _x	100 lbs/day	55 lbs/day
VOC	75 lbs/day	55 lbs/day
PM ₁₀	150 lbs/day	150 lbs/day
PM _{2.5}	55 lbs/day	55 lbs/day
SO _x	150 lbs/day	150 lbs/day
CO	550 lbs/day	550 lbs/day
Lead	3 lbs/day	3 lbs/day

lbs/day – Pounds Per Day

Source: Regional Thresholds presented in this table are based on the SCAQMD Air Quality Significance Thresholds, March 2015

STANDARD REGULATORY REQUIREMENTS/BEST AVAILABLE CONTROL MEASURES (BACMs)

SCAQMD Rules that are currently applicable during construction activity for this Project include but are not limited to Rule 403 (Fugitive Dust) (2) and Rule 1113 (Architectural Coatings) (3). Additionally, this analysis assumes the Project’s compliance with the 2019 Title 24 Standards.

BACM AQ-1

All applicable measures included in Rule 403, shall be incorporated into Project plans and specifications as implementation of Rule 403, which include but are not limited to (2):

- All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.
- The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are limited to 15 miles per hour or less.

- The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.

BACM AQ-2

The following measures shall be incorporated into Project plans and specifications as implementation of SCAQMD Rule 1113 (3):

- Only “Low-Volatile Organic Compounds” paints (no more than 50 gram/liter of VOC) consistent with SCAQMD Rule 1113 shall be used.

CONSTRUCTION EMISSIONS

Construction activities associated with the Project would result in emissions of carbon monoxide (CO), Volatile Organic Compounds (VOCs), Nitrogen Oxides (NO_x), Sulfur Oxides (SO_x), particulate matter ≤ 10 microns (PM₁₀), and particulate matter ≤ 2.5 microns (PM_{2.5}). The duration of construction activity was based on the 2021 Opening Year. The construction schedule utilized in the analysis, shown in Table 2, represents a “worst-case” analysis scenario should construction occur any time after the respective dates since emission factors for construction decrease as time passes and the analysis year increases due to emission regulations becoming more stringent.¹

Demolition

A portion of the Project site is currently developed with two existing buildings. Information regarding the demolition quantities is not readily available. As such, the total building square footage of structures that would be demolished was conservatively estimated to be 27,491 square feet. It should be noted that this quantity is inclusive of demolition of other structures (i.e. sheds) and existing asphalt/pavement.

TABLE 2: CONSTRUCTION DURATION

Phase Name	Start Date	End Date	Days
Demolition	05/01/2021	05/21/2021	15
Site Preparation	05/22/2021	06/18/2021	20
Grading	06/19/2021	07/09/2021	15
Building Construction	07/10/2021	12/24/2021	120
Paving	10/09/2021	12/24/2021	55
Architectural Coating	08/08/2021	12/24/2021	100

¹ As shown in the California Emissions Estimator Model (CalEEMod) User’s Guide Version 2016.3.2, Section 4.3 “OFFROAD Equipment” as the analysis year increases, emission factors for the same equipment pieces decrease due to the natural turnover of older equipment being replaced by newer less polluting equipment and new regulatory requirements.

Construction Equipment

The associated construction equipment was generally based on California Emissions Estimator Model™ (CalEEMod) 2016.3.2 defaults. A detailed summary of construction equipment assumptions by phase is provided at Table 3.

TABLE 3: CONSTRUCTION EQUIPMENT

Activity	Equipment	Amount	Hours Per Day
Demolition	Concrete/Industrial Saws	1	8
	Excavator	3	8
	Rubber Tired Dozers	2	8
Site Preparation	Crawler Tractors	4	8
	Rubber Tired Dozers	3	8
Grading	Crawler Tractors	2	8
	Excavator	2	8
	Graders	1	8
	Rubber Tired Dozers	1	8
	Scrapers	2	8
Building Construction	Cranes	1	8
	Crawler Tractors	3	8
	Forklifts	3	8
	Generator Sets	1	8
	Welders	1	8
Paving	Pavers	2	8
	Paving Equipment	2	8
	Rollers	2	8
Architectural Coating	Air Compressors	1	8

REGIONAL CONSTRUCTION EMISSIONS SUMMARY

The estimated maximum daily regional construction emissions are summarized on Table 4. Detailed construction model outputs are presented in Attachment A. Under the assumed scenarios, emissions resulting from the Project construction would not exceed criteria pollutant thresholds established by the SCAQMD for emissions of any criteria pollutant. Thus, a less than significant impact would occur for Project-related construction-source emissions and no mitigation is required.

TABLE 4: ADDENDUM PROJECT REGIONAL CONSTRUCTION EMISSIONS SUMMARY

Phase	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer						
2021	48.62	82.28	81.50	0.26	23.51	9.99
Winter						
2021	48.68	82.11	75.18	0.25	23.51	9.99
Maximum Daily Emissions	48.68	82.28	81.50	0.26	23.51	9.99
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

OPERATIONAL EMISSIONS

Operational activities associated with the Project would result in emissions of CO, VOCs, NO_x, SO_x, PM₁₀, and PM_{2.5}. Operational related emissions are expected from the following primary sources: area source emissions, energy source emissions, mobile source emissions, and on-site equipment emissions.

Area Source Emissions

Architectural Coatings – Over a period of time, the buildings that are part of this Project will be subject to emissions resulting from the evaporation of solvents contained in paints, varnishes, primers, and other surface coatings as part of Project maintenance. The emissions associated with architectural coatings were calculated using the CalEEMod.

Consumer Products – Consumer products include, but are not limited to detergents, cleaning compounds, polishes, personal care products, and lawn and garden products. Many of these products contain organic compounds which when released in the atmosphere can react to form ozone and other photochemically reactive pollutants. The emissions associated with use of consumer products were calculated based on defaults provided within the CalEEMod model.

Landscape Maintenance Equipment – Landscape maintenance equipment would generate emissions from fuel combustion and evaporation of unburned fuel. Equipment in this category would include lawnmowers, shredders/grinders, blowers, trimmers, chain saws, and hedge trimmers used to maintain the landscaping of the Project. The emissions associated with landscape maintenance equipment were calculated based on assumptions provided in the CalEEMod model.

Energy Source Emissions

Combustion Emissions Associated with Natural Gas and Electricity – Electricity and natural gas are used by almost every project. Criteria pollutant emissions are emitted through the generation of electricity

and consumption of natural gas. However, because electrical generating facilities for the Project area are located either outside the region (state) or offset through the use of pollution credits (RECLAIM) for generation within the SCAB, criteria pollutant emissions from offsite generation of electricity is generally excluded from the evaluation of significance and only natural gas use is considered. The emissions associated with natural gas use were calculated using CalEEMod.

Title 24 Energy Efficiency Standards – California’s Energy Efficiency Standards for Residential and Nonresidential Buildings was first adopted in 1978 in response to a legislative mandate to reduce California’s energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. Energy efficient buildings require less electricity. The 2019 version of Title 24 was adopted by the CEC and will become effective on January 1, 2020. As such, the analysis herein assumes compliance with the 2019 Title 24 Standards.

Mobile Source Emissions

Project mobile source emissions impacts are primarily dependent overall daily vehicle trip generation. According to *The Vine Trip Generation Evaluation* prepared by Urban Crossroads, Inc., the Addendum Project would generate 5,770 two-way trips per day (see Table 5 of the *Trip Generation Evaluation*) (4).

REGIONAL OPERATIONAL EMISSIONS SUMMARY

Table 5 summarizes the Project’s daily regional emissions from on-going operations. Detailed construction model outputs are presented in Attachment B. As shown, during operational activity, Project emissions would exceed the SCAQMD regional thresholds of significance for emissions of NO_x. NO_x exceedances that would occur under the Addendum Project are considered and addressed within the Certified EIR. Moreover, as discussed subsequently, NO_x and other operational-source emissions generated under the Addendum Project would be incrementally reduced when compared to emissions generated by development of the subject site pursuant to the Policy Plan.

TABLE 5: ADDENDUM PROJECT OPERATIONAL EMISSIONS SUMMARY

Operational Activities – Summer Scenario	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Area Source	16.64	1.8E-03	0.20	1.00e-05	7.0e-04	7.0e-04
Energy Source	0.58	5.23	4.40	0.03	0.40	0.40
Mobile Source	16.85	60.72	157.60	0.45	42.46	11.73
On-Site Equipment	0.27	3.09	1.54	6.34E-03	0.10	0.10
Total Maximum Daily Emissions	34.34	69.05	163.74	0.49	42.96	12.23
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	NO	YES	NO	NO	NO	NO
Operational Activities – Winter Scenario	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Area Source	16.64	1.8E-03	0.20	1.00e-05	7.0e-04	7.0e-04
Energy Source	0.58	5.23	4.40	0.03	0.40	0.40
Mobile Source	15.53	62.66	137.08	0.42	42.45	11.73
On-Site Equipment	0.27	3.09	1.54	6.34E-03	0.10	0.10
Total Maximum Daily Emissions	33.02	70.98	143.22	0.46	42.95	12.22
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	NO	YES	NO	NO	NO	NO

LOCALIZED CONSTRUCTION EMISSIONS SUMMARY

The analysis makes use of methodology included in the SCAQMD *Final Localized Significance Threshold Methodology* (LST Methodology) (5). The SCAQMD has established that impacts to air quality are significant if there is a potential to contribute or cause localized exceedances of the federal and/or state ambient air quality standards (NAAQS/CAAQS). Collectively, these are referred to as Localized Significance Thresholds (LSTs). The SCAQMD established LSTs in response to the SCAQMD Governing Board’s Environmental Justice Initiative I-4². LSTs represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard at the sensitive receptor. The SCAQMD states that lead agencies can use the LSTs as another indicator of significance in its air quality impact analyses.

² The purpose of SCAQMD’s Environmental Justice program is to ensure that everyone has the right to equal protection from air pollution and fair access to the decision-making process that works to improve the quality of air within their communities. Further, the SCAQMD defines Environmental Justice as “...equitable environmental policymaking and enforcement to protect the health of all residents, regardless of age, culture, ethnicity, gender, race, socioeconomic status, or geographic location, from the health effects of air pollution.”

Sensitive Receptors

Receptor locations are off-site locations where individuals may be exposed to emissions from Project activities. This Memorandum analyzes localized construction and operational emissions impacts at the nearest sensitive receptors.

Residential Receptors – Some people are especially sensitive to air pollution and are given special consideration when evaluating air quality impacts from projects. These groups of people include children, the elderly, individuals with pre-existing respiratory or cardiovascular illness, and athletes and others who engage in frequent exercise. Structures that house these persons or places where they gather to exercise are defined as “sensitive receptors”; they are also known to be locations where an individual can remain for 24 hours.

Non-Residential Receptors – As per the *LST Methodology*, commercial and industrial facilities are not included in the definition of sensitive receptor because employees do not typically remain onsite for a full 24 hours but are typically onsite for eight hours. However, it should be noted that the *LST Methodology* explicitly states that “LSTs based on shorter averaging periods, such as the NO₂ and CO LSTs, could also be applied to receptors such as industrial or commercial facilities since it is reasonable to assume that a worker at these sites could be present for periods of one to eight hours (5).” Consistent with the SCAQMD’s Final LST Methodology, the nearest industrial or commercial use to the Project site will be used to determine operational and construction air impacts for emissions of NO₂ and CO.

Project-related Sensitive Receptors

Sensitive receptors in the Project study area include existing residential homes and an educational use, as described below and as shown on Exhibit B:

- R1: Located approximately 196 feet west of the Project site, R1 represents an existing residential home located at 3977 Yuba River Drive in the City of Ontario.
- R2: Location R2 represents the existing single-family residential home at 2913 McCloud River Lane located roughly 285 feet west of the Project site in the City of Ontario.
- R3: Located approximately 287 feet west of the Project site across the power transmission lines, R3 represents an existing residential home at 2965 McCloud River Lane in the City of Ontario.
- R4: Location R4 represents the Colony High School located approximately 1,731 feet south west of the Project site at 3850 E Riverside Drive.
- R5: Located approximately 294 feet south of the Project site across E Riverside Drive, R5 represents an existing single-family residential home at 4097 E Auburn Way in the City of Ontario.

The SCAQMD recommends that the nearest sensitive receptor be considered when determining the Project’s potential to cause an individual and cumulatively significant impact. As such, the nearest sensitive receptor for evaluation of localized PM₁₀ and PM_{2.5} emissions is an existing residential home located approximately 196 feet/60 meters west Project site at 3977 Yuba River Drive. For purposes of

EXHIBIT B: SENSITIVE RECEPTOR LOCATIONS



LEGEND:

- Receptor Locations
- Distance from receptor to Project site boundary (in feet)
- 6' Existing Barrier Height (in feet)
- Existing Barrier

analysis, the 60-meter receptor distance will be utilized as a screening threshold to determine LSTs for emissions of PM₁₀ and PM_{2.5}. Alternatively, the nearest sensitive receptor for evaluation of localized NO_x and CO emissions is the San Antonio Winery located immediate adjacent (less than 25-meters) to Project site. The *LST Methodology* explicitly states that “*It is possible that a project may have receptors closer than 25 meters. Projects with boundaries located closer than 25 meters to the nearest receptor should use the LSTs for receptors located at 25 meters (5).*” As the San Antonio Winery is located immediate adjacent to the Project site, a 25-meter receptor distance will be used for NO₂ and CO.

Table 6 identifies the localized impacts at the nearest receptor location in the vicinity of the Project. Outputs from the model runs for construction LSTs are provided in Attachment A. Under the assumed scenarios, emissions resulting from the Project construction will not exceed the numerical thresholds of significance established by the SCAQMD for any criteria pollutant. Thus, a less than significant impact would occur for localized Project-related construction-source emissions and no mitigation is required.

TABLE 6: ADDENDUM PROJECT LOCALIZED SIGNIFICANCE SUMMARY OF CONSTRUCTION

On-Site Demolition Emissions	Emissions (lbs/day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Maximum Daily Emissions	31.44	21.57	2.25	1.55
SCAQMD Localized Threshold	118	863	20	7
Threshold Exceeded?	NO	NO	NO	NO
On-Site Site Preparation Emissions	Emissions (lbs/day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Maximum Daily Emissions	60.79	21.85	14.46	8.38
SCAQMD Localized Threshold	220	1713	39	12
Threshold Exceeded?	NO	NO	NO	NO
On-Site Grading Emissions	Emissions (lbs/day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Maximum Daily Emissions	56.54	31.23	21.31	9.35
SCAQMD Localized Threshold	237	1873	45	12
Threshold Exceeded?	NO	NO	NO	NO

LOCALIZED OPERATIONAL EMISSIONS SUMMARY

Table 7 shows the calculated emissions for the Project’s operational activities compared with the applicable LSTs. The LST analysis includes on-site sources only; however, CalEEMod outputs do not separate on-site and off-site emissions from mobile sources. In an effort to establish a maximum potential impact scenario for analytic purposes, the emissions shown on Table 6 represent all on-site Project-related stationary (area) sources and five percent (5%) of the Project-related mobile sources. Modeling based on these assumptions demonstrates that even within broad encompassing parameters, localized Project operational-source emissions would not exceed applicable LSTs.

TABLE 7: ADDENDUM PROJECT LOCALIZED SIGNIFICANCE SUMMARY OF OPERATIONS (WITHOUT MITIGATION)

Operational Activity	Emissions (lbs/day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Maximum Daily Emissions	11.45	12.99	2.62	1.09
SCAQMD Localized Threshold	270	2,193	14	3
Threshold Exceeded?	NO	NO	NO	NO

AIR QUALITY IMPACTS COMPARISON

CONSTRUCTION-SOURCE EMISSIONS

REGIONAL EMISSIONS

The Certified EIR concluded that development of land uses pursuant to the Policy Plan would result in significant and unavoidable regional construction-source air quality impacts. Under the Addendum Project, regional construction-source air quality impacts would be less-than-significant. On this basis, when compared to the Certified EIR findings, no new or substantially increased regional construction-source air quality impacts would occur under the Addendum Project.

LOCALIZED EMISSIONS

The Certified EIR concluded that development of land uses pursuant to the Policy Plan would result in significant and unavoidable localized construction-source air quality impacts. Under the Addendum Project, localized construction-source air quality impacts would be less-than-significant. On this basis, when compared to the Certified EIR findings, no new or substantially increased localized construction-source air quality impacts would occur under the Addendum Project.

OPERATIONAL-SOURCE EMISSIONS

REGIONAL EMISSIONS

Table 8 compares peak operational-source criteria pollutant emissions generated by the Policy Plan Land Uses with peak operational-source criteria pollutant emissions generated by the Addendum Project. Outputs from the model runs for the Ontario General Plan Update is provided in Attachment C.

As indicated on Table 8, emissions generated by the Addendum Project would generally result in a net decrease in peak operational-source criteria pollutant emissions when compared to peak operational-source criteria pollutant emissions generated by the land uses assumed in the Ontario General Plan Update for the subject site. As such, the Addendum Project would therefore not result in new or substantively different or substantively increased operational-source air quality impacts.

**TABLE 8: SUMMARY OF PEAK OPERATIONAL EMISSIONS COMPARISON
 (ADDENDUM PROJECT VS. POLICY PLAN LAND USES)**

Operational Activities – Summer Scenario	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Addendum Project	34.34	69.05	163.74	0.49	42.96	12.23
Policy Plan Land Uses (TAZ 191 – Mixed Use)	102.42	198.04	460.14	1.23	100.93	28.34
Variance (Addendum Project – Policy Plan Land Uses)	-68.08	-128.99	-296.40	-0.74	-57.97	-16.11
Operational Activities – Winter Scenario	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Addendum Project	33.02	70.98	143.22	0.46	42.95	12.22
Policy Plan Land Uses (TAZ 191 – Mixed Use)	97.34	203.84	412.16	1.15	100.92	28.34
Variance (Addendum Project – Policy Plan Land Uses)	-64.32	-132.86	-268.94	-0.69	-57.97	-16.12

LOCALIZED EMISSIONS

The Certified EIR concluded that development of land uses pursuant to the Policy Plan would result in significant and unavoidable localized operational-source air quality impacts. Under the Addendum Project, localized operational-source air quality impacts would be less-than-significant. On this basis, when compared to the Certified EIR findings, no new or substantially increased localized operational-source air quality impacts would occur under the Addendum Project.

ADDENDUM PROJECT GREENHOUSE GAS ANALYSIS

GREENHOUSE GAS EMISSIONS THRESHOLDS

According to the City of Ontario CEQA thresholds, to determine whether impacts from GHG emissions are significant. Would the project:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?

The evaluation of an impact under CEQA requires measuring data from a project against both existing conditions and a “threshold of significance.” With regard to establishing a significance threshold, the Office of Planning and Research’s amendments to the CEQA Guidelines Section 15064.7(c) state that “[w]hen adopting thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies, or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence.”

CEQA Guidelines Section 15064.4(a) further states, “...A lead agency shall have discretion to determine, in the context of a particular project, whether to: (1) Use a model or methodology to quantify GHG emissions resulting from a project, and which model or methodology to use ...; or (2) Rely on a qualitative analysis or performance based standards.”

ADDENDUM PROJECT GREENHOUSE GAS EMISSIONS

GHG emissions impacts were modeled employing the CalEEMod 2016.3.2. Outputs from the model runs are provided in Attachments A and B. As shown on Table 9, the Addendum Project proposed land uses would generate a total of approximately 10,359.16 MTCO_{2e} per year.

TABLE 9: ADDENDUM PROJECT GHG EMISSIONS

Emission Source	Emissions (MT/yr)			
	CO ₂	CH ₄	N ₂ O	Total CO ₂ E
Annual construction-related emissions amortized over 30 years	49.40	0.01	0.00	49.54
Area Source	0.05	1.30e-04	0.00	0.05
Energy Source	3,033.56	0.10	0.04	3,046.87
Mobile Source	5,797.31	0.33	0.00	5,805.44
On-Site Equipment	101.68	0.03	0.00	102.50
Waste	181.17	10.71	0.00	448.84
Water Usage	733.12	5.35	0.13	905.91
Total CO₂E (All Sources)	10,359.16			

MT/yr = metric tons per year

GREENHOUSE GAS EMISSIONS COMPARISON

Table 10 compares GHG emissions of the Addendum Project proposed land uses with GHG emissions generated by the Policy Plan Land Uses. Outputs from the model runs for the Policy Plan Land Uses is provided in Attachment C.

As indicated in Tables 10, the Addendum Project would result in a net decrease in GHG emissions as compared to the GHG emissions associated with the development of subject pursuant to the Policy Plan. The Certified EIR concluded that development of land uses pursuant to the Policy Plan would result in significant and unavoidable GHG emission impacts. Under the Addendum Project, GHG emissions would be incrementally reduced when compared to GHG emissions that would be generated by development of the subject site pursuant to the Policy Plan. On this basis, when compared to the Certified EIR findings, no new or substantially increased GHG emissions impacts would occur under the Addendum Project.

**TABLE 10: GHG EMISSIONS COMPARISON
 (ADDENDUM PROJECT VS. POLICY PLAN LAND USES)**

Emission Source	Annual Emissions (MTCO ₂ e)
Addendum Project	10,359.16
Policy Plan Land Uses	29,046.98
Variance (Addendum Project – Policy Plan Land Uses)	-18,687.82

ADDENDUM PROJECT HEALTH RISK ASSESSMENT

This analysis also evaluates the potential mobile source health risk impacts to receptors (residents or workers) associated with the development of the proposed Addendum Project. Health risk exposures were modeled in accordance with the guidelines in the SCAQMD's Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis. SCAQMD recommends using the Environmental Protection Agency's (U.S. EPA's) AERMOD model which has been employed accordingly. Risk calculations were conducted consistent with the Office of Environmental Health Hazards Assessment (OEHHA)'s 2015 Risk Assessment Guidelines. Detailed health risk modeling results are presented at Appendix B to this Memorandum.

More specifically the analysis presented here evaluates potential health risk impacts that could result from exposure to Toxic Air Contaminants (TACs), including diesel particulate matter (DPM) generated by heavy-duty diesel trucks associated with trucks accessing the industrial portion of the Addendum Project (per the *Trip Generation Evaluation*, the Addendum Project is anticipated to generate up to 280 two-way (140 inbound and 140 outbound) heavy-duty truck trips per day).

At the maximally exposed individual receptor (MEIR), the maximum incremental cancer risk attributable to the Addendum Project is estimated at 1.43 in one million, which is less than the SCAQMD threshold of 10 in one million. At this same location, non-cancer risks were estimated to be 0.002, which would not exceed the applicable SCAQMD threshold of 1.0. As such, the Addendum Project uses will not cause a significant human health or cancer risk at any potentially affected receptors. The nearest modeled receptors and modeled source configuration are illustrated on Exhibit C. The Addendum Project uses do not otherwise comprise facilities or operations that would generate emissions concentrations that would potentially affect sensitive receptors.

The Certified EIR concluded that development pursuant to the Policy Plan would result in significant and unavoidable air quality impacts due to elevated concentrations of air pollutants at sensitive receptors. As summarized above, under the Addendum Project air quality impacts due to elevated concentrations of air pollutants at sensitive receptors would be less-than-significant. On this basis, when compared to the Certified EIR findings, no new or substantially increased air quality impacts due to elevated concentrations impacts at sensitive receptors would occur under the Addendum Project.

EXHIBIT C: MODELED RECEPTORS AND SOURCES



Legend

- Resident
- School
- Worker
- Off-Site Travel
- On-Site Idling and Travel

OTHER CONSIDERATIONS

- The Certified EIR concluded that development pursuant to the Policy Plan would result in significant and unavoidable AQMP consistency impacts. Although the Addendum Project would amend the site's current land use designations, the Addendum Project would not substantively increase or otherwise alter the development intensities beyond that currently anticipated for the subject site under the Policy Plan. Moreover, the Addendum Project uses would result fewer emissions than would result from development of the subject site pursuant to the Policy Plan. On this basis, when compared to the Certified EIR findings, no new or substantially increased AQMP consistency impacts would occur under the Addendum Project.
- The Certified EIR concluded that development pursuant to the Policy Plan would result in significant and unavoidable temporary odor impacts associated with transition of agricultural lands to nonagricultural uses. The Addendum Project does not propose or require transition of agricultural lands to nonagricultural uses, nor is the subject site affected by proximate agricultural use odor sources. Further, construction-source and operational-source odor impacts that may result from the Addendum Project are controlled as a byproduct of hazardous/potentially hazardous materials handling plans and Best Management Practices implemented under SCAQMD Rule 402 et al. The Addendum Project would comply with all SCAQMD Rules regulating and controlling odors and odor sources. The Addendum Project would therefore not create objectionable odors affecting a substantial number of people. On this basis, when compared to the Certified EIR findings, no new or substantially increased odor impacts would occur under the Addendum Project.

CONCLUSIONS

Based on the analysis presented here, air pollutant and greenhouse gas emissions generated by the Addendum Project, in comparison to what could be generated by the uses allowed for the subject site under the Ontario Plan, would be comparatively diminished under the Addendum Project. No changed or new information has been identified to indicate that the potential for the Addendum Project to result in impacts that would be substantively greater than or different from those that would result from development evaluated in the Certified EIR.

If you have any questions, please contact me at (949) 660-1994.

Respectfully submitted,

URBAN CROSSROADS, INC.



Haseeb Qureshi,
Associate Principal

REFERENCES

1. **South Coast Air Quality Management District (SCAQMD).** SCAQMD Air Quality Significance Thresholds. [Online] <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>.
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5. **South Coast Air Quality Management District.** *Localized Significance Thresholds Methodology*. s.l. : South Coast Air Quality Management District, 2003.

ATTACHMENT A

ADDENDUM PROJECT CALEEMOD CONSTRUCTION EMISSIONS MODEL OUTPUTS

ATTACHMENT B
Biological Reports

TOSCANA SQUARE PROJECT SITE

CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA

Delhi Sands Flower-Loving Fly Habitat Suitability Assessment

Prepared For:

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October 2019

TOSCANA SQUARE PROJECT SITE

CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA

Delhi Sands Flower-Loving Fly Habitat Suitability Assessment

The undersigned certify that the statements furnished in this report and exhibits present data and information required for this biological evaluation, and the facts, statements, and information presented is a complete and accurate account of the findings and conclusions to the best of our knowledge and beliefs.



Travis J. McGill
Biologist
Natural Resources



Thomas J. McGill, Ph.D.
Vice President
Natural Resources

October 2019

Executive Summary

This report contains the findings of a habitat suitability assessment for the Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*) (DSF), a federally endangered species, for the proposed Toscana Square Project Site located in the City of Ontario, San Bernardino County, California. The purpose of this assessment is to characterize existing site conditions and assess the quality of Delhi sand soils on the project site that are known to support DSF. The habitat suitability assessment was conducted by ELMT Consulting (ELMT) biologists Thomas J. McGill, Ph.D., and Travis McGill on October 23, 2019.

The entire project site has been mapped by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Survey as being composed of Delhi sand soils. Since Delhi sand soils are wind deposited (aeolian), the boundaries established by the USDA are not exact and change over time. Due to surrounding development, the Delhi sand soils on the project site are no longer subject to aeolian processes.

Although the northern half of the project site is an existing vineyard, there are clean Delhi sand soils within the vineyard moderately contaminated from agricultural activities associated with the vineyards, totaling approximately 23 acres. The northern half of the project site was rated as low quality to moderate quality with a habitat quality rating of 3/4.

Soils surrounding the existing winery and residence along the eastern boundary of the site were rated either as very low quality with a habitat quality rating of 2 or were rated as unsuitable with a habitat quality rating of 1 due to the lack of clean Delhi sand soils, impervious surfaces, and loose gravel. Each area is approximately 3 acres in size.

The southern half of the project site supports Delhi sand soils that is no longer clean due to extensive contamination with organic material from disking and weed abatement activities. This area totals approximately 20 acres that were rated as either very low quality to low quality with a habitat quality rating of 2/3. Focused DSF presence/absence surveys were conducted on the southern half of the project site for five (5) consecutive years from 2004 to 2008 and were all negative.

Given the above ratings of Delhi sand soils and negative focused survey results, the southern half of the project site is considered poor-quality habitat and is unlikely to support a population of DSF. Similarly, the 6 acres associated with the winery and residence is considered unsuitable or poor-quality and is unlikely to support a population of DSF. The northern half, which is still an active vineyard, has clean Delhi sands with some contamination from being used as a vineyard for several decades and would be expected to have a low to moderate

potential to support DSF. The United States Fish and Wildlife Service (USFWS) will likely require focused survey for the northern half of the site.

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APPENDIX

Appendix A	Site Photographs
Appendix B	DSF Presence/Absence Surveys

Section 1 Introduction

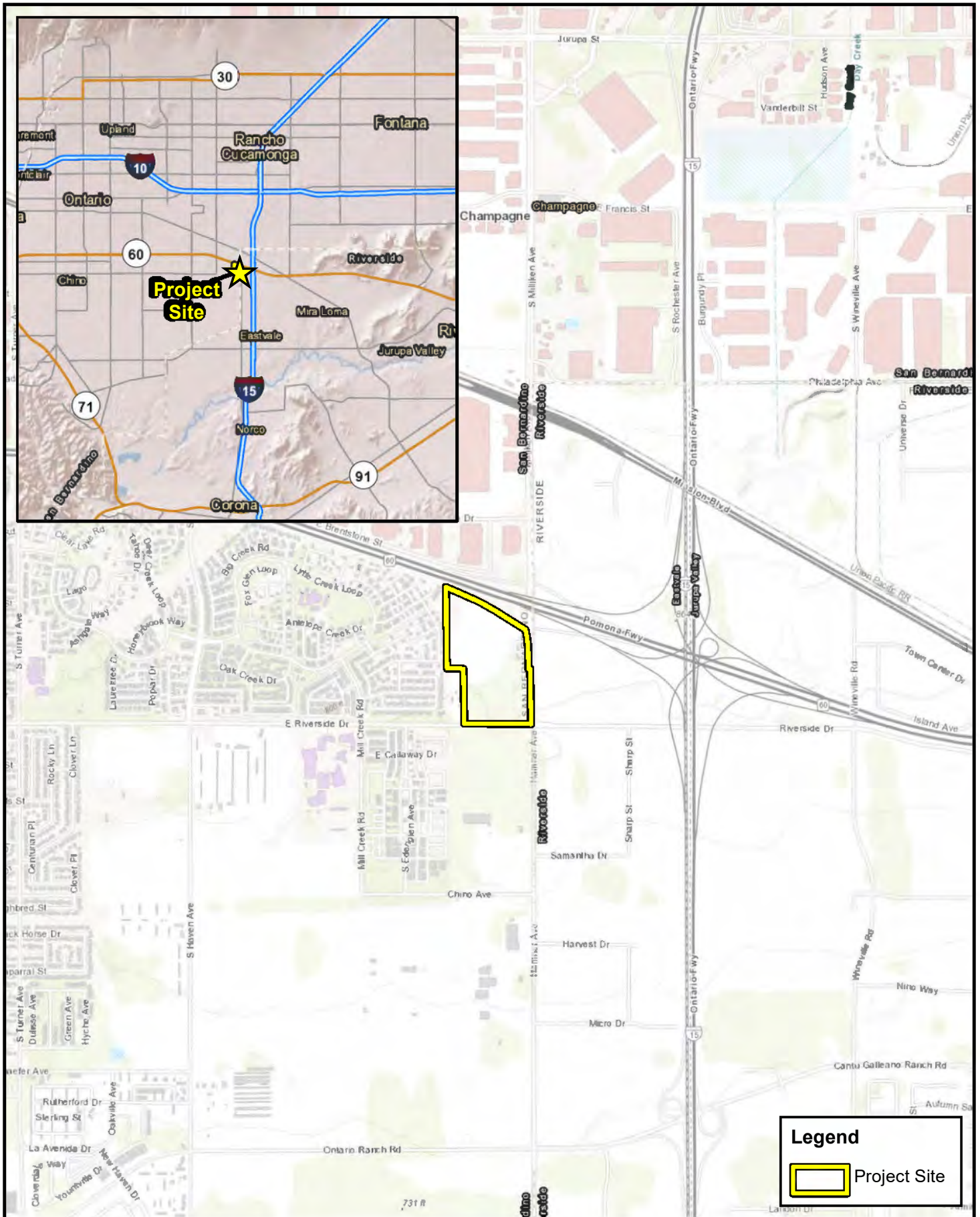
ELMT Consulting (ELMT) prepared this Delhi Sands Flower-Loving Fly (DSF) Habitat Suitability Assessment for the proposed Toscana Square Project Site (project site or site) located in the City of Ontario, San Bernardino County, California. ELMT biologists Thomas J. McGill, Ph.D., and Travis McGill inventoried and evaluated the condition of the habitat on October 23, 2019. This assessment was conducted to determine if the soils on the site have clean Delhi sand soils capable of providing suitable habitat for DSF.

1.1 PROJECT LOCATION

The project site is generally located south of State Route 60, west of Interstate 15, north of the Santa Ana River, and east of State Route 83 in the City of Ontario, San Bernardino County, California (Exhibit 1, *Regional Vicinity*). The project site is depicted on the Guasti quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map series in Section 1 of Township 2 South, Range 7 West. Specifically, the project site is bordered by State Route 60 to the north, Hamner Avenue to the east, Riverside Drive to the south, and an existing residential development to the west (Exhibit 2, *Project Site*).

1.2 PROJECT DESCRIPTION

The Toscana Square Project proposes construction and operation of up to 359,730 square feet of industrial uses and up to 85,578 square feet of commercial uses within the southerly 20-acres of an approximately 49-acre site. As requested by the city, this includes the northerly 29 acres; although, there are no current plans to develop these parcels.



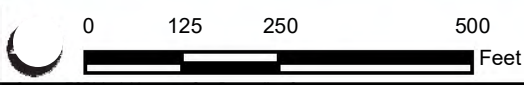
TOSCANA SQUARE PROJECT SITE
 DSF SUITABILITY ASSESSMENT
Site Vicinity





TOSCANA SQUARE PROJECT SITE
DSF SUITABILITY ASSESSMENT

Project Site



Section 2 Background

It has been generally acknowledged that DSF occur in Delhi sand soils, particularly clean dune formations composed of Aeolian sands. Conversely, soils and sands deposited by fluvial processes from the surrounding alluvial fans do not support DSF. These alluvial soils are composed of coarse sands, cobble and gravel (Tujunga soils) or coarse sands, silts and clays (Cieneba soils). In this part of San Bernardino County, the separation of soil types has been lost due to the mixing and cross contamination from years of agricultural activities, development, and other man-made disturbances.

Depending on the extent of mixing and contamination, some areas formally mapped in 1970 as Delhi sand soils no longer have potential to support DSF populations. Conversely, some areas formally mapped as Cieneba soils may now be composed of Delhi sand soils and have potential to support DSF. Six DSF experts (Ken Osborne, Greg Ballmen, Rudy Matoni, Karen Cleary-Rose, Alison Anderson and Tom McGill) used this criterion, the relative abundance of clean Delhi sand soils versus the amount of Cienba or other alluvial soils, to rate the suitability of the habitat to support DSF (Michael Brandman Associates, 2003). Soils high in gravel and alluvial materials, or high in fine materials such as silts and clays, were rated low, while soils that appear to be high in Aeolian deposited sands were rated high. This qualitative assessment of DSF habitat was further refined by considering the relative degree of soil compaction. Alluvial soils have a tendency to solidify to a hard surface pavement, while Aeolian soils are easier to penetrate and provide good substrate for DSF.

Although it has been common to attribute the presence of four common plant species California buckwheat (*Eriogonum fasciculatum*), California croton (*Croton californicus*), deer weed (*Acmispon glaber*), and telegraph weed (*Heterotheca grandiflora*) as indicators of habitat suitability, for the assessment, vegetation composition was not given much weight in making this habitat evaluation. These dominant plant species, and plant species composition of habitats, may not be directly relevant to larval development (due to likely predatory or parasitic habitat of DSF larvae) (Osborne, et al. 2003). The known immature life histories of the nine asiloid fly families, including that to which the DSF is classified, are primarily predatory and/or parasitic on other invertebrate species (mainly insects) and the presence or absence of plant species appears not to be relevant to the life history of these flies.

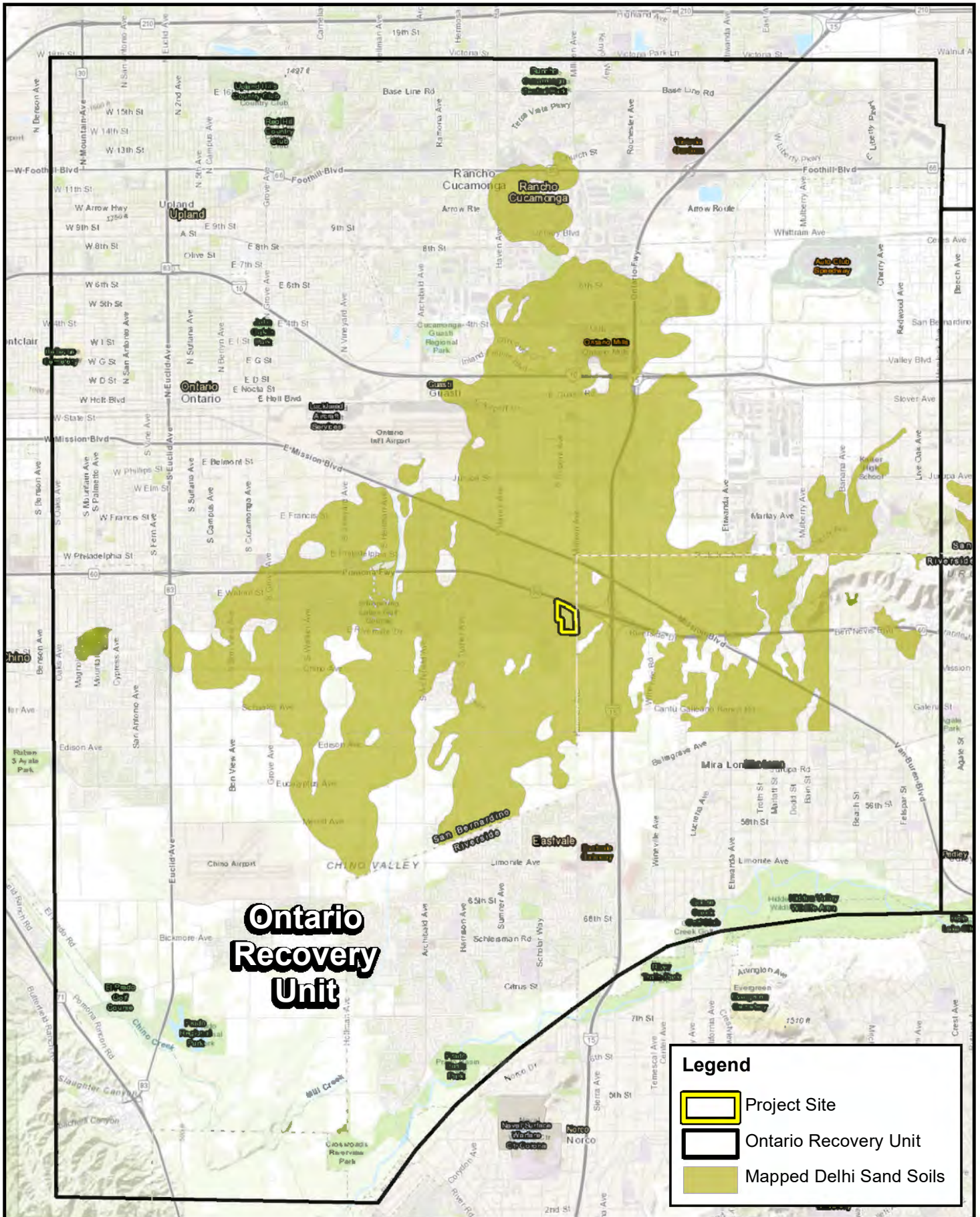
Land with suitable DSF habitat include only those areas with open, undisturbed Delhi Series soils that have not been permanently altered by residential, commercial, or industrial development, or other human actions. Areas known to contain Delhi sand soils and/or to be occupied by DSF have been divided by USFWS into three recovery units (Colton, Jurupa, and Ontario Recovery Units (USFWS, 1997)). These recovery units are defined as large geographic areas based on geographic proximity, similarity of habitat, and potential genetic exchange.

Within these three recovery units, are areas that have been previously protected by conservation easements:

- Colton: Eight sites have been permanently protected in the Colton recovery unit. In the USFWS five-year review of the DSF Recovery Plan (USFWS, 2008) the USFWS acknowledge that 8 sites had been identified as supporting DSF within the Colton Recovery Unit. These sites have been permanently protected in the Colton Recovery Unit. Within the Colton Recovery unit, the Slover/Pepper population is partially protected through the establishment of a 7.5-acre Colton Transmission Facility Reserve at the eastern terminus of Santa Ana Ave in Colton and 150-acre Conservation Bank. There are about 160-acres of undeveloped DSF habitat contiguous with these conservation areas (USFWS, 2008).
- Jurupa: Approximately 21 ha (52-acres) of DSF habitat have been protected for this population along the Jurupa Hills. Approximately 12 ha (30-acres) are protected under a conservation easement within Riverside County (“I-15/Galena” Biological Opinion; FWS-WRIV-774). An additional 9 ha (22-acres) will be placed under a conservation easement and managed in San Bernardino County as a result of interagency consultation between the USFWS and the U. S. Army Corps of Engineers (Corps) (“Fontana Business Center” Biological Opinion; FWS-SB-1788.9), in accordance with section 7 of the Endangered Species Act.
- Ontario: In 2000, 4 ha (10-acres) of DSF habitat near the intersection of Greystone and Milliken Avenues in the City of Ontario, San Bernardino County, were acquired for conservation and an additional 1.2 ha (3-acres) of contiguous habitat was avoided, but not permanently conserved. At that time, these properties were surrounded by undeveloped land with some characteristics of DSF habitat, and the USFWS anticipated that a larger DSF reserve would be created that could sustain a robust DSF population. However, most of the surrounding property has subsequently been developed for commercial or industrial uses, and it is unlikely that the existing population can be sustained over the long term.

The project site is located within the Ontario Recovery Unit, within 0.25 mile of the previously conserved habitat protected under a conservation easement (Exhibit 3, *DSF Recovery Units*). In the USFWS five-year review of the DSF Recovery Plan (USFWS, 2008), the USFWS acknowledged the habitat conditions have changed that preclude long-term conservation goals in the Ontario Recovery unit. Even though the recovery unit contains Delhi sand soils, the lack of occupied habitat was thought to preclude the unit from having long-term conservation value (USFWS, 2008). However, in 2019 an Amendment was issued to the Recovery Plan

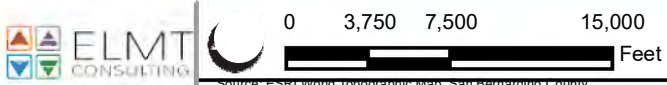
documenting that several flies had been detected in the Ontario Recovery Unit near a small, conserved parcel. As a result DSF is no longer presumed to be absent from the Ontario Recovery Unit.



Legend

-  Project Site
-  Ontario Recovery Unit
-  Mapped Delhi Sand Soils

TOSCANA SQUARE PROJECT SITE
 DSF SUITABILITY ASSESSMENT
DSF Recovery Units



Section 3 Methodology

The criteria discussed in detail below were used to rate the relative abundance of clean Delhi sand soils versus the amount of Cieneba, Tujunga, or other alluvial soils, to rate the suitability of the habitat to support DSF. Soils high in gravel and alluvial materials, or high in fine materials such as silts and clays, were rated low, while soils that appear to be high in Aeolian deposited sands were rated high. This qualitative assessment of DSF habitat was further refined by considering the relative degree of soil compaction. Alluvial soils have a tendency to solidify to a hard surface pavement, while Aeolian soils are easier to penetrate and provide good substrate for DSF.

3.1 SOIL

On-site and adjoining soils were researched prior to the field visit using the United States Department of Agricultural (USDA) Natural Resources Conservation Survey (NRCS) Soil Survey for San Bernardino County, California. In addition, a review of the local geological conditions and historical aerial photographs was conducted to assess the ecological changes the project site has undergone. In particular, the USDA NRCS was reviewed to determine the location of mapped Delhi sand soils on or within the immediate vicinity of the project site.

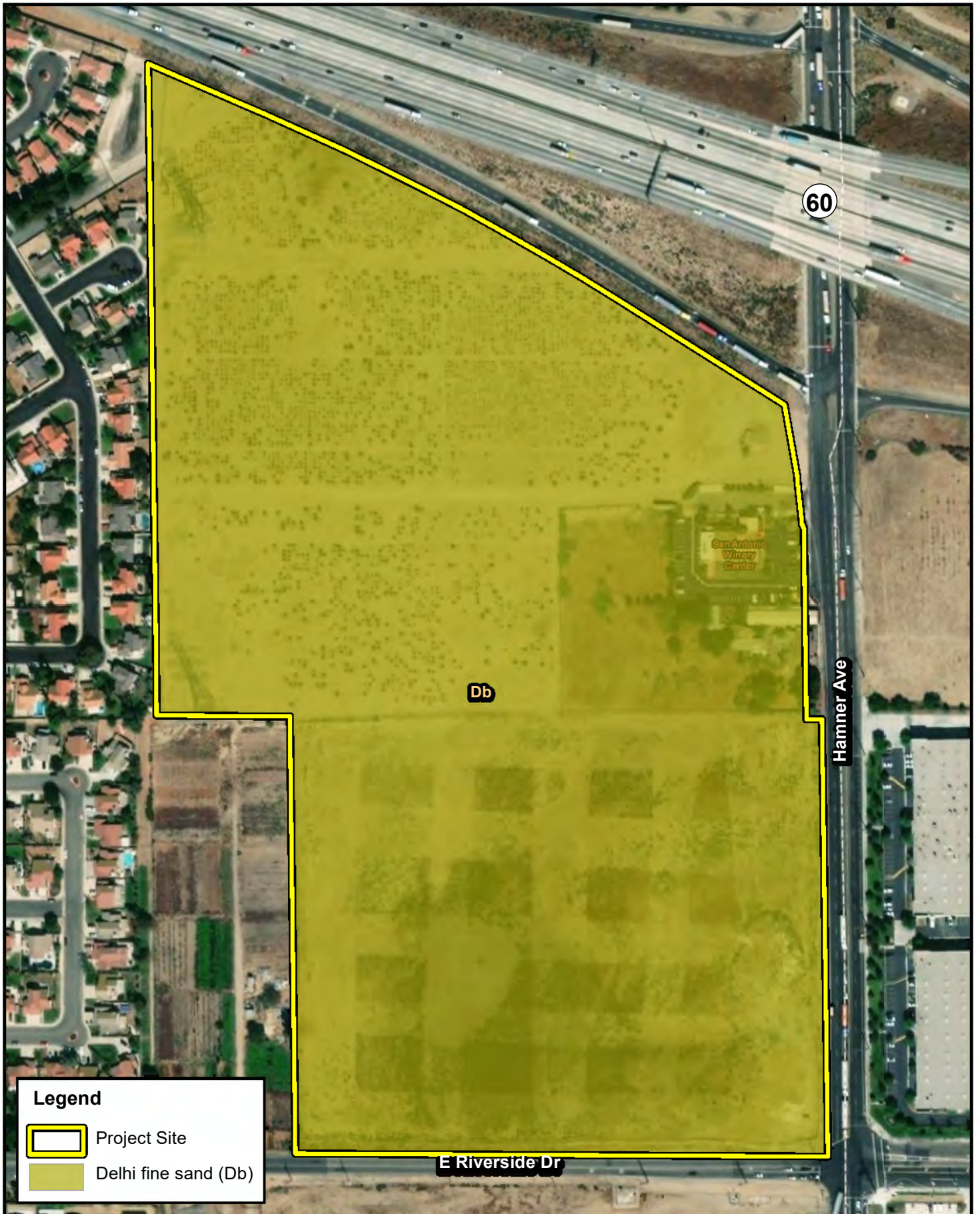
3.2 HABITAT SUITABILITY ASSESSMENT

ELMT biologists Thomas J. McGill, Ph.D., and Travis J. McGill surveyed the project site on October 23, 2019. The habitat suitability assessment consisted of a visual and tactile inspection of all areas on the project site that contain Delhi sand soils. Based on the USDA NRCS Soil Survey, all surface soils within the project site are comprised of Delhi fine sands (Exhibit 4, *Soils*). Since the project site as a whole was mapped as supporting Delhi sand soils, the site was evaluated for the quality or purity and for its potential to support DSF. Areas were assigned one or more ratings ranging between 1 and 5, with 5 being the best quality and most suitable habitat:

1. Soils dominated by heavy deposits of alluvial material including coarse sands and gravels with little or no Delhi sand soils and evidence of soil compaction. Developed areas, non-Delhi sands soils with high clay, silt, and/or gravel content. Delhi sands extensively and deeply covered by dumping of exotic soils, rubble, trash or organic debris. *Unsuitable*.
2. Delhi sand soils are present, but the soil characteristics include a predominance of alluvial materials (Tujunga Soils and Hilmar loamy sand), or predominance of other foreign contamination. Sever and frequent disturbance (such as maintenance yard or high use roadbed). *Very Low Quality*.

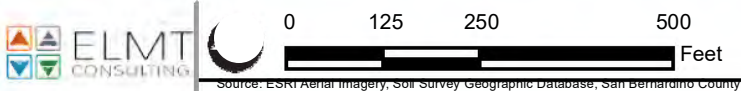
3. Although not clean, sufficient Delhi sand soils are present to prevent soil compaction. Moderately contaminated Delhi sands. Delhi sands with moderate to high disturbance (such as annual disking). Sufficient Delhi sands are present to prevent soil compaction (related to contamination by foreign soils). Some sandy soils exposed on the surface due to fossorial animal activity. *Low Quality*.
4. Abundant clean Delhi sand soils with little or no foreign soils (such as alluvial material, Tujunga soils or Hilmar loamy sand) present. Moderate abundance of exposed sands on the soil surface. Low vegetative cover. Evidence of moderate degree of fossorial animal activity by vertebrates and invertebrates. May represent high quality habitat with mild or superficial disturbance. *Moderate Quality*.
5. Sand dune habitat with clean Delhi sand soils. High abundance of exposed sands on the soil surface. Low vegetative cover. Evidence (soil surface often gives under foot) of high degree of fossorial animal activity by vertebrates and invertebrates. Sand associated plant and arthropod species may be abundant. *High Quality*.

It should be noted that habitat qualities often vary spatially within a site so that conditions on a site fall within a range of qualities. Further, overall habitat quality is affected by the overall habitat value of a site.



TOSCANA SQUARE PROJECT SITE
DSF SUITABILITY ASSESSMENT

Soils



Source: ESRI Aerial Imagery, Soil Survey Geographic Database, San Bernardino County

Section 4 Results

4.1 EXISTING CONDITIONS

The approximately 49-acre project site is located within a developed area in the City of Ontario, immediately south of State Route 60 and west of Interstate 15. The project site is relatively flat with no areas of significant topographic relief. Onsite surface elevation ranges from approximately 811 feet above mean sea level (msl) on the northwestern boundary to 979 feet above msl on the southern boundary of the project site generally slopes from north to south. The project site occurs in an area surrounded by land that has undergone a conversion from agricultural land uses into industrial, commercial, and residential land uses. The project site is bordered by an existing residential development to the west, State Route 60 and industrial developments to the north, Hamner Avenue, vacant land and industrial developments to the east, and Riverside Drive and vacant land to the south.

The project site has been heavily disturbed from disking activities on the southern half of the project site, agricultural activities associated with the active vineyard on the northern half of the project site, and disturbances associated within the developments on the northeast portion of the project site. Developments on the north eastern portion of the project site consist of the San Antonio Winery, a church, a restaurant, and parking lot.

One (1) vegetation community was observed on the project site during the survey, non-native grassland/disturbed. In addition, the project site supports three (3) land cover types that would be classified as vineyard, disturbed, and developed.

Non-native Grassland/Disturbed

The southern portion of the project site supports a mixture of disturbed areas and non-native grasslands. Disturbed areas are not developed but support minimal vegetation that are dominated by non-native species and do not support naturally occurring plant communities. These areas often present when activities such as weed abatement and disking have ceased and fast-growing non-native plants are allowed to spread. Non-native grassland is dominated by non-native and invasive grasses and may contain a variety of native and other non-native species mixed within. Despite any presence of native plant species, heavy domination by non-native grasses remove naturally occurring plant communities. The fast-growing grasses that dominate this community can present as a result of disking and often lead to areas being devoid of living vegetation for portions of the year. The 2019 Habitat Assessment report refers to these areas as semi-natural herbaceous.

On the project site, the non-native grassland/disturbed areas are associated with areas that are subject to routine disking activities. Areas that had recent disking were devoid of living

vegetation or were sparsely vegetated. There was evidence, based on dead plants, that the sparser areas were dominated by brome (*Bromus* spp.) and wild oats (*Avena fatua*) earlier in the spring, prior to disking. The more vegetated areas were dominated by Russian thistle (*Salsola tragus*) and puncture vine (*Tribulus terrestris*). Other species present included golden crownbeard (*Verbesina encelioides*), short-podded mustard (*Hirschfeldia incana*), common fiddleneck (*Amsinckia intermedia*), telegraph weed (*Heterotheca grandiflora*), western ragweed (*Ambrosia psilostachya*), coyote melon (*Cucurbita californica*), and Jimson weed (*Datura stramonium*).

Vineyard

The northern portion of the site supports an active vineyard. Some weedy species occurred along the edges and intermixed throughout the vineyard. These included puncture vine, Bermuda grass (*Cynodon dactylon*), and brome grass species (*Bromus* spp.).

Disturbed

The northeast corner of the project site, north of the existing buildings has been heavily disturbed and used as an overflow parking lot with loose gravel spread throughout.

Developed

The northeast portion of the project site supports the San Antonio Winery buildings, a church, restaurant, parking lot, and ornamental landscaping.

4.2 HABITAT SUITABILITY ASSESSMENT

Per USDA NRCS Soil Survey results, Delhi sand soils have been mapped across the entire project site (refer to Exhibit 4). In addition, mapped Delhi sand soils extend north, south, east, and west of the project site in areas that primarily consists of industrial, commercial and residential developments.

Although the northern half of the project site is an existing vineyard, there are clean Delhi sand soils within the vineyard moderately contaminated from agricultural activities associated with the vineyards, totaling approximately 23 acres. The northern half of the project site was rated as low quality to moderate quality with a habitat quality rating of 3/4.

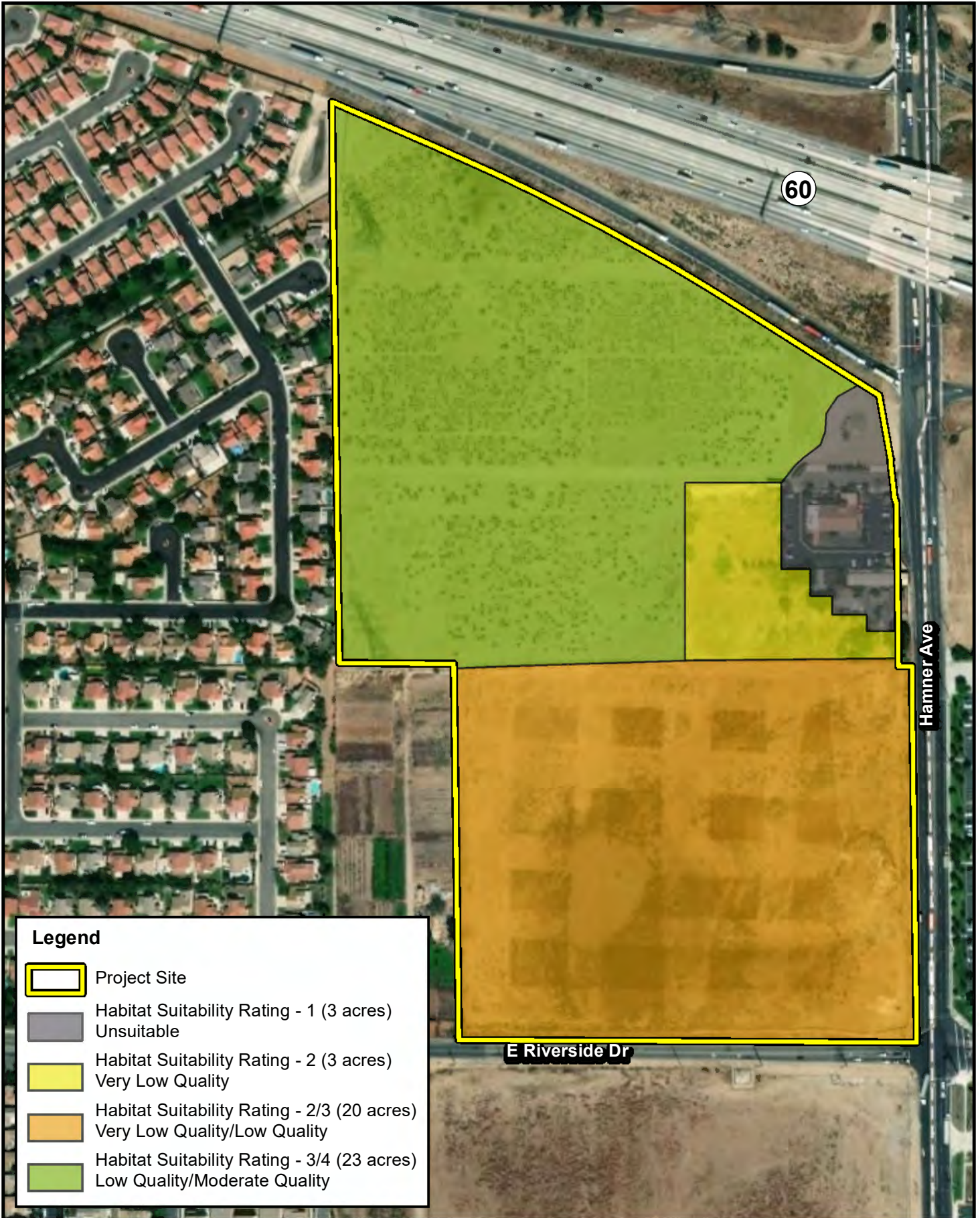
Soils surrounding the existing winery and residence along the eastern boundary of the site were rated either as very low quality with a habitat quality rating of 2 or were rated as unsuitable with a habitat quality rating of 1 due to the lack of clean Delhi sand soils, impervious surfaces, and loose gravel. Each area is approximately 3 acres in size.

The southern half of the project site supports Delhi sand soils that is no longer clean due to extensive contamination with organic material from disking and weed abatement activities. This area totals approximately 20 acres that were rated as either very low quality to low quality with a habitat quality rating of 2/3. Focused DSF presence/absence surveys were conducted on the southern half of the project site for five (5) consecutive years from 2004 to 2008 and were all negative.

Refer to Exhibit 5, *DSF Habitat Suitability* for a depiction of the habitat suitability ratings across the project site, and Table 1 below.

Table 1: Habitat Quality/Suitability Rating

	Unsuitable Rating of 1	Very Low Quality Rating of 2	Very Low Quality/ Low Quality Rating of 2/3	Low Quality/ Moderate Quality Rating of 3/4
Northern Portion	–	–	–	23 acres
Southern Portion	–	–	20 acres	–
Northeast Portion	3 acres	3 acres	–	–
TOTALS	3 Acres	3 Acres	20 acres	23 acres

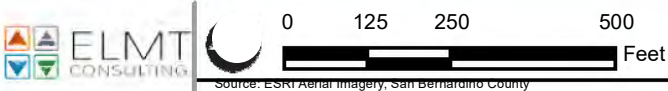


Legend

- Project Site
- Habitat Suitability Rating - 1 (3 acres)
Unsuitable
- Habitat Suitability Rating - 2 (3 acres)
Very Low Quality
- Habitat Suitability Rating - 2/3 (20 acres)
Very Low Quality/Low Quality
- Habitat Suitability Rating - 3/4 (23 acres)
Low Quality/Moderate Quality

TOSCANA SQUARE PROJECT SITE
DSF SUITABILITY ASSESSMENT

DSF Habitat Suitability



Section 5 Conclusion and Recommendations

The majority of the project site is underlain with Delhi sand soils with varying levels of contamination. The southern half of the project site was rated as very low quality to low quality with a habitat quality rating of 2/3. Focused presence/absence surveys were conducted on the southern half of the project site for five (5) consecutive years from 2004 to 2008, and were all negative. The northern half of the project site was rated as low quality to moderate quality with a habitat quality rating of 3/4. Soils near the northeast portion of the project site, associated with the winery and a residence were rated as very low quality with a habitat quality rating of 2 and as unsuitable with a habitat quality rating of 1.

Given the above ratings of Delhi sand soils and negative focused survey results, the southern half of the project site is considered poor-quality habitat and is unlikely to support a population of DSF. Similarly, the 6 acres associated with the winery and residence is considered poor-quality and is unlikely to support a population of DSF. The northern half, which is still an active vineyard, has clean Delhi sands with some contamination from being used as a vineyard for several decades and would be expected to have a low to moderate potential to support DSF. Given the recent sightings of DSF in the Ontario Recovery Unit, the USFWS will likely require focused survey for the northern half site. It is recommended that the applicant consult with the USFWS regarding development of this site.

If the USFWS requires focused surveys, the project applicant will need to either conduct the 2-year survey protocol to determine the presence/absence of DSF, or assume presence of DSF onsite and prepare a Habitat Conservation Plan (HCP) that will provide “Take” authority for impacts to DSF that could occur onsite. If the USFWS qualifies the site as potentially occupied but at a very low density due to the existing site conditions, a Low Effect HCP (LE-HCP) can be prepared. A LE-HCP is a streamlined process, normally allowing an application to be processed in 6 to 9 months. However, given the USFWS current workload, LE-HCP have been taking 18 to 24 months.

Section 6 References

- Osborne, K.H. 2002a. Focused surveys for the Delhi Sand giant flower-loving fly (*Rhaphiomidas terminatus abdominalis*) on a 125-acre portion of the Fontana Business Center site. Submitted to USFWS October 15, 2002.
- Osborne, K.H. Greg B. Rudi M. and Thomas McGill. 2003. Delhi Sands Flower-loving Fly Habitat Assessment for the Fontana Business Center.
- U.S. Department of Agriculture, Natural Resources Conservation Service. 2018. *Web Soil Survey*. Online at <http://websoilsurvey.nrcs.usda.gov/app/>.
- U.S. Fish and Wildlife Services. 1996. Habitat Conservation Plan in support of the issuance of a Section 10(a) permit for incidental take of the endangered Delhi Sands Flower-Loving Fly (*Rhaphiomidas terminatus abdominalis*) in connection with the completion of the Cantara residential project in the City of Colton, California.
- U.S. Fish and Wildlife Services. 1997. Final Recovery Plan for Delhi Sands Flower-Loving Fly (*Rhaphiomidas terminatus abdominalis*) U.S. Fish and Wildlife Services, Portland, Or. 51 pages.
- U.S. Fish and Wildlife Service. 2019. Recovery Plan Amendment for Delhi Sands Flower-Loving Fly (*Rhaphiomidas terminatus abdominalis*).
- U.S. Fish and Wildlife Services. 2008. Delhi Sands Flower-Loving Fly (*Rhaphiomidas terminatus abdominalis*) 5-Year Review: Summary and Evaluation. Carlsbad, California. March 2008.

Appendix A Site Photographs



Photograph 1: Overview of the non-native grassland/disturbed habitat on the southern portion of the project site.



Photograph 2: Looking south across the southern portion of the project site.



Photograph 3: Very low quality (Habitat Suitability Rating of 2) DSF habitat on the southern portion of the project site.



Photograph 4: Low quality (Habitat Suitability Rating of 3) DSF habitat on the southern portion of the project site.



Photograph 5: Looking east from the western boundary of the project site at the interface between the northern and southern portions of the project site.



Photograph 6: View of the active vineyard on the northern portion of the project site.



Photograph 7: Looking southeast from the northwest corner of the project site at the active vineyard.



Photograph 8: Low quality (Habitat Suitability Rating of 3) DSF habitat on the northern portion of the project site.



Photograph 9: Moderate quality (Habitat Suitability Rating of 4) DSF habitat on the northern portion of the project site.



Photograph 10: Fossorial mammal burrow on the northern boundary of the project site.



Photograph 11: Heavily disturbed area with loose gravel on the northeast corner of the project site.

Appendix B DSF Presence/Absence Surveys

- **2004 Presence/Absence Survey, “*Rivermill Property*”**
- **2005 Presence/Absence Survey, “*Rivermill Property*”**
- **2006 Presence/Absence Survey, “*Rivermill Property*”**
- **2007 Presence/Absence Survey, “*Rivermill Property*”**
- **2008 Presence/Absence Survey, “*Rivermill Property*”**

**BIOLOGICAL REPORT
FOR THE
TOSCANA SQUARE PROJECT SITE**

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October 2019

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1.0 INTRODUCTION

The Toscana Square Project proposes construction and operation of up to 359,730 square feet of industrial uses and up to 85,578 square feet of commercial uses within the southerly 20-acres of an approximately 49-acre site. As requested by the city, this includes the northerly 29 acres; although, there are no current plans to develop these parcels. The Toscana Square Project site is located in the City of Ontario, San Bernardino County, California (Figure 1). The site is south of Interstate 60, west of Hamner Avenue, north of Riverside Avenue and east of existing residential developments (Figures 2 and 3). The site is within SE Section 1 of Township 2 South and Range 7 West of the Guasti, California, United States Geological Survey (USGS) 7.5-minute topographic quadrangle (Figure 1).

A site assessment and biological surveys were conducted at the site at the request of Applied Planning. The surveys conducted in summer 2019 included all of the project site; and consisted of;

- a general biological assessment,
- general plant and wildlife surveys,
- vegetation mapping,
- habitat assessment for assessing potential for special status plant species¹,
- habitat assessment for assessing potential for special status wildlife species²,
- focused surveys for burrowing owl (*Athene cunicularia*), and,
- general assessment for Corps Waters/wetlands and CDFW streambeds.

Focused surveys for threatened, endangered and sensitive plant or wildlife species (other than the burrowing owl) were not conducted as part of this assessment.

The entire Toscana Square Project site consists of approximately 49 acres of undeveloped land, vineyard and associated developed areas located within the built-up city limits. The project site has been significantly impacted due to years of disturbance, trash, off-road trails, footpaths and active agriculture. The site slopes gently from north to south and topography varies from an elevation of approximately 811 feet above msl along the northwestern boundary to 979 feet above msl along the southern boundary of the site (Exhibit 3).

The site has a Mediterranean type climate, with hot dry summers, relatively cool winters and sparse rains. Annual precipitation for the region averages 13.3 inches, and average annual temperature ranges from 50⁰ to 79⁰ F. Rainfall during the 2018/2019 season was above normal throughout southern California (Appendix A).

¹ Special status plant species = federal or state listed threatened or endangered species, or proposed endangered, threatened or candidate species, California Native Plant Society Species List (CNPS list 1-4), or otherwise sensitive species.

² Special status wildlife species = federal or state listed threatened or endangered species, or proposed endangered, threatened or candidate species, or otherwise sensitive species.

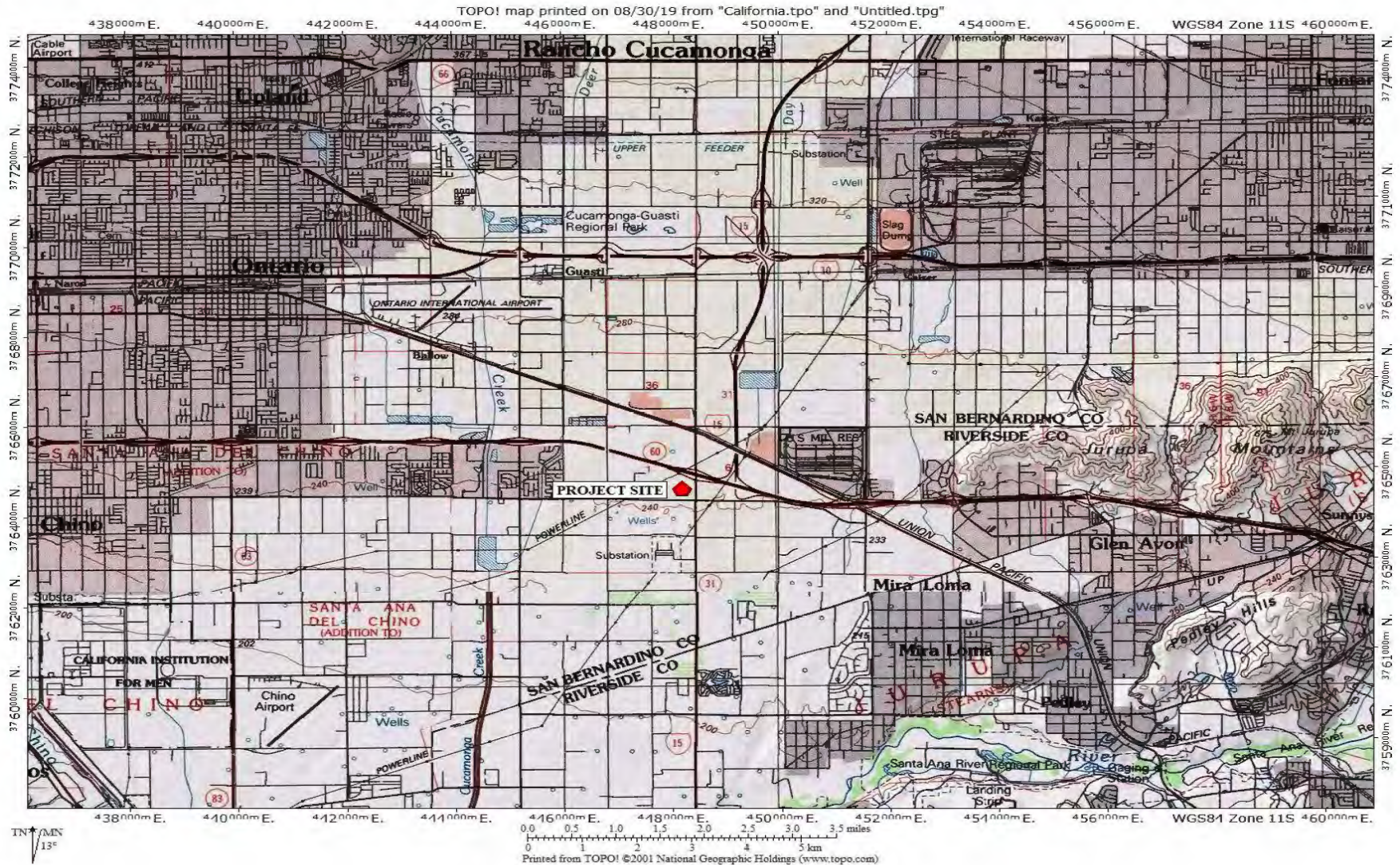


Figure 1: Location of the Toscana Square Project site in San Bernardino County, California. Source: USGS Topographical quadrant: Steele Peak.

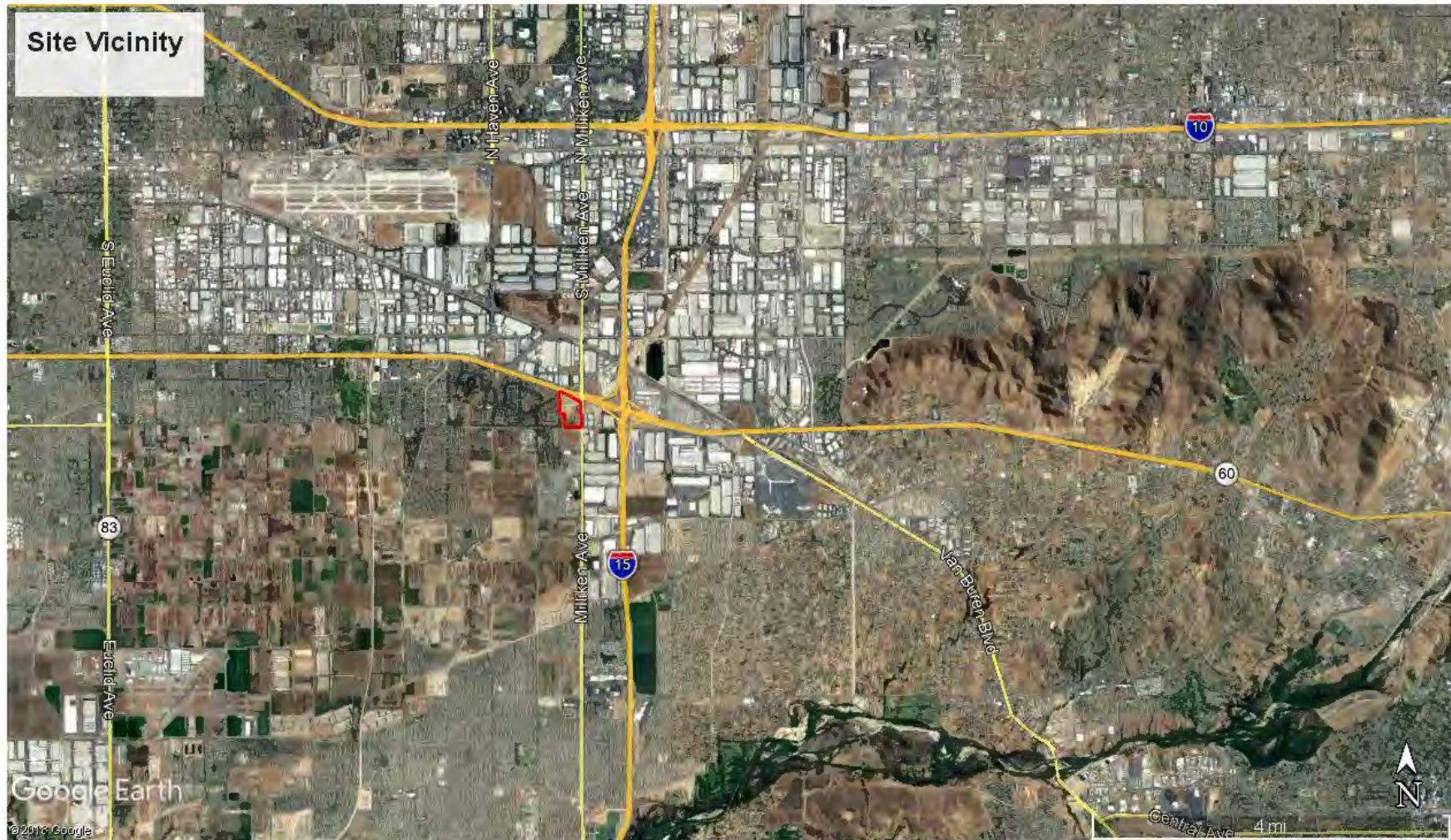


Figure 2: Location of the Toscana Square Project site (in red). Source: Google Earth, Inc.



Figure 3: Toscana Square Project site (in red). Source: Google Earth, Inc.

2.0 METHODS

2.1 Biological Resources Information sources

In addition to the site visit, field surveys, vegetation mapping, wildlife inventories, and habitat assessments information on the biological resources of the project site was obtained by reviewing existing available data. Databases such as the California Natural Diversity Database (CNDDDB 2019) and California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (Tibor 2001) were reviewed regarding the potential occurrence of any special status species or sensitive habitat within or in close proximity of the project site.

The resources used in this thorough archival review included the following;

- California Natural Diversity Data Base (CNDDDB) for the USGS 7.5' quadrangle which comprised the study area: Guasti and neighboring quads for pertinent data,
- California Native Plant Society Inventory of rare and endangered vascular plants of California (Tibor 2001; CNPS On-line Inventory),
- Special Animals (including California Species of Special Concern), CDFW, Natural Heritage Division, August 2019,
- Special Vascular Plants, Bryophytes, and Lichens List, CDFW, Natural Heritage Division, August 2019,
- State and Federally Listed Endangered, Threatened and Rare Plants of California, CDFW, Natural Heritage Division, August 2019,
- State and Federally Listed Endangered and Threatened Animals of California, CDFW, Natural Heritage Division, August 2019,
- Published literature (Chesser *et al.* 2013, Sibley 2000, Small 1994, Moyle *et al.* 1995, Jennings and Hayes 1994, Stebbins 1985, Webster *et al.* 1980, Burt and Grossenheider 1976).

2.2 Vegetation mapping, habitat assessment for special status plant species and general botanical surveys

Vegetation mapping, habitat assessments and general botanical surveys were conducted on 17 July and 28 August 2019 by Paul Galvin. Vegetation types within the project site were mapped according the state-wide A Manual of California Vegetation, Second Edition (Sawyer *et al.* 2009). This is the mapping system recognized and recommend by regulatory agencies. Vegetation was mapped to the association level by hand on an aerial photographic base map conducted while walking throughout the study area. A general plant species list was compiled concurrently with the vegetation mapping surveys (Appendix B). Scientific and common nomenclature in Hickman (1993) was used as the taxonomic resource. The equivalent vegetation community under the old Holland classification system (Holland 1986) was also noted.

The habitat assessment for special status plant species was conducted concurrently with the vegetation mapping, and concentrated on habitats with the highest potential for yielding special status species, although all areas of the project site were checked. Each habitat within the study area was traversed on foot, examining the areas for particular features such as seeps, unique geologic types, exposures, etc., that would indicate the presence of a preferred habitat for special status plant species. Methods followed the state guidelines for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018).

2.3 Wildlife surveys and habitat assessment for special status wildlife

Field surveys for wildlife and habitat assessment for special status wildlife species were conducted on July 17 and 28 August 2019 by Paul Galvin. All portions of the site were traversed on foot to survey each vegetation community, look for evidence of wildlife presence and conduct an assessment of potential habitat for special status species. Wildlife species were detected during the field surveys by sight, vocalizations, burrows, tracks, scat, scrapings and other sign. No specialized techniques, such as trapping, mist nets or taped calls, were used during the surveys.

Latin and common names of wildlife referred to in this report follow Powell and Hogue (1979), Hogue 1993 and NatureServe (<http://www.natureserve.org/explorer/>) for invertebrates; NatureServe for fish; North American Herpetology (<http://www.naherpetology.org/nameslist>) for amphibians and reptiles; American Ornithologists' Union Checklist of North American Birds - 7th Edition (2017) for birds; Baker et al. 2003 for mammals; and Grenfell et al. 2003, California Department of Fish and Game & California Interagency Wildlife Task Group (http://www.dfg.ca.gov/whdab/pdfs/species_list.pdf) and Perrins et al. 1983 for common names.

2.4 Focused burrowing owl surveys

Burrowing owls occur in shortgrass prairies, grasslands, lowland scrub, agricultural lands (particularly rangelands), prairies, coastal dunes, desert floors, and some artificial, open areas as a yearlong resident. They require large open expanses of sparsely vegetated areas on gently rolling or level terrain with an abundance of active small mammal burrows. As a critical habitat feature, they require the use of rodent or other burrows for roosting and nesting cover. They can also use pipes, culverts, and nest boxes (USFWS 2003, Haug *et al.* 1993, Zeiner *et al.* 1990).

Prior to conducting fieldwork previous results of wildlife surveys and habitat assessments in the project area were reviewed. Potential burrowing owl habitat occurs throughout the site and adjacent off-sites areas and all areas of the site were included in the survey.

Focused burrowing owl surveys at the project site were conducted following standard burrowing owl survey protocols and the Fish and Game methods (CDFG 2012). The

survey area consisted of all areas of the site and a buffer area of 150 meters outside the entire extent of the site boundary. All these areas were surveyed a total of two times. Focused burrowing owl surveys were conducted on 17 July and 28 August 2019 by Paul Galvin.

Surveys were conducted during the morning hours (from 1 hour before sunrise to 2 hours after sunrise). All surveys were conducted during good weather conditions (not too hot and no or only light winds).

The survey methods consisted of scanning all open areas and suitable habitat with binoculars prior to walking through that area. The biologist then conducted pedestrian walking surveys through all areas. The walking transects were spaced to ensure 100% visual coverage of the ground surface. The exact distance between transect lines varied depending on topography and vegetation but was generally no more than 75 feet. All open areas, banks, rodent burrows and any other area likely to support owl burrows were checked.

2.5 Wetland Delineation

Although a formal wetland delineation was not conducted, the project area was checked in the field for the presence of streambeds, definable channels, wetland and riparian vegetation and hydric soils. All areas of topographic relief suspected of representing historic or current drainage patterns were inspected on-foot.

Field visits were conducted on 17 July 2019 by Paul Galvin.

3.0 RESULTS

3.1 Soils

The soils on the study area are from the Delhi association and are nearly level to strongly sloping, somewhat excessively drained, very deep soils on alluvial fans in coarse-textured, wind-re-formed granitic material (NRCS Soil Survey 2019, Woodruff 1980, Knecht 1971). The following soils are mapped as occurring within the project area:

Delhi fine sand (Db)

This nearly level to strongly sloping soil is on alluvial fans that have been reworked by wind action. Typically the upper 40 inches consist of pale-brown (10YR 6/3) sand and fine sand, single grained, loose when dry. This soil is used for grapes, pasture plants, alfalfa and some citrus.

3.2 Vegetation communities

The Toscana Square Project site has been significantly impacted due to years of disking, dumping, disturbance and agriculture (Photographs 1 through 8, Appendix E). Currently the site contains one vegetation community and two additional land types; semi-natural herbaceous, vineyard and developed. Vegetation types within the project site were mapped according the state-wide A Manual of California Vegetation (Sawyer *et al.* 2009) to the extent possible. Since this system focuses on native vegetation communities many disturbed and man-made land covers do not fit cleanly into the system. The best fit possible was made to map and classify the onsite vegetation. The equivalent vegetation community under the old Holland classification system (Holland 1986) is also noted. Dirt roads were mapped as the vegetation community which they go through.

Semi-natural herbaceous

Semi-natural herbaceous stands is a type of non-native grassland community, with low to medium growing herbaceous vegetation type dominated by annual grasses and forbs of Mediterranean origin. These areas are often devoid of vegetation for portions of the year due to disking. Holland (1986) classified this habitat type as Ruderal.

On the project site, the semi-natural herbaceous stands are associated with areas of historic disking. During the site visits much of the semi-natural herbaceous stands was devoid of vegetation or sparsely vegetated with Russian thistle (*Salsola tragus*) and puncture vine (*Tribulus terrestris*). There was evidence, based on dead plants, that the site was dominated by common fiddleneck (*Amsinckia intermedia*) and brome grass (*Bromus* spp.) earlier in the spring, prior to disking.

Other species present included summer mustard (*Hirschfeldia incana*), wild oats (*Avena fatua*), lamb's quarters (*Chenopodium album*), cheeseweed (*Malva parviflora*),

horseweed (*Conyza canadensis*), telegraph weed (*Heterotheca grandiflora*), western ragweed (*Ambrosia psilostachya*), golden crown beard (*Verbesina encelioides*), Jimson weed (*Datura stramonium*) and castor bean (*Ricinus communis*).

Semi-natural herbaceous stands occurred in the entire southern portion of the site. A total of 20 acres of semi-natural herbaceous stands occurred in the project site (Figure 5).

Vineyard

An active vineyard occurred in the northern portion of the site. A few weeds occurred around the edge of the vineyard.

A total of 23.8 acres of vineyard occurred in the project site (Figure 5).

Developed

San Antonio Winery buildings, a church, restaurant, car-park and landscaping occurred adjacent the vineyard. In addition to buildings, car park, and landscaping, a number of non-native weeds occurred in this area.

A total of 4.8 acres of developed occurred in the project site (Figure 5).

3.3 Plant Inventory

Plant species at the Toscana Square Project site consisted of species associated with open and disturbed habitats. A total of 28 vascular plant species, representing 15 families were detected at the project site during the current surveys (Appendix B). About 39% (15) were native and the remaining 18 species were exotic. The best represented family was Asteraceae (8 species).

3.4 Special Status Plant Species

There are no historic site records for any special status plant species onsite (CNDDDB 2019). Based on a review of CNDDDB, the CNPS Inventory of Rare and Endangered Vascular Plants of California (Tibor 2001, CNPS 2019), and field surveys, a few special status species were identified for additional analysis, although none are expected to occur onsite (Table 1).

No special-status plants were observed on the Toscana Square Project site during the 2019 site surveys.



Figure 4: Soils at the Toscana Square Project site. Source: NRCS Soil Survey 2019.



Figure 5: Vegetation map of Toscana Square Project site (in red). Source: Google Earth, Inc.

Table 1: Special status plant species that occurred or have the potential to occur in the Toscana Square Project site: Definitions - status: Fed = federal, FE = federal endangered, FT = federal threatened, FPE = federally proposed for listing as endangered, FPT = federally proposed for listing as threatened, FC = federal candidate species, FSC = federal special concern species, state = state of California, SE = state endangered, ST = state threatened, SCE = state candidate for listing as endangered, SCT = state candidate for listing as threatened, SC = state species of concern, FP = fully protected species, none = no federal or state listing, see Appendix C for CNPS Status. Occurrence onsite: Occurs = known to occur onsite, Unlikely = could occur due to presence of suitable habitat onsite but not detected during current survey, Not Expected = does not occur due to limited suitable habitat onsite and not detected.

Scientific Name	Common Name	Status	Occurrence Onsite	Habitat
<i>Abronia villosa</i> var. <i>aurita</i> NYCTAGINACEAE	Chaparral sand-verbena	Fed: None State: None CNPS 1B.1	Unlikely	Annual herb occurs on sandy soils in desert dunes, coastal scrub and chaparral. Blooms from January-September from 80-1600 meters.
<i>Ambrosia pumila</i> ASTERACEAE	San Diego ambrosia	Fed: none State: none CNPS: 1B.1	Unlikely	Dry sunny sites, grasslands, disturbed areas, <500ft, blooms June-September.
<i>Berberis nevinii</i> BERBERIDACEAE	Nevin’s barberry	Fed: FE State: SE CNPS 1B.1	Not Expected	Coarse soils and rocky slopes in chaparral and gravelly wash margins in alluvial scrub. Found from 300 to 700 meters elevation.
<i>Calochortus plummerae</i> LILACEAE	Plummer’s mariposa lily	Fed: None State: None CNPS 4.2	Unlikely	Chaparral, Foothill Woodland, Yellow Pine Forest, Coastal Sage Scrub, Valley Grassland in open rocky or sandy areas. Blooms from May-July below 1,700 meters.
<i>Centromadia pungens</i> ssp. <i>laevis</i> ASTERACEAE	Smooth tarplant	Fed: None State: None CNPS 1B.1	Unlikely	Chenopod scrub, meadows and seeps, playas, riparian woodland, valley and foothill grassland
<i>Chorizanthe parryi</i> var. <i>parryi</i> POLYGONACEAE	Parry’s spineflower	Fed: None State: None CNPS 1B.1	Unlikely	Coastal scrub and chaparral in open gravelly or sandy areas. Blooms from April-June from 40-1075 meters.
<i>Chorizanthe polygonoides</i> var. <i>longispina</i> POLYGONACEAE	Long-spined spineflower	Fed: None State: None CNPS 1B.2	Unlikely	Annual herb occurs in chaparral, coastal scrub, meadows and seeps. Blooms from April- June from 30-1530 meters.
<i>Cladium californicum</i> CYPERACEAE	California saw-grass	Fed: None State: None CNPS 2B.2	Not Expected	Freshwater marshes in freshwater wetlands, alkali sinks and riparian areas. Blooms from June – September.

Scientific Name	Common Name	Status	Occurrence Onsite	Habitat
<i>Deinandra paniculata</i> ASTERACEAE	San Diego tarweed	Fed: None State: None CNPS: 4.2	Unlikely	Valley and foothill grassland, coastal scrub, typically in non-wetlands
<i>Dodecahema leptoceras</i> POLYGONACEAE	Slender horned spine flower	Fed: FE State: SE CNPS: 1B.1	Unlikely	Sandy places in sage scrub, grassland. Blooms from April-June from 200-760 meters.
<i>Horkelia cuneata</i> <i>ssp. puberula</i> ROSACEAE	Mesa horkelia	Fed: None State: None CNPS: 1B.1	Unlikely	Perennial herb found in dry sandy soils in the outer coast ranges in chaparral, coastal scrub, and cismontane woodland. Blooms from February through July from 70-810 meters.
<i>Imperata brevifolia</i> POACEAE	Satintail	Fed: None State: None CNPS: 2B.1	Not Expected	Chaparral, coastal sage scrub, creosote bush scrub, wetland-riparian, meadows and seeps/moist areas/perennial herb/0-500m / September-May
<i>Mucronea californica</i> POLYGONACEAE	California spineflower	Fed: None State: None CNPS: 4.2	Unlikely	Coastal strand, chaparral, foothill woodland, northern coastal scrub, coastal sage scrub, valley grassland/dunes and coastal/annual herb/0-1,000m/March-July
<i>Muhlenbergia californica</i> POACEAE	California muhly	Fed: none State: none CNPS: 4.3	Not Expected	Rivers, streams, seeps, wetlands within Chaparral, Foothill Woodland, Coastal Sage Scrub, Valley Grassland. Blooms from July-Sept below 2,500 meters.
<i>Phacelia stellaris</i> HYDROPHYLLACEAE	Brad's phacelia	Fed: None State: None CNPS 1B.1	Unlikely	Coastal scrub and dunes in open sandy areas. Blooms from spring.
<i>Pseudognaphalium leucocephalum</i> ASTERACEAE	White rabbit-tobacco	Fed: None State: None CNPS 2B.2	Unlikely	Coastal scrub, chaparral, cismontane woodland, riparian woodland, sandy, gravelly soil. Blooms from July – December.
<i>Symphotrichum defoliatum</i> ASTERACEAE	San Bernardino aster	Fed: None State: None CNPS 1B.2	Unlikely	Grassland and meadow habitat near water and in disturbed areas.

3.5 Wetlands and streambeds

A formal jurisdictional delineation was not conducted onsite; however a general assessment of onsite drainage features was conducted as part of the biological assessment.

The site does not contain any lakes, rivers, creeks, streambeds, wetlands, vernal pools, temporary rain pools or riparian areas. There are no areas onsite that are subject to the jurisdiction to the US Army Corps of Engineers, the California Department of Fish and Wildlife or Regional Water Quality Control Board.

3.6 Wildlife overview

Wildlife at the study area consisted of common species and species associated with open, disturbed habitats. The most abundant species detected during the site visit were birds such as American crow (*Corvus brachyrhynchos*), mourning dove (*Zenaida macroura*) and house finch (*Carpodacus mexicanus*). A total of 22 wildlife species were detected during the site visits, including two reptile, 17 bird and three mammalian species (Appendix D).

3.7 Special status wildlife species

No special-status wildlife species were observed on the Toscana Square Project site during the 2019 site surveys.

Based on a review of CNDDDB (2019), published literature and field surveys and assessments, a number of special status wildlife species were identified as potentially occurring onsite, including some species with historic records from the project vicinity (Table 2). All special status wildlife species with some potential to occur onsite are addressed in Table 3, the two species for which focused surveys were conducted, Delhi Sands Flower-Loving Fly (*Rhaphiomidas terminatus abdominalis*) and burrowing owls. are additionally discussed below.

Delhi Sands Flower-Loving Fly (*Rhaphiomidas terminatus abdominalis*)

Delhi Sands Flower-Loving Fly is restricted to the Delhi Sands formation, on ancient inland sand dunes. Suitable habitat does occur onsite for this fly species. Focused surveys were conducted onsite for Delhi Sands Flower-Loving Fly in 2003 through 2008 and no fly was detected (Drake 2008). Updated focused surveys were conducted in 2019 by another party and any Delhi Sands Flower-Loving Fly issues need to be discussed with that party.

Burrowing owls (*Athene cunicularia*)

Burrowing owls (*Athene cunicularia*) occur in shortgrass prairies, grasslands, lowland scrub, agricultural lands (particularly rangelands), prairies, coastal dunes, desert floors, and some artificial, open areas as a yearlong resident. They require large open expanses of sparsely vegetated areas on gently rolling or level terrain with an abundance of active small mammal burrows. As a critical habitat feature, they require the use of rodent or other burrows for roosting and nesting cover. They can also use pipes, culverts, and nest boxes (USFWS 2003, Haug *et al.* 1993, Zeiner *et al.* 1990).

No burrowing owls or their sign were detected during the surveys and there was no evidence that any burrowing owls occur onsite. No onsite burrows showed any evidence of owl occupancy. In addition, this species has not been recorded from the project site in the past.

Burrowing owls are presumed absent from the site.

3.8 Wildlife movement corridors and linkages

The terms “wildlife corridors” and “linkages” are based upon fundamental ecological concepts, but can be easily misinterpreted because: 1) universally accepted definitions of these terms have not been established; 2) each term can be interpreted using different time scales (i.e. daily, seasonal, annual and evolutionary) and spatial scales (i.e. microclimate, local, community, and landscape) which changes their meaning; 3) the areas and values change from species to species; and, 4) the understanding of how these processes work is on-going and conclusions are subject to revision. The following definitions are intended to provide a working understanding of corridors and linkages and are summarized from several sources (SCWP 2003, USCA9D 1990, Barrett and Livermore 1983, Beier 1993).

Wildlife corridor - Wildlife corridors are areas which animals can use to move from one patch of suitable habitat to another. These areas would be expected to have the least habitat fragmentation relative to surroundings areas. A wildlife corridor establishes connectivity for animals to move, live, reproduce and respond to functional ecological processes during the course of a year to several years. The quality and functionality of a particular wildlife corridor varies from species to species.

Wildlife crossings are generally small, narrow wildlife corridors that allow wildlife to pass through an obstacle or barrier such as a roadway to reach another patch of habitat. Wildlife crossings are manmade and include culverts, drainage pipes, underpasses, tunnels, and, more recently, crossings created specifically for wildlife movement over or under highways.

Both wildlife crossings and wildlife corridors function to prevent habitat fragmentation that would result in the loss of species that require large contiguous expanses of unbroken habitat and/or that occur in low densities.

Linkages – Linkages are areas that provide for long term movement or interaction of wildlife to maintain natural evolutionary and ecological patterns. Linkages are fundamental for gene flow and large scale ecological processes. These areas are usually defined by the zones of “least resistance” for the genes of a given species to move or “flow” between core reserve populations.

No wildlife corridors or linkages are known at the Toscana Square Project site. Much of the project vicinity is already developed and it is unlikely that the site is of any significance to wildlife movement.

Table 2: Special status wildlife species that occurred or have the potential to occur in the Toscana Square Project site. Definitions - status: Fed = federal, FE = federal endangered, FT = federal threatened, FPE = federally proposed for listing as endangered, FPT = federally proposed for listing as threatened, FC = federal candidate species, FSC = federal special concern species, state = state of California, SE = state endangered, ST = state threatened, SCE = state candidate for listing as endangered, SCT = state candidate for listing as threatened, CSC = California species of special concern, FP = fully protected species, CNDDDB = species listed under the states CNDDDB program, none = no federal or state listing. Occurrence onsite: Occurs = known to occur onsite, Unlikely = could occur due to presence of suitable habitat onsite but not detected during current survey, Not Expected = does not occur due to limited suitable habitat onsite and not detected.

Scientific Name	Common Name	ESA/CESA Status	Other Status	Occurrence onsite	Habitat/comments
Invertebrates					
<i>Rhaphiomidas terminatus abdominalis</i>	Delhi Sands Flower-Loving Fly	Fed: FE State: None	CNDDDB Ranked	Unlikely, absent during past focused surveys	Restricted to the Delhi Sands formation, on ancient inland sand dunes.
Amphibians					
<i>Spea hammondi</i>	Western spadefoot	ESA: None CESA: None	DFG: SSC	Not Expected, no pools present	grassland, open habitats with sandy or gravelly soil; temporary rainpools for breeding
Reptiles					
<i>Phrynosoma blainvillii</i>	coast horned lizard	ESA: None CESA: None	CDFW: SSC	Unlikely	sandy washes and open sandy areas within coastal sage scrub, grassland, chaparral, oak and riparian woodland
<i>Aspidoscelis hyperythra</i>	orange-throated whiptail	ESA: None CESA: None	CDFW: WL	Unlikely	open, sparsely covered land, often with well-drained sandy or loose soils in coastal sage scrub, grassland, chaparral, oak woodland and riparian habitats
<i>Aspidoscelis tigris stejnegeri</i>	coastal whiptail	ESA: None CESA: None	CDFW: SSC	Unlikely	Semiarid habitats with open sparsely vegetated areas, scrub, chaparral, grassland and woodland habitats
<i>Anniella stebbinis</i>	Southern California legless lizard	ESA: None CESA: None	CDFW: SSC	Unlikely	Sandy, loose loamy soils in chaparral, oak woodland, coastal sage scrub
<i>Salvadora hexalepis virgulata</i>	Coast patch-nosed snake	ESA: None CESA: None	CDFW: SSC	Unlikely	habitat generalist, associated with brushy or shrubby vegetation
<i>Arizona elegans occidentalis</i>	California glossy snake	ESA: None CESA: None	CDFW: SSC	Unlikely	arid scrub, rocky washes, grasslands, chaparral. Appears to prefer microhabitats of open areas and areas with soil loose enough for easy burrowing.
Birds					
<i>Accipiter cooperi</i>	Cooper's hawk	ESA: None	CDFW: WL	Unlikely	mature forests, open woodlands, wood edges, river

		CESA: None			groves, riparian woodland
<i>Accipiter striatus</i>	sharp-shinned hawk	ESA: None CESA: None	CDFW: WL	Unlikely	wide variety of habitats used by wintering and migrating birds, but mostly associated with woodland and scrubland; breeds in mountains, does not breed in southern California
<i>Aquila chrysaetos</i>	golden eagle	ESA: None CESA: None	CDFW: SSC, FP FW: BCC	Unlikely	Open mountains, foothills, plains, open country
<i>Buteo regalis</i>	ferruginous hawk	ESA: None CESA: None	CDFW: WL FW: BCC	Unlikely	plains, prairies, grasslands, does not breed in southern California
<i>Buteo swainsoni</i>	Swainson's hawk	ESA: None CESA: None	FW: BCC	Unlikely	prairies, grasslands, more widespread in migration
<i>Circus cyaneus</i>	northern harrier	ESA: None CESA: None	CDFW: SSC	Unlikely	grassland, marshes, agricultural land, open areas in scrub and chaparral; ground or shrub nesting
<i>Elanus leucurus</i>	white-tailed kite	ESA: None CESA: None	CDFW: FP	Unlikely	forages in grasslands; nests and roosts in oak and riparian woodland
<i>Falco columbarius</i>	merlin	ESA: None CESA: None	CDFW: WL	Unlikely	nests in open woodlands, savanna, does not breed in southern California, woodlands, open areas in winter, migration
<i>Falco mexicanus</i>	prairie falcon	ESA: None CESA: None	CDFW: WL FW: BCC	Unlikely	open arid country, grasslands, more widespread in winter
<i>Falco peregrinus anatum</i>	American peregrine falcon	ESA: SE CESA: None	CDFW: FP FW: BCC	Unlikely	nest on cliffs or rock outcroppings, usually near water; forages over open country (grassland, scrub, marshes)
<i>Asio flammeus</i>	short-eared owl	ESA: None CESA: None	CDFW: SSC	Unlikely	grasslands, open habitats
<i>Athene cunicularia</i>	burrowing owl	ESA: None CESA: None	CDFW: SSC FW: BCC	Unlikely	grasslands, farmland and other open habitats
<i>Lanius ludovicianus</i>	loggerhead shrike	ESA: None CESA: None	CDFW: SSC	Unlikely	grassland, scrub and other open habitats with perching structures; nests in trees and shrubs
<i>Eremophila alpestris actia</i>	California horned lark	ESA: None CESA: None	CDFW: WL	Unlikely	Open areas with little or no ground cover, such as grassland or ruderal vegetation
<i>Agelaius tricolor</i>	Tricolored blackbird	ESA: None CESA: ST	CDFW: SSC FW: BCC	Unlikely	Highly social and gregarious bird forms large colonies, typically in marshes and agricultural areas
Mammals					

<i>Lasiurus xanthinus</i>	Western yellow bat	ESA: None CESA: None	CDFW: SSC WBWG: H	Unlikely	Usually occur in riparian, oak or pinyon-juniper woodland and urban areas, Roosts in trees
<i>Antrozous pallidus</i>	pallid bat	ESA: None CESA: None	CDFW: SSC WBWG: H	Unlikely	Coastal sage scrub, oak woodland and chaparral; roosts in caves, mines, rock crevices, trees and buildings
<i>Macrotus californicus</i>	California leaf-nosed bat	ESA: None CESA: None	CDFW: SSC WBWG: H	Unlikely	roosts in caves or old mines
<i>Corynorhinus townsendii</i>	Western big-eared bat	ESA: None CESA: None	CDFW: SSC WBWG: H	Unlikely	roosts in caves, old mines or buildings
<i>Myotis thysanodes</i>	fringed myotis	ESA: None CESA: None	CDFW: SSC WBWG: H	Unlikely	caves, old buildings
<i>Myotis volans</i>	long-legged myotis	ESA: None CESA: None	CDFW: SSC WBWG: H	Unlikely	buildings, pockets and crevices in rocks
<i>Myotis yumanensis</i>	Yuma myotis	ESA: None CESA: None	CDFW: SSC WBWG: LM	Unlikely	caves, tunnels and buildings in arid areas
<i>Eumops perotis californicus</i>	California mastiff bat	ESA: None CESA: None	CDFW: SSC WBWG: H	Unlikely	widespread forager; roosts in cliffs and buildings
<i>Chaetodipus fallax fallax</i>	Northwestern San Diego pocket Mouse	ESA: None CESA: None	CDFW: SSC	Unlikely	occurs in open scrub and grassland areas, in the valleys and foothills
<i>Onychomys torridus ramona</i>	southern grasshopper mouse	ESA: None CESA: None	CDFW: SSC	Unlikely	annual grassland and coastal sage scrub
<i>Dipodomys merriami parvus</i>	San Bernardino kangaroo rat	ESA: FE CESA: None	CDFW: SSC	Unlikely, due to inappropriate soils	confined to primary and secondary alluvial fan scrub habitats, with sandy soils deposited by fluvial (water) rather than aeolian (wind) processes. Burrows are dug in loose soil, usually near or beneath shrubs
<i>Perognathus longimembris brevinasus</i>	Los Angeles little pocket mouse	ESA: None CESA: None	DFG: CSC CNDDDB Ranked	Unlikely	occurs in lower elevation scrub and grassland with open ground and fine, sandy soil
<i>Neotoma lepida intermedia</i>	San Diego desert woodrat	Fed: none State: none	CDFW: SSC	Unlikely	cactus patches and rock outcroppings in coastal sage scrub
<i>Lepus californicus bennettii</i>	San Diego black-tailed jackrabbit	ESA: None CESA: None	CDFW: SSC	Unlikely	coastal sage scrub, grassland and chaparral
<i>Taxidea taxus</i>	American badger	ESA: None CESA: None	CDFW: SSC	Unlikely	widespread in natural habitats

4.0 BIOLOGICAL CONSTRAINTS

There are a number of potential biological constraints at Toscana Square Project site. Any significant impacts to these biological constraints that would result from the proposed project would require appropriate mitigation.

Significance of impacts to biological resources are assessed using impact significance threshold criteria, which reflect the policy statement contained in California Environmental Quality Act (CEQA), Section 21001(c) of the California Public Resources Code. Accordingly, the State Legislature has established the following policy of the State of California:

Prevent the elimination of fish or wildlife species due to man's activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities..

Determining whether a project may have a significant effect, or impact, plays a critical role in the CEQA process. According to the CEQA Guidelines, (Section 15064.7, Thresholds of Significance), each public agency is encouraged to develop and adopt (by ordinance, resolution, rule, or regulation) thresholds of significance that the agency uses in the determination of the significance of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant. In the development of thresholds of significance for impacts to biological resources CEQA Guidelines provides guidance primarily in Section 15065, Mandatory Findings of Significance, and the CEQA Guidelines, Appendix G, Environmental Checklist Form. Section 15065(a) states that a project may have a significant effect where:

The project has the potential to substantially 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 wildlife community, reduce the number or restrict the range of an endangered, rare, or threatened species, ..

Therefore, impacts to biological resources are considered potentially significant (before considering offsetting mitigation measures) if one or more of the following criteria discussed below would result from implementation of the proposed project;

Appendix G of the State CEQA Guidelines indicate that a project may be deemed to have a significant effect on the biological resources if the project is likely to:

- 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.*
- 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.*
- 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.*
- 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.*
- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.*
- 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.*

4.1 List of the potential biological constraints at the Toscana Square Project site

1. Nesting birds.
2. Special status wildlife species
 - a. Updated surveys for Delhi Sands Flower-Loving Fly (*Rhaphiomidas terminatus abdominalis*) were conducted in 2019 by another party. This report needs to be consulted to confirm if Delhi Sands Flower-Loving Fly are still absent from the site.

4.2 Permits and consultations likely required

As a result of these potential biological constraints, any proposed project at the Toscana Square Project would require the following permits/consultations/co-ordination;

California Environmental Quality Act (CEQA);
CEQA Document

Federal Migratory Bird Treaty Act of 1918 (MBTA);

The MBTA governs the taking and killing of migratory birds, their eggs, parts, and nests and prohibits the take of any migratory bird, their eggs, parts, and nests. No take of migratory birds is allowed under this act. Construction work must comply with the MBTA.

4.3 Recommended mitigation measures

- 1) *Avoidance of Nesting Migratory Birds: If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season, all suitable habitat will be thoroughly surveyed within 72 hours prior to clearing for the presence of nesting birds by a qualified biologist (Project Biologist). The Project Biologist shall be approved by the City and retained by the Applicant. The survey results shall be submitted by the Project Applicant to the City Planning Department. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 300-foot buffer, with the final buffer distance to be determined by the Project Biologist. The buffer area shall be avoided until, as determined by the Project Biologist, the nesting cycle is complete or it is concluded that the nest has failed. In addition, the Project Biologist shall be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.*

- 2) *Avoidance of Nesting Burrowing Owls: No more than 72 hours prior to any site disturbances, focused surveys for the burrowing owl shall be conducted. If absence of this species is confirmed, project work can proceed. If however, burrowing owl is located on site, the appropriate resource agencies (CDFW and USFWS) shall be contacted. The Project Applicant shall consult with the wildlife agencies regarding the most appropriate methods and timing for removal of owls. As necessary, owls will be actively evicted following agency approved protocols (i.e., placing a one-way door at the burrow entrance to ensure that owls cannot access the burrow once they leave). Any such active eviction shall occur outside of the breeding/nesting season. That is, active eviction shall be accomplished between September 1 and February 15. If more than 30 days has elapsed between owl eviction and completion of clearing and grubbing activities, a subsequent survey for the burrowing owl shall be conducted to ensure that owls have not re-populated the site. Any reoccupation by owls will require subsequent protocol active eviction.*

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6.0 APPENDICES

6.1 Appendix A: Weather data

Public information national weather service San Diego CA; 2018-2019 rainfall season in review, <http://www.nws.noaa.gov/climate>

A wetter than normal rainfall season ended on 30 June 2019. Winter was wet across all of California. All of coastal southern California had greater than 100% typical rainfall in 2018/2019.

Areas	2018-2019 Total	Normal Total	% of Normal
Santa Barbara	20.04	17.73	113
Lancaster	6.69	5.1	131
downtown Los Angeles	18.01	14.77	122
Long Beach Airport	17.09	12.72	134
John Wayne Airport	17.69	12.76	139
Fullerton	15.95	14.72	108
Riverside	12.66	10.12	125
Oceanside Airport	14.26	10.54	135
San Diego	12.05	10.13	119
Palm Springs	7.76	5.49	141

CORONA, CALIFORNIA (042031)

Period of Record Monthly Climate Summary

Period of Record : 7/ 1/1948 to 7/31/1988

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Average Max. Temperature (F)	66.1	69.0	70.4	74.9	79.1	84.8	91.6	91.6	89.0	82.1	73.3	67.5	78.3
Average Min. Temperature (F)	40.2	41.6	42.9	46.0	50.6	54.6	58.6	59.3	56.7	50.8	44.4	40.0	48.8
Average Total Precipitation (in.)	2.52	2.18	1.82	0.93	0.21	0.03	0.03	0.11	0.30	0.31	1.38	1.67	11.49
Average Total SnowFall (in.)	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1
Average Snow Depth (in.)	0	0	0	0	0	0	0	0	0	0	0	0	0

Percent of possible observations for period of record.

Max. Temp.: 99.1% Min. Temp.: 99.4% Precipitation: 100% Snowfall: 100% Snow Depth: 100%

Check Station Metadata or Metadata graphics for more detail about data completeness.

<http://www.wrcc.dri.edu/summary/climsmsca.html>

6.2 Appendix B: Plant species detected at the Toscana Square Project site, 2019.

SCIENTIFIC NAME (SYNONYM)	COMMON NAME
ANGIOSPERMAE	FLOWERING PLANTS
ANGIOSPERMS - DICOTYLEDONES	DICOTS
ANACARDIACEAE	SUMAC or CASHEW FAMILY
<i>Schinus sp.*</i>	Peruvian Pepper Tree
APOCYNACEAE	DOGBANE FAMILY
<i>Asclepias eriocarpa</i>	Indian Milkweed
ASTERACEAE	SUNFLOWER FAMILY
<i>Ambrosia artemisiifolia*</i>	Common Ragweed
<i>Baccharis salicifolia</i>	Mulefat
<i>Conyza canadensis</i>	Common Horseweed
<i>Helianthus annuus</i>	Western Sunflower
<i>Heterotheca grandiflora</i>	Telegraph Weed
<i>Lactuca serriola*</i>	Prickly or Wild Lettuce
<i>Oncosiphon piluliferum*</i>	Stinknet
<i>Verbesina encelioides*</i> (= <i>V. encelioides</i> ssp. <i>exauriculata</i>)	Golden Crownbeard
BORAGINACEAE	BORAGE FAMILY
<i>Amsinckia intermedia</i> (= <i>A. menziesii</i> var. <i>e.</i>)	Common Fiddleneck
BRASSICACEAE	MUSTARD FAMILY
<i>Hirschfeldia incana*</i>	Shortpod or Summer Mustard
CACTACEAE	CACTUS FAMILY
<i>Opuntia sp.</i>	Prickly Pear
CHENOPODIACEAE	GOOSEFOOT FAMILY
<i>Chenopodium chenopodioides*</i>	Pigweed, Goosefoot
<i>Salsola tragus*</i>	Russian Thistle
CUCURBITACEAE	GOURD FAMILY
<i>Marah macrocarpa</i>	Man-Root, Wild Cucumber
EUPHORBIACEAE	SPURGE FAMILY
<i>Ricinus communis*</i>	Castor-Bean
<i>Acmispon americanus</i> var. <i>americanus</i> (= <i>Lotus purshianus</i> var. <i>purshianus</i>)	American Lotus
GERANIACEAE	GERANIUM FAMILY
<i>Erodium botrys*</i>	Long-Beaked Filaree
SOLANACEAE	NIGHTSHADE FAMILY
<i>Datura wrightii</i> (= <i>D. meteloides</i>)	Western Jimsonweed
VITACEAE	GRAPE FAMILY
<i>Vitis vinifera*</i>	Cultivated Grape, Wine Grape
ZYGOPHYLLACEAE	CALTROP FAMILY
<i>Tribulus terrestris</i>	Puncture Vine
ARECACEAE	PALM FAMILY
<i>Phoenix sp.*</i>	Exotic Palm
POACEAE	GRASS FAMILY
<i>Avena fatua*</i>	Wild Oat
<i>Bromus sp.</i>	Brome grass
<i>Bromus diandrus*</i>	Common Ripgut Grass

<i>Bromus madritensis ssp. madritensis</i> *	Foxtail Chess
<i>Cynodon dactylon</i> *	Bermuda Grass
KEY: Asterisk (*) = non-native species or cultivated; + = sensitive species; Sources: Taxonomy - Hickman (1993), http://ucjeps.berkeley.edu/interchange.html , November 2018; Common names and non-native species designations according to Roberts (1998), then Hickman (1993)	

6.3 Appendix C: California Native Plant Society Categories

CNPS Status based on California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (Tibor 2001):

List 1A: Plants Presumed Extinct in California

The plants of List 1A are presumed extinct because they have not been seen or collected in the wild for many years. Although most of them are restricted to California, a few are found in other states as well. There is a difference between "extinct" and "extirpated." A plant is extirpated if it has been locally eliminated. It may be doing quite nicely elsewhere in its range. All of the plants constituting List 1A meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection) of the California Department of Fish and Game Code and are eligible for state listing.

List 1B: Plants Rare, Threatened or Endangered in California and Elsewhere

The plants of List 1B are rare throughout their range. All but a few are endemic to California. All of them are judged to be vulnerable under present circumstances or to have a high potential for becoming so because of their limited or vulnerable habitat, their low numbers of individuals per population (even though they may be wide ranging), or their limited number of populations. All of the plants constituting List 1B meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection) of the California Department of Fish and Game Code and are eligible for state listing.

List 2: Plants Rare, Threatened or Endangered in California, But More Common Elsewhere

Except for being common beyond the boundaries of California, the plants of List 2 would have appeared on List 1B. Based on the "Native Plant Protection Act," plants are considered without regard to their distribution outside the state. All of the plants constituting List 2 meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection) of the California Department of Fish and Game Code and are eligible for state listing.

List 3: Plants About Which We Need More Information—A Review List

The plants that comprise List 3 are an assemblage of taxa that have been transferred from other lists or that have been suggested for consideration. The necessary information that would assign most to a sensitivity category is missing.

List 4: Plants of Limited Distribution—A Watch List

The plants in this category are of limited distribution in California and their vulnerability or susceptibility to threat appears low at this time. While these plants cannot be called "rare" from a statewide perspective, they are uncommon enough that their status should be monitored regularly. Many of them may be significant locally. Should the degree of endangerment or rarity of a plant change, they will be transferred to a more appropriate list.

Threat Code Extensions and their meanings:

- .1- Seriously endangered in California
- .2- Fairly endangered in California
- .3- Not very endangered in California

6.4 Appendix D: Wildlife species detected at the Toscana Square Project site, 2019.

FAMILY/SPECIES NAME	COMMON NAME
REPTILIA	REPTILES
PHRYNOSOMATIDAE	ZEBRA-TAILED, EARLESS, FRING-TOED, SPINY, TREE, SIDE-BLOTCHED AND HORNED LIZARDS
<i>Sceloporus occidentalis</i>	Western Fence Lizard
<i>Uta stansburiana</i>	Common Side-blotched Lizard
ARDEIDAE	BITTERNs, HERONS AND ALLIES
<i>Ardea alba</i>	Great Egret
ACCIPITRIDAE	HAWKS, KITES, EAGLES AND ALLIES
<i>Buteo jamaicensis</i>	Red-tailed Hawk
COLUMBIDAE	PIGEONS AND DOVES
<i>Columba livia</i>	Rock Pigeon
<i>Streptopelia decaocto</i>	Eurasian Collared-Dove
<i>Zenaida macroura</i>	Mourning Dove
FALCONIDAE	CARCARAS AND FALCONS
<i>Falco sparverius</i>	American Kestrel
TYRANNIDAE	TYRANT FLYCATCHERS
<i>Sayornis nigricans</i>	Black Phoebe
<i>Sayornis saya</i>	Say's Phoebe
<i>Tyrannus vociferans</i>	Cassin's Kingbird
CORVIDAE	JAYS AND CROWS
<i>Corvus brachyrhynchos</i>	American Crow
<i>Corvus corax</i>	Common Raven
HIRUNDINIDAE	SWALLOWS
<i>Hirundo rustica</i>	Barn Swallow
MIMIDAE	MOCKINGBIRDS AND THRASHERS
<i>Mimus polyglottos</i>	Northern Mockingbird
STURNIDAE	STARLINGS
<i>Sturnus vulgaris</i>	European Starling
ICTERIDAE	BLACKBIRDS
<i>Icterus cucullatus</i>	Hooded Oriole
FRINGILLIDAE	FRINGILLINE AND CARDUELINE FINCHES
<i>Haemorhous mexicanus</i>	House Finch
PASSERIDAE	OLD WORLD SPARROWS
<i>Passer domesticus</i>	House Sparrow
MAMMALIA	MAMMALS
LEPORIDAE	RABBITS & HARES
<i>Sylvilagus audubonii</i>	Desert Cottontail
SCIURIDAE	SQUIRRELS, CHIPMUNKS & MARMOTS
<i>Otospermophilus beecheyi</i>	California Ground Squirrel
GEOMYIDAE	POCKET GOPHERS
<i>Thomomys bottae</i>	Botta's Pocket Gopher

Sources:

Invertebrates: Powell and Hogue (1979) and Hogue 1993.

Butterflies: NatureServe, <http://www.natureserve.org/explorer/>

Fish: NatureServe, <http://www.natureserve.org/explorer/>

Reptiles and amphibians: North American Herpetology (NAH) nomenclature updates:
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Birds: American Ornithologists' Union Checklist of North American Birds - 7th Edition (2017):
<http://www.aou.org/checklist/index.php3>

Mammals: Baker, R. J., L. C. Bradley, R. D. Bradley, J. W. Dragoo, M. D. Engstrom, R. S. Hoffmann, C. A. Jones, F. Reid, D. W. Rice, and C. Jones. 2003. Revised Checklist of North American Mammals North of Mexico. Museum of Texas Tech University. OP-229.
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6.5 Appendix E: Toscana Square Project site photographs 2019.



Photograph 1: Southeast corner of site looking north, July 2019.



Photograph 2: Southeast corner of site looking west, July 2019.



Photograph 3: Southwest corner of site looking north, August 2019.



Photograph 4: Northwest corner of site looking south, July 2019.



Photograph 5: Northwest corner of site looking east, July 2019.



Photograph 6: Northern area of site looking southwest, July 2019.



Photograph 7: East central area of site looking west, August 2019.



Photograph 8: Central area of site looking northwest, August 2019.

ATTACHMENT C

Hydrology Report

APPENDIX D
Noise Impact Assessment

October 6, 2020

Mr. Ross Geller
Applied Planning, Inc.
11762 De Palma Road, 1-C 310
Corona, CA 92883

SUBJECT: THE VINE NOISE IMPACT ASSESSMENT MEMORANDUM

Urban Crossroads, Inc. is pleased to provide the following Noise Impact Assessment Memorandum for the proposed The Vine Project (Addendum Project). The Addendum Project is located at the northwesterly corner of Milliken Avenue and East Riverside Drive in the City of Ontario, as shown on Exhibit A. The purpose of this work effort is to determine if the Addendum Project would result in new or substantially different noise impacts than those considered and addressed in The Ontario Plan EIR (Certified EIR).

ADDENDUM PROJECT SUMMARY

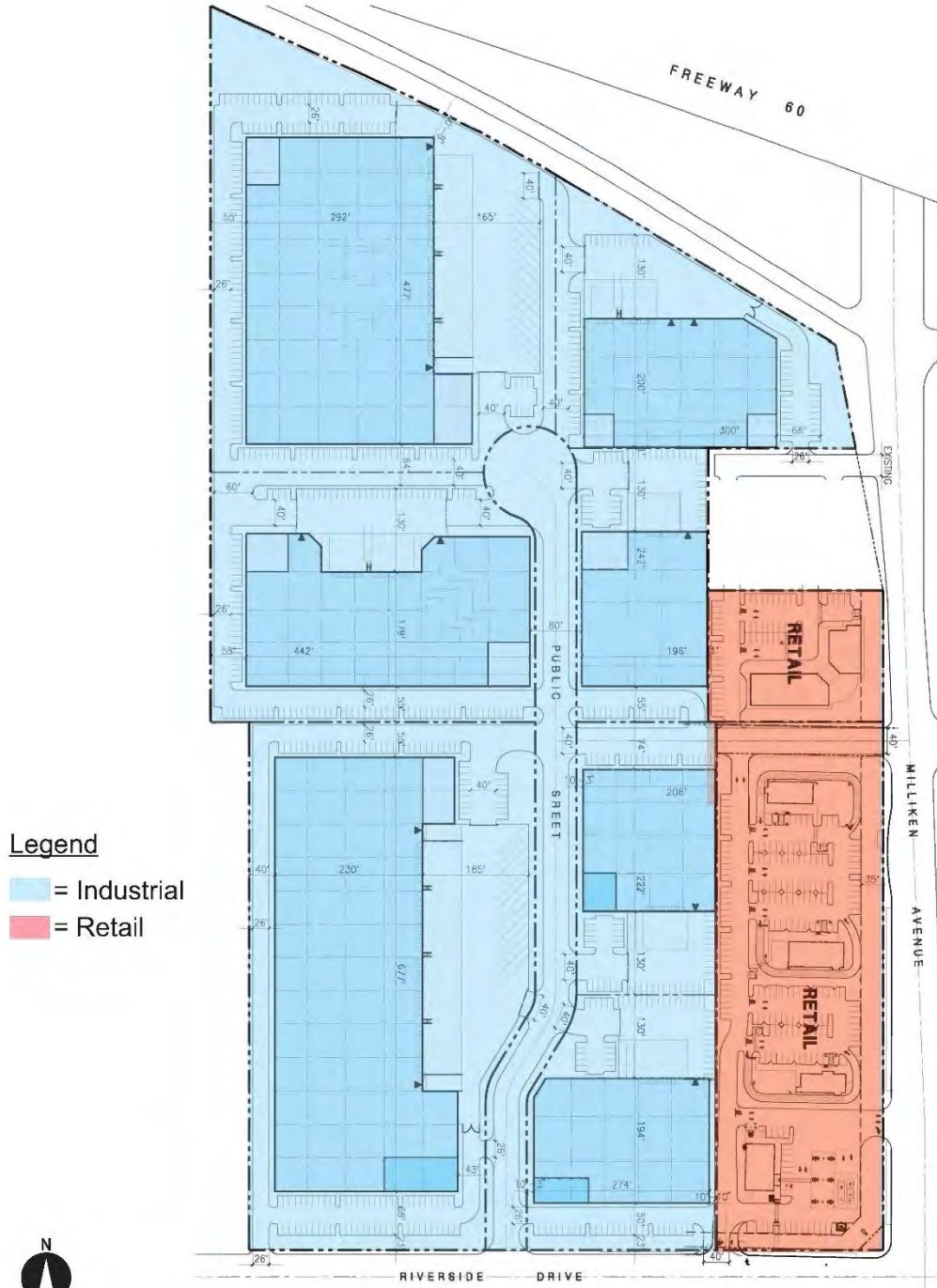
The Addendum Project considered herein is proposing to develop 557,720 square feet (80% of the total industrial square footage) of general light industrial use, 139,430 square feet (20% of the total industrial square footage) of manufacturing use, and 26,700 square feet of retail use within the approximate 44-acre Project site.

Within this analysis, likely maximum noise impacts of the above uses are evaluated. At the discretion of the City, uses differing from those evaluated here, and that could result in substantially different noise impacts than the uses evaluated, would be subject to additional CEQA environmental analysis. Ultimate scope and configuration of the Addendum Project uses would be as approved by the City. The Project site location is presented at Exhibit A. The Addendum Project Land Use Concept is presented at Exhibit B.

EXHIBIT A: LOCATION MAP



EXHIBIT B: LAND USE CONCEPT



Legend
 [Light Blue Box] = Industrial
 [Light Orange Box] = Retail

NOT TO SCALE
 Source: HPA Architecture, Applied Planning, Inc.

Note: Building orientations and configurations are illustrative only.

PROPOSED LAND USE DESIGNATIONS

PROJECT SITE

The Project site existing Policy Plan Land Use designation and Zoning designation would be amended to allow for development and land uses proposed under the Addendum Project. More specifically, the existing Policy Plan Land Use designation of the Project site, “Mixed Use” (Area 12), would be amended to “Industrial” and General Commercial.” The Project site is currently zoned Specific Plan. As amended under the Addendum Project, Zoning of the Project site would be changed to “IL” (Light Industrial) and “CC” (Community Commercial).

ADJACENT PROPERTIES

Policy Plan (General Plan) Land Use and Zoning designations of adjacent properties are summarized below. The Addendum Project would not affect Land Use and Zoning designations of adjacent properties.

North SR-60 (Pomona) freeway/Caltrans Right-of-Way.

South Policy Plan Land Use Designation: General Commercial
Zoning: Specific Plan

East City of Eastvale General Plan: Business Park
City of Eastvale Zoning: C-P-S - Scenic Highway Commercial (southerly adjacent to SR-60); I-P - Industrial Park (northerly of East Riverside Drive)

West Policy Plan Land Use Designation: Open Space – Non-Recreation
Zoning: “UC” (Utilities Corridor)

EXISTING LAND USES

PROJECT SITE

A portion of the Project site is currently developed with two existing buildings. Information regarding the demolition quantities is not readily available. As such, the total building square footage of structures that would be demolished was conservatively estimated to be 27,491 square feet. It should be noted that this quantity is inclusive of demolition of other structures (i.e. sheds) and existing asphalt/pavement.

ADJACENT PROPERTIES

Existing land uses of adjacent properties are summarized below. The Addendum Project would not affect adjacent property land uses.

North SR-60 (Pomona) freeway/Caltrans Right-of-Way

- South* Southerly of the Project site, across East Riverside Drive, properties are currently vacant and undeveloped but are approved for Specific Plan Community Commercial uses (Edenglen Specific Plan)
- East* Easterly of the Project site, across Milliken Avenue and adjacent to the southerly portions of the Project site properties are City of Eastvale properties developed with light industrial uses; adjacent to the northerly portions of the Project site are City of Eastvale properties are vacant and undeveloped.
- West* An existing SCE easement defines the westerly Project boundary. A commercial nursery is located within the SCE easement adjacent to the Project site southern 20 acres. Single family homes (Creekside) are located westerly of the SCE easement.

ONTARIO PLAN EIR NOISE/VIBRATION IMPACT SIGNIFICANCE FINDINGS

The Ontario Plan EIR determined that development of the City pursuant to the Policy Plan would result in the following significant and unavoidable noise/vibration impacts:

- Transportation-Source Noise Impacts
- Construction-Source Noise Impacts
- Construction-Source Vibration Impacts
- Airport-Source Noise Impacts

Where impacts were determined to be significant and unavoidable, the EIR identifies mitigation that would reduce the impact(s) to the extent feasible. The Ontario Plan EIR further determined that all other noise/vibration impacts resulting from development of the City pursuant to the Policy Plan would not be potentially significant or would be reduced to levels that would be less-than-significant through implementation of the Ontario Plan EIR mitigation measures. Please refer also to Ontario Plan EIR, available at the following link: <http://www.ontarioplan.org/environmental-impact-report/>.

NOISE STANDARDS

The potential noise impacts originating from stationary-source (operational) noise are evaluated against standards established under a City's Municipal Code. Although the Project site is located within the City of Ontario, potentially affected receivers in the adjacent City of Eastvale were also considered. However, a review of the area suggests that existing land uses east of Milliken Avenue in the City of Eastvale consist mostly of developed industrial land uses. Therefore, no noise sensitive receivers are identified in the City of Eastvale and all project related operational, construction and vibration impacts are considered *less than significant*.

CITY OF ONTARIO MUNICIPAL CODE STANDARDS

The City of Ontario requires that noise from new stationary sources in the City comply with the City's Noise Ordinance, which limits the acceptable noise at the property line of the impacted property, to

reduce nuisances to sensitive land uses. Compliance with the City’s Noise Ordinance would result in noise levels that are acceptable to the City and would result in less than significant noise impacts from stationary sources. (1) The City of Ontario Municipal Code, Title 5, Chapter 29 noise standards are included in Appendix A. Section 5-29.04(a) identifies the allowable daytime and nighttime ambient exterior noise standards for each land use type. For Manufacturing and Industrial land uses (Noise Zone V), such as the Addendum Project, ambient exterior noise levels may not exceed 70 dBA Leq. For residential land uses (Noise Zone I), ambient exterior noise levels may not exceed 65 dBA Leq during the daytime hours (7:00 a.m. to 10:00 p.m.), and may not exceed 45 dBA Leq during the nighttime hours (10:00 p.m. to 7:00 a.m.). (2) The lower noise level standard shall apply on the boundary between two (2) different noise zones. The maximum acceptable Project-related operational noise levels received at off-site land uses in the City of Ontario are identified on Table 1.

TABLE 1: OPERATIONAL NOISE STANDARDS

Noise Zone	Land Use	Exterior Noise Levels (dBA Leq) ²	
		Daytime (7am-10pm)	Nighttime (10pm-7am)
I	Single-Family Residential	65	45
II	Multi-Family Residential	65	50
III	Commercial	65	60
IV	Residential Mixed-Use	70	70
V	Manufacturing and Industrial	70	70

¹ Source: Section 5-29.04 of the City of Ontario Municipal Code (Appendix A).

² Leq represents a steady state sound level containing the same total energy as a time varying signal over a given period.

CONSTRUCTION NOISE STANDARDS

The City of Ontario has set restrictions to control noise impacts associated with construction. Section 5-29.09 of the Municipal Code states: *No person, while engaged in construction, remodeling, digging, grading, demolition or any other related building activity, shall operate any tool, equipment or machine in a manner that produces loud noise that disturbs a person of normal sensitivity who works or resides in the vicinity, or a Police or Code Enforcement Officer, on any weekday except between the hours of 7:00 a.m. and 6:00 p.m. or on Saturday or Sunday between the hours of 9:00 a.m. and 6:00 p.m.* (2) While the City establishes limits to the hours during which construction activity may take place, it does not identify specific noise level limits for construction noise levels at potentially affected receiver locations.

Construction noise would be considered significant if construction activities occurring outside of the hours specified (7:00 AM and 6:00 PM weekdays and 9:00 AM to 6:00 PM weekends, excluding federal holidays) or if construction activities substantially elevate the ambient noise environment at noise-sensitive uses for a substantial period. It is assumed that the Addendum Project construction activities would comply with the City approved hour of activity restrictions, thereby precluding construction

activities during noise-sensitive time periods. To present a conservative approach, this analysis nonetheless evaluates construction noise based on the 65 dBA L_{eq} exterior noise level limit for the neighboring residential land uses (Noise Zone I).

OPERATIONAL/CONSTRUCTION VIBRATION STANDARDS

To analyze vibration impacts originating from the operation and construction of The Vine, vibration-generating activities are appropriately evaluated against standards established under a City's Municipal Code, if such standards exist. However, the City of Ontario does not identify specific vibration level limits and instead relies on the Federal Transit Administration (FTA) methodology. The FTA provides guidelines for maximum-acceptable vibration criteria for different types of land uses. These guidelines allow 78 VdB for residential uses and buildings where people normally sleep during the daytime hours. (3) Construction activities can result in varying degrees of ground-borne vibration, depending on the equipment and methods used, distance to the affected structures and soil type. The FTA guidelines provide a substantiated basis for determining the relative significance of Project vibration impacts due to on-site construction activities.

EXISTING NOISE LEVEL MEASUREMENTS

To assess the existing noise level environment, five 24-hour noise level measurements were taken at noise sensitive receiver locations in the Addendum Project study area. The receiver locations were selected to describe and document the existing noise environment within the Addendum Project study area. Exhibit C provides the boundaries of the Addendum Project study area and the noise level measurement locations. To fully describe the existing noise conditions, noise level measurements were collected by Urban Crossroads, Inc. on Thursday, October 10, 2019. Appendix B includes study area photos.

MEASUREMENT PROCEDURE AND CRITERIA

To describe the existing noise environment, the hourly noise levels were measured during typical weekday conditions over a 24-hour period. By collecting individual hourly noise level measurements, it is possible to describe the daytime and nighttime hourly noise levels and calculate the 24-hour CNEL. The long-term noise readings were recorded using Piccolo Type 2 integrating sound level meter and dataloggers. The Piccolo sound level meters were calibrated using a Larson-Davis calibrator, Model CAL 150. All noise meters were programmed in "slow" mode to record noise levels in "A" weighted form. The sound level meters and microphones were equipped with a windscreen during all measurements. All noise level measurement equipment satisfies the American National Standards Institute (ANSI) standard specifications for sound level meters ANSI S1.4-2014/IEC 61672-1:2013. (4)

EXHIBIT C: NOISE MEASUREMENT LOCATIONS



NOISE MEASUREMENT LOCATIONS

The long-term noise level measurements were positioned as close to the nearest sensitive receiver locations as possible to assess the existing ambient hourly noise levels surrounding the Project site. Both Caltrans and the FTA recognize that it is not reasonable to collect noise level measurements that can fully represent any part of a private yard, patio, deck, or balcony normally used for human activity when estimating impacts for new development projects. This is demonstrated in the Caltrans general site location guidelines which indicate that, *sites must be free of noise contamination by sources other than sources of interest. Avoid sites located near sources such as barking dogs, lawnmowers, pool pumps, and air conditioners unless it is the express intent of the analyst to measure these sources.* (5) Further, FTA guidance states, *that it is not necessary nor recommended that existing noise exposure be determined by measuring at every noise-sensitive location in the project area. Rather, the recommended approach is to characterize the noise environment for clusters of sites based on measurements or estimates at representative locations in the community.* (6)

Based on recommendations of Caltrans and the FTA, it is not necessary to collect measurements at each individual building or residence, because each receiver measurement represents a group of buildings that share acoustical equivalence. In other words, the area represented by the receiver shares similar shielding, terrain, and geometric relationship to the reference noise source. Receivers represent a location of noise sensitive areas and are used to estimate the future noise level impacts. Collecting reference ambient noise level measurements at the nearby sensitive receiver locations allows for a comparison of the before and after Project noise levels and is necessary to assess potential noise impacts due to the Addendum Project's contribution to the ambient noise levels.

NOISE MEASUREMENT RESULTS

The noise measurements presented below focus on the average or equivalent sound levels (L_{eq}). The equivalent sound level (L_{eq}) represents a steady state sound level containing the same total energy as a time varying signal over a given sample period. Table 2 identifies the hourly daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) noise levels at each noise level measurement location. Appendix C provides a summary of the existing ambient noise levels described below:

TABLE 2: 24-HOUR AMBIENT NOISE LEVEL MEASUREMENTS

Measurement Location ¹	Description	Energy Average Noise Level (dBA Leq) ²	
		Daytime	Nighttime
L1	Located on McCloud River Lane behind an existing single-family home at 3968 Klamath River Drive.	55.8	52.8
L2	Located near the intersection of Merced River Road and McCloud River Lane in the nearby single-family residential neighborhood.	54.5	54.8
L3	Located north of East Riverside Drive and south of the single-family home at 2965 McCloud River Lane.	56.8	55.2
L4	Located near Mill Creek Avenue west of the single-family home at 3935 E Lindenwood Drive.	59.9	57.8
L5	Located south of East Riverside Drive and east of the single-family home at 4097 E Auburn Way.	55.1	54.8

¹ See Exhibit C for the noise level measurement locations.

² Energy (logarithmic) average levels. The long-term 24-hour measurement worksheets are included in Appendix C.

"Daytime" = 7:00 a.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.

SENSITIVE RECEIVER LOCATIONS





To assess the potential for long-term operational and short-term construction impacts, five receiver locations, shown on Exhibit D, were identified as representative locations for analysis. Sensitive receivers are generally defined as locations where people reside or where the presence of unwanted sound could otherwise adversely affect the use of the land. Noise-sensitive land uses are generally considered to include schools, hospitals, single-family dwellings, mobile home parks, churches, libraries, and recreation areas. Moderately noise-sensitive land uses typically include multi-family dwellings, hotels, motels, dormitories, out-patient clinics, cemeteries, golf courses, country clubs, athletic/tennis clubs, and equestrian clubs. Land uses that are considered relatively insensitive to noise include business, commercial, and professional developments. Land uses that are typically not affected by noise include: industrial, manufacturing, utilities, agriculture, undeveloped land, parking lots, warehousing, liquid and solid waste facilities, salvage yards, and transit terminals.

Other sensitive land uses in the Addendum Project study area that are located at greater distances than those identified in this noise study will experience lower noise levels than those presented in this report due to the additional attenuation from distance and the shielding of intervening structures.

EXHIBIT D: SENSITIVE RECEIVER LOCATIONS



LEGEND:

-  Receiver Locations
-  Existing Barrier Height (in feet)
-  Distance from receiver to Project site boundary (in feet)
-  Existing Barrier

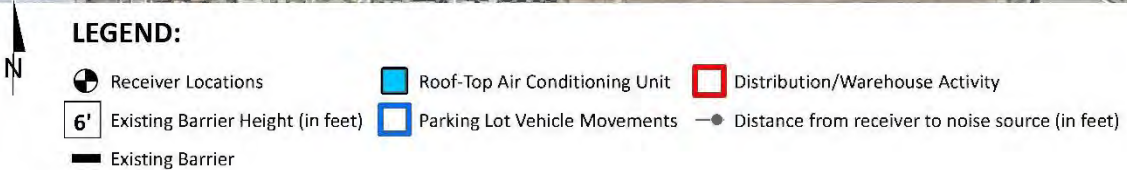
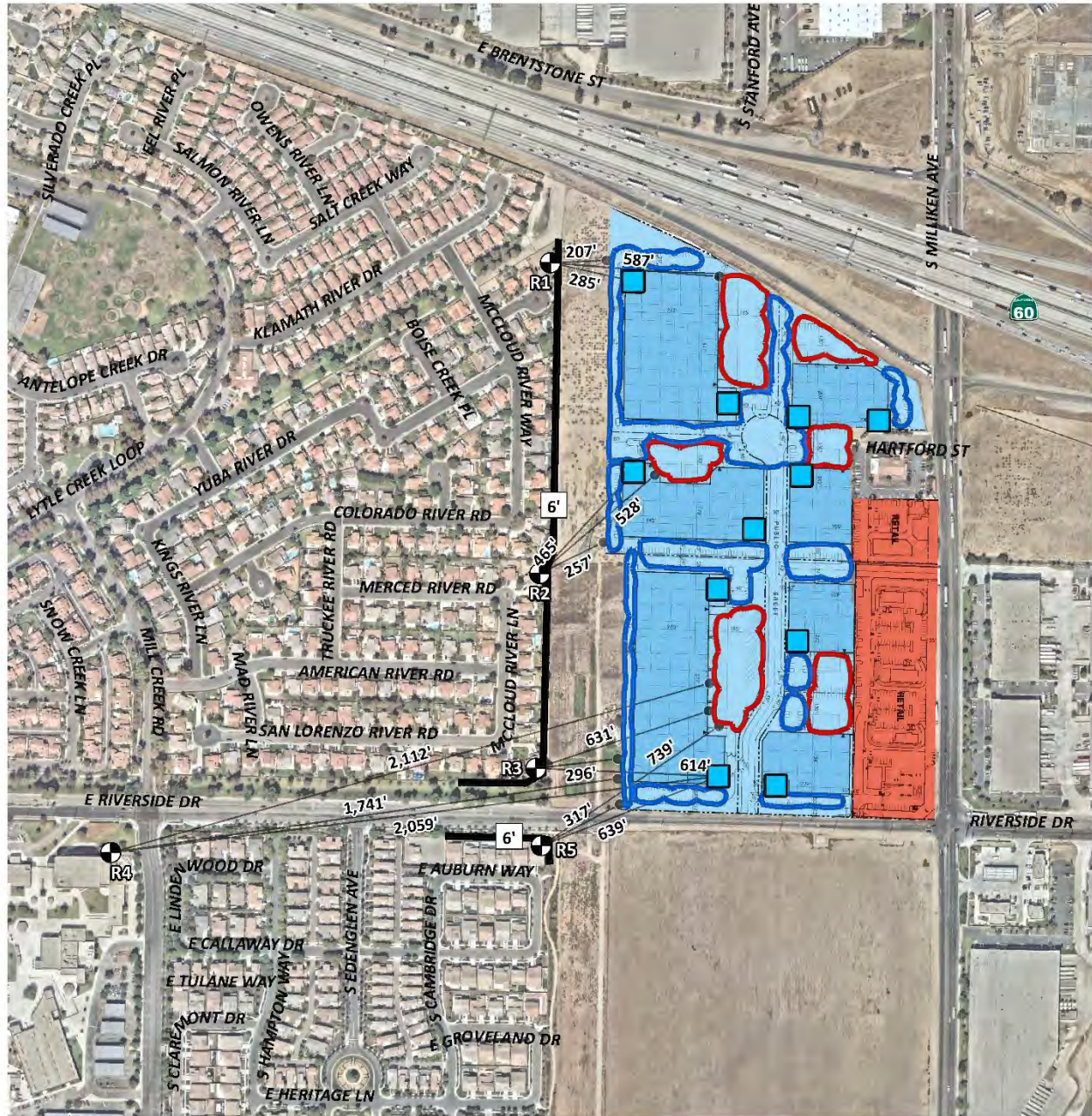
- R1: Located approximately 196 feet west of the Project site, R1 represents an existing residential home located at 3977 Yuba River Drive in the City of Ontario. A 24-hour noise level measurement was taken near this location, L1, to describe the existing ambient noise environment.
- R2: Location R2 represents the existing single-family residential home at 2913 McCloud River Lane located roughly 285 feet west of the Project site in the City of Ontario. A 24-hour noise level measurement was taken near this location, L2, to describe the existing ambient noise environment.
- R3: Located approximately 287 feet west of the Project site across the power transmission lines, R3 represents an existing residential home at 2965 McCloud River Lane in the City of Ontario. L3 represents the nearest 24-hour noise level measurement taken near this location to describe the existing ambient noise environment.
- R4: Location R4 represents the Colony High School located approximately 1,731 feet south west of the Project site at 3850 E Riverside Drive. The 24-hour noise level measurement location L4 is used to describe the existing ambient noise environment.
- R5: Located approximately 294 feet south of the Project site across E Riverside Drive, R5 represents an existing single-family residential home at 4097 E Auburn Way in the City of Ontario. A 24-hour noise level measurement was taken near this location, L5, to describe the existing ambient noise environment.

OPERATIONAL NOISE ASSESSMENT

To present the potential worst-case noise conditions, this analysis assumes the Addendum Project would be operational 24 hours per day, seven days per week. The Addendum Project business operations would primarily be conducted within the enclosed buildings, except for traffic movement, parking, as well as loading and unloading of trucks at designated loading bays. The on-site Project-related noise sources are expected to include: idling trucks, delivery truck activities, backup alarms, as well as loading and unloading of dry goods, roof-top air conditioning units, and parking lot vehicle movements.

This noise analysis is intended to describe noise level impacts associated with the expected typical activities at the Project site. The operational noise assessment is intended to describe the likely maximum noise impacts. However, at the discretion of the City, uses differing from those evaluated here, and that could result in substantially different noise impacts than the uses evaluated, would be subject to additional CEQA environmental analysis. Exhibit E shows the operational noise source locations and the closest sensitive receiver locations used in this analysis, previously shown on Exhibit D.

EXHIBIT E: OPERATIONAL NOISE SOURCE LOCATIONS



REFERENCE NOISE LEVELS

The Addendum Project’s operational noise levels were estimated based on reference noise level measurements of similar operational activities including: idling trucks, delivery truck activities, backup alarms, as well as loading and unloading of dry goods, roof-top air conditioning units, and parking lot vehicle movements. To estimate the Addendum Project off-site operational noise impacts associated with The Vine, the following reference noise level measurements were collected from existing logistics warehouse operations containing similar operational noise sources, shown on Table 3.

TABLE 3: REFERENCE NOISE LEVEL MEASUREMENTS

Noise Source	Duration (hh:mm:ss)	Distance From Source (Feet)	Noise Source Height (Feet)	Hourly Activity (Minutes) ³	Noise Level (dBA L _{eq})	
					@ Ref. Distance	@ 50 Feet
Unloading/Docking Activity ¹	00:15:00	30'	8'	60	67.2	62.8
Roof-Top Air Conditioning Units ²	96:00:00	5'	25'	39	77.2	57.2
Parking Lot Vehicle Movements ³	01:00:00	10'	5'	60	52.2	41.7

¹ Reference noise level measurements were collected on 1/7/2015 from the existing operations of the Motivational Fulfillment & Logistics Services distribution facility located at 6810 Bickmore Avenue in the City of Chino.

² As measured by Urban Crossroads, Inc. on 7/27/2015 at the Santee Walmart located at 170 Town Center Parkway.

³ As measured by Urban Crossroads, Inc. on 5/17/2017 at the Panasonic Avionics Corporation parking lot in the City of Lake Forest.

⁴ Anticipated duration (minutes within the hour) of noise activity during typical hourly conditions expected at the Project site based on the reference noise level measurement activity.

Short-term reference noise level measurements were collected on Wednesday, January 7th, 2015, by Urban Crossroads, Inc. at the Motivational Fulfillment & Logistics Services distribution facility located at 6810 Bickmore Avenue in the City of Chino. The noise level measurements represent the typical weekday dry goods logistics warehouse operation in a single building with a loading dock area on the western side of the building façade. Up to ten trucks were observed in the loading dock area including a combination of track trailer semi-trucks, two-axle delivery trucks, and background forklift operations.

IDLING, DELIVERY TRUCK ACTIVITIES, BACKUP ALARMS, & LOADING/UNLOADING OF DRY GOODS

The unloading/docking activity noise level measurement was taken over a fifteen-minute period and represents multiple noise sources taken from the center of loading dock activities generating a reference noise level of 62.8 dBA L_{eq} at a uniform reference distance of 50 feet. At this measurement location, the noise sources associated with employees unloading a docked truck container included the squeaking of the truck’s shocks when weight was removed from the truck, employees playing music over a radio, as well as a forklift horn and backup alarm. In addition, during the noise level measurement a truck entered the loading dock area and proceeded to reverse and dock in a nearby loading bay, adding truck engine and air brake noise.

While the specific noise levels at the Addendum Project site will depend on the actual tenant, the intensity and the daytime / nighttime hours of operation, a reference noise level of 62.8 dBA L_{eq} for the unloading/docking activity at a normalized reference distance of 50 feet is used to describe the peak Project operational noise activity since it represents similar operational characteristics. The reference noise level of 62.8 dBA L_{eq} at 50 feet is intended to describe the worst-case noise levels associated with the expected typical industrial operations at the Project site.

ROOF-TOP AIR CONDITIONING UNITS

To assess the impacts created by the roof-top air conditioning units at the Addendum Project buildings, reference noise levels measurements were taken at the Santee Walmart on July 27th, 2015. Located at 170 Town Center Parkway in the City of Santee, the noise level measurements describe mechanical roof-top air conditioning units on the roof of an existing Walmart store. The reference noise level represents Lennox SCA120 series 10-ton model packaged air conditioning units. Using the uniform reference distance of 50 feet, the reference noise level is 57.2 dBA L_{eq} . The operating conditions of the reference noise level measurement reflect peak summer cooling requirements with measured temperatures approaching 96 degrees Fahrenheit (°F) with average daytime temperatures of 82°F. The roof-top air condition units were observed to operate the most during the daytime hours, for a total of 39 minutes per hour, and are anticipated to operate during the daytime and nighttime hours at the Project site. The noise attenuation provided by a parapet wall is not reflected in this reference noise level measurement.

PARKING LOT VEHICLE MOVEMENTS (AUTOS)

To determine the noise levels associated with parking lot vehicle movements, Urban Crossroads collected reference noise level measurements over a 24-hour period on May 17th, 2017 at the parking lot for the Panasonic Avionics Corporation in the City of Lake Forest. The peak hour of activity measured over the 24-hour noise level measurement period occurred between 12:00 p.m. to 1:00 p.m., or the typical lunch hour for employees working in the area. The measured reference noise level at 50 feet from parking lot vehicle movements was measured at 41.7 dBA L_{eq} . The parking lot noise levels are mainly due to cars pulling in and out of spaces during peak lunch hour activity and employees talking. Noise associated with parking lot vehicle movements is expected to operate for the entire hour (60 minutes).

ADDENDUM PROJECT OPERATIONAL (STATIONARY-SOURCE) NOISE LEVELS

Using the reference noise levels to represent the proposed operations that include idling trucks, delivery truck activities, backup alarms, as well as loading and unloading of dry goods, roof-top air conditioning units, and parking lot vehicle movements, the resulting Project operational-source noise levels are calculated at each of the sensitive receiver locations. The operational noise level calculations account for the distance attenuation provided due to geometric spreading when sound from a localized stationary source (i.e., a point source) propagates uniformly outward in a spherical pattern. With

geometric spreading, sound levels attenuate (or decrease) at a rate of 6 dB for each doubling of distance from a point source.

Table 4 presents the combined total Project-only operational noise level projections at the nearby sensitive receiver locations in comparison with the City of Ontario Municipal Code exterior noise level standards. The Addendum Project operational noise levels at the nearby sensitive receiver locations are shown to range from 25.7 to 39.0 dBA L_{eq} . Based on the results of this analysis, the Addendum Project operational noise levels associated with The Vine will satisfy the City of Ontario Municipal Code 65 dBA L_{eq} daytime and 45 dBA L_{eq} nighttime exterior noise level standards at nearby noise sensitive single-family residential land use. Operational (stationary source) noise levels that comply with applicable standards do not comprise a substantial permanent increase in ambient noise levels, or a substantial temporary or periodic increase in ambient noise levels.

The operational noise level calculations are included in Appendix D. The Addendum Project operational noise levels shown on Table 4 do not include any additional attenuation from intervening structures (e.g., barriers or buildings) to present a conservative analysis. Based on the preceding, the potential for Addendum Project operational (stationary source) noise to: a) result in exposure of persons to or generation of noise levels in excess of standards; b) result in a substantial permanent increase in ambient noise levels; or c) result in a substantial temporary or periodic increase in ambient noise levels would be *less than significant*. The Certified EIR concluded that development of land uses pursuant to the Policy Plan would result in *less than significant* operational (stationary-source) noise impacts. Under the Addendum Project, operational (stationary-source) noise impacts would similarly be *less than significant*. On this basis, when compared to the Certified EIR findings, no new or substantially increased operational-source noise impacts would occur under the Addendum Project.

TABLE 4: OPERATIONAL NOISE LEVEL COMPLIANCE

Receiver Location ¹	Noise Sources ²			Combined Operational Noise Levels (dBA L_{eq}) ³	Noise Level Standard (dBA L_{eq}) ⁴		Threshold Exceeded? ⁵	
	Unloading/Docking Activity	Roof-Top Air Conditioning Unit	Parking Lot Vehicle Movements		Daytime	Nighttime	Daytime	Nighttime
R1	36.0	35.3	27.0	39.0	65	45	No	No
R2	36.9	30.8	25.6	38.1	65	45	No	No
R3	35.3	28.4	24.6	36.4	65	45	No	No
R4	24.7	17.6	13.1	25.7	65	45	No	No
R5	33.9	28.1	24.2	35.3	65	45	No	No

¹ See Exhibit E for the receiver and noise source locations.

² Reference noise sources as shown on Table 3.

³ Calculations for each noise source are provided in Appendix B and do not account for any planned noise barriers in the Project study area.

⁴ Exterior noise level standard as shown on Table 1.

⁵ Do the estimated operational noise source activities exceed the noise level threshold?

ADDENDUM PROJECT OPERATIONAL VIBRATION LEVELS

The operation of the Project site will include heavy trucks moving on site to and from the loading dock areas. Truck vibration levels are dependent on vehicle characteristics, load, speed, and pavement conditions. Typical vibration levels for heavy trucks at normal traffic speeds do not exceed 65 VdB at 25 feet. (6) Therefore, given that delivery trucks would be traveling on-site at lower speeds, unmitigated Project-related operational vibration levels at the nearby receiver locations are anticipated to remain below 65 VdB. As such, unmitigated Project operational vibration levels would remain below the FTA vibration thresholds of 78 VdB at nearby sensitive receiver locations. On this basis, the operational vibration impacts resulting from transiting heavy trucks would be *less than significant*.

OFF-SITE TRAFFIC NOISE ASSESSMENT

To describe the potential off-site traffic noise associated with the Project, Urban Crossroads, Inc. prepared a Trip Generation Evaluation(7) Trip generation for the Addendum Project was compared to trip generation that would occur under the development of the subject site envisioned under the Policy Plan. When compared to the Policy Plan land uses, the Addendum Project is forecast to result in approximately 12,870 fewer daily trips, which includes approximately 333 fewer AM peak hour trips and approximately 1,194 fewer PM peak hour trips. As indicated, the Addendum Project would generate fewer trips than anticipated under the Policy Plan and reflected in the Certified EIR. Reduced traffic generation under the Addendum Project would translate to diminished traffic noise impacts when compared to impacts identified in the Certified EIR. The Certified EIR concluded that development of land uses pursuant to the Policy Plan would result in significant and unavoidable transportation-source noise impacts. Under the Addendum Project, transportation-source noise impacts would be diminished when compared to impacts presented in the Certified EIR. On this basis, when compared to the Certified EIR findings, no new or substantially increased transportation-source noise impacts would occur under the Addendum Project.

CONSTRUCTION NOISE ASSESSMENT

Noise generated by the Addendum Project construction equipment would include a combination of trucks, power tools, concrete mixers, and portable generators that when combined can result in elevated noise levels. This construction noise analysis was prepared using reference noise level measurements taken by Urban Crossroads, Inc. to describe the typical construction activity noise levels. The construction reference noise level measurements represent a list of typical construction activity noise levels. Hard site conditions are used in the construction noise analysis which result in noise levels that attenuate (or decrease) at a rate of 6 dBA for each doubling of distance from a point source (i.e. construction equipment).

CONSTRUCTION REFERENCE NOISE LEVELS

To describe the Addendum Project construction noise levels, measurements were collected for similar activities at several construction sites. Table 5 provides a summary of the construction reference noise level measurements. Since the reference noise levels were collected at varying distances, all construction noise level measurements presented on Table 5 have been adjusted to describe a common reference distance of 50 feet.

TABLE 5: CONSTRUCTION REFERENCE NOISE LEVELS

ID	Noise Source	Reference Distance From Source (Feet)	Reference Noise Levels @ Reference Distance (dBA L _{eq})	Reference Noise Levels @ 50 Feet (dBA L _{eq})
1	Truck Pass-Bys & Dozer Activity ¹	30'	63.6	59.2
2	Dozer Activity ¹	30'	68.6	64.2
3	Construction Vehicle Maintenance Activities ²	30'	71.9	67.5
4	Foundation Trenching ²	30'	72.6	68.2
5	Dozer Pass-By ³	30'	84.0	79.6
6	Concrete Mixer Truck Movements ⁴	50'	71.2	71.2
7	Concrete Paver Activities ⁴	30'	70.0	65.6
8	Concrete Mixer Pour Activities ⁴	50'	67.7	67.7

¹ As measured by Urban Crossroads, Inc. on 10/14/15 at a business park construction site located at the northwest corner of Barranca Parkway and Alton Parkway in the City of Irvine.

² As measured by Urban Crossroads, Inc. on 10/20/15 at a construction site located in Rancho Mission Viejo.

³ As measured by Urban Crossroads, Inc. on 10/30/15 during grading operations in the City of Ontario.

⁴ Reference noise level measurements were collected from a nighttime concrete pour at an industrial construction site, located at 27334 San Bernardino Avenue in the City of Redlands, between 1:00 a.m. to 2:00 a.m. on 7/1/15.

ADDENDUM PROJECT CONSTRUCTION-SOURCE NOISE LEVELS

Based on the reference construction noise levels as shown, Table 6 presents the Addendum Project-related construction noise levels when the highest reference noise level is operating at a single point nearest the sensitive receiver location from primary construction activity would range from 43.8 to 62.7 dBA L_{eq} at the sensitive receiver locations in the City of Ontario. As shown on Table 7, the construction noise levels will satisfy the City of Ontario Section 5-29.09 of the Municipal Code exterior noise level limit of 65 dBA L_{eq} for the neighboring residential land uses (Noise Zone I). Construction-source noise levels that comply with applicable standards do not comprise a substantial permanent increase in ambient noise levels, or a substantial temporary or periodic increase in ambient noise levels.

The construction noise levels shown on Tables 6 and 7 include up to 5 dBA L_{eq} of attenuation provided by existing structures (e.g., backyard noise barriers) in the Addendum Project study area based on Federal Transit Administration guidance. (6) The construction noise analysis shows that no new or

substantially increased construction-source noise impacts would occur under the Addendum Project. Based on the preceding, the potential for Addendum Project construction-source noise to: a) result in exposure of persons to or generation of noise levels in excess of standards; b) result in a substantial permanent increase in ambient noise levels; or c) result in a substantial temporary or periodic increase in ambient noise levels would be *less than significant*.

The Certified EIR concluded that development of land uses pursuant to the Policy Plan would result in significant and unavoidable noise impacts. Under the Addendum Project, construction-source noise impacts would be *less than significant*. On this basis, when compared to the Certified EIR findings, no new or substantially increased construction-source noise impacts would occur under the Addendum Project.

TABLE 7: CONSTRUCTION NOISE LEVELS

Reference Construction Activity ¹	Reference Noise Level @ 50 Feet (dBA Leq)
Truck Pass-Bys & Dozer Activity	59.2
Dozer Activity	64.2
Construction Vehicle Maintenance Activities	67.5
Foundation Trenching	68.2
Dozer Pass-By	79.6
Concrete Mixer Truck Movements	71.2
Concrete Paver Activities	65.6
Concrete Mixer Pour Activities	67.7
Highest Reference Noise Level at 50 Feet (dBA Leq):	79.6

Receiver Location	Distance To Construction Activity (Feet) ²	Distance Attenuation (dBA Leq) ³	Estimated Noise Barrier Attenuation (dBA Leq) ⁴	Construction Noise Level (dBA Leq)
R1	196'	-11.9	-5.0	62.7
R2	285'	-15.1	-5.0	59.5
R3	287'	-15.2	-5.0	59.4
R4	1,731'	-30.8	-5.0	43.8
R5	294'	-15.4	-5.0	59.2

¹ Reference construction noise level measurements taken by Urban Crossroads, Inc.

² Distance from the nearest point of construction activity to the nearest receiver (Exhibit D).

³ Point (stationary) source drop off rate of 6.0 dBA per doubling of distance.

⁴ Estimated barrier attenuation from existing barriers and buildings in the Addendum Project study area.

TABLE 8: CONSTRUCTION EQUIPMENT NOISE LEVEL SUMMARY

Receiver Location ¹	Construction Noise Levels (dBA L _{eq})		
	Highest Construction Noise Levels ²	Threshold ³	Threshold Exceeded? ⁴
R1	62.7	65	No
R2	59.5	65	No
R3	59.4	65	No
R4	43.8	65	No
R5	59.2	65	No

¹ Noise receiver locations are shown on Exhibit D.

² Highest construction noise levels during peak operating conditions, as shown on Table 6.

³ Construction noise level threshold if construction activities occur outside the permitted hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. weekends, excluding federal holidays.

⁴ Do the estimated Project construction noise levels meet the construction noise level threshold?

CONSTRUCTION VIBRATION ASSESSMENT

This analysis focuses on the potential ground-borne vibration associated with vehicular traffic and construction activities. Ground-borne vibration levels from vehicular traffic are generally overshadowed by vibration generated by heavy trucks that roll over the same uneven roadway surfaces. However, due to the rapid drop-off rate of ground-borne vibration and the short duration of the associated events, vehicular traffic-induced ground-borne vibration is rarely perceptible beyond the roadway right-of-way, and rarely results in vibration levels that cause damage to buildings in the vicinity.

However, while vehicular traffic is rarely perceptible, construction has the potential to result in varying degrees of temporary ground vibration, depending on the specific construction activities and equipment used. Ground vibration levels associated with various types of construction equipment are summarized on Table 9. Based on the representative vibration levels presented for various construction equipment types, it is possible to estimate the human response (annoyance) and potential for building damage using the following vibration assessment methods defined by the FTA. (6) To describe the potential vibration levels capable of causing building damage the FTA provides the following equation:

$$PPV_{\text{equip}} = PPV_{\text{ref}} \times (25/D)^{1.5}$$

TABLE 8: VIBRATION SOURCE LEVELS FOR CONSTRUCTION EQUIPMENT

Equipment	Vibration Decibels (VdB) at 25 feet ¹
Small bulldozer	58
Jackhammer	79
Loaded Trucks	86
Large bulldozer	87

Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment, September 2018.

ADDENDUM PROJECT CONSTRUCTION VIBRATION LEVELS

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures and soil type. It is expected that ground-borne vibration from Project construction activities would cause only intermittent, localized intrusion. The Addendum Project’s construction activities most likely to cause vibration impacts are:

- Heavy Construction Equipment: Although all heavy mobile construction equipment has the potential of causing at least some perceptible vibration, the vibration is usually short-term and is not of sufficient magnitude to cause building damage. It is not expected that heavy equipment such as large bulldozers would operate close enough to any residences to cause a vibration impact.
- Trucks: Trucks hauling building materials to construction sites can be sources of vibration intrusion if the haul routes pass through residential neighborhoods on streets with bumps or potholes. Repairing the bumps and potholes generally eliminates the problem.

Ground-borne vibration levels resulting from construction activities occurring within the Project site were estimated by data published by the Federal Transit Administration (FTA). Construction activities that would have the potential to generate low levels of ground-borne vibration within the Project site include grading. Using the vibration source level of construction equipment provided on Table 8 and the construction vibration assessment methodology published by the FTA, it is possible to estimate the Addendum Project vibration impacts.

Table 9 shows the highest construction vibration levels are expected to approach 60.2 VdB at sensitive receiver locations (e.g., residential, school) and will satisfy the 78 VdB residential identified by the FTA, and as such, would result in *less than significant* impacts. Moreover, the impacts at the site of the closest sensitive receivers are unlikely to be sustained during the entire construction period but will occur rather only during the times that heavy construction equipment is operating adjacent to the Project site perimeter.

TABLE 9: CONSTRUCTION EQUIPMENT VIBRATION LEVELS

Receiver Location ¹	Land Use	Distance to Construction Activity (Feet)	Receiver Vibration Levels (VdB) ²					Threshold (VdB)	Threshold Exceeded? ³
			Small Bulldozer	Jack-hammer	Loaded Trucks	Large Bulldozer	Highest Vibration Levels		
R1	Residential	196'	31.2	52.2	59.2	60.2	60.2	78	No
R2	Residential	285'	26.3	47.3	54.3	55.3	55.3	78	No
R3	Residential	287'	26.2	47.2	54.2	55.2	55.2	78	No
R4	School	1,731'	2.8	23.8	30.8	31.8	31.8	78	No
R5	Residential	294'	25.9	46.9	53.9	54.9	54.9	78	No

¹ Noise receiver locations are shown on Exhibit D.

² Based on the Vibration Source Levels of Construction Equipment included on Table 8.

³ Does the vibration level exceed the FTA acceptable vibration level for the given land use?

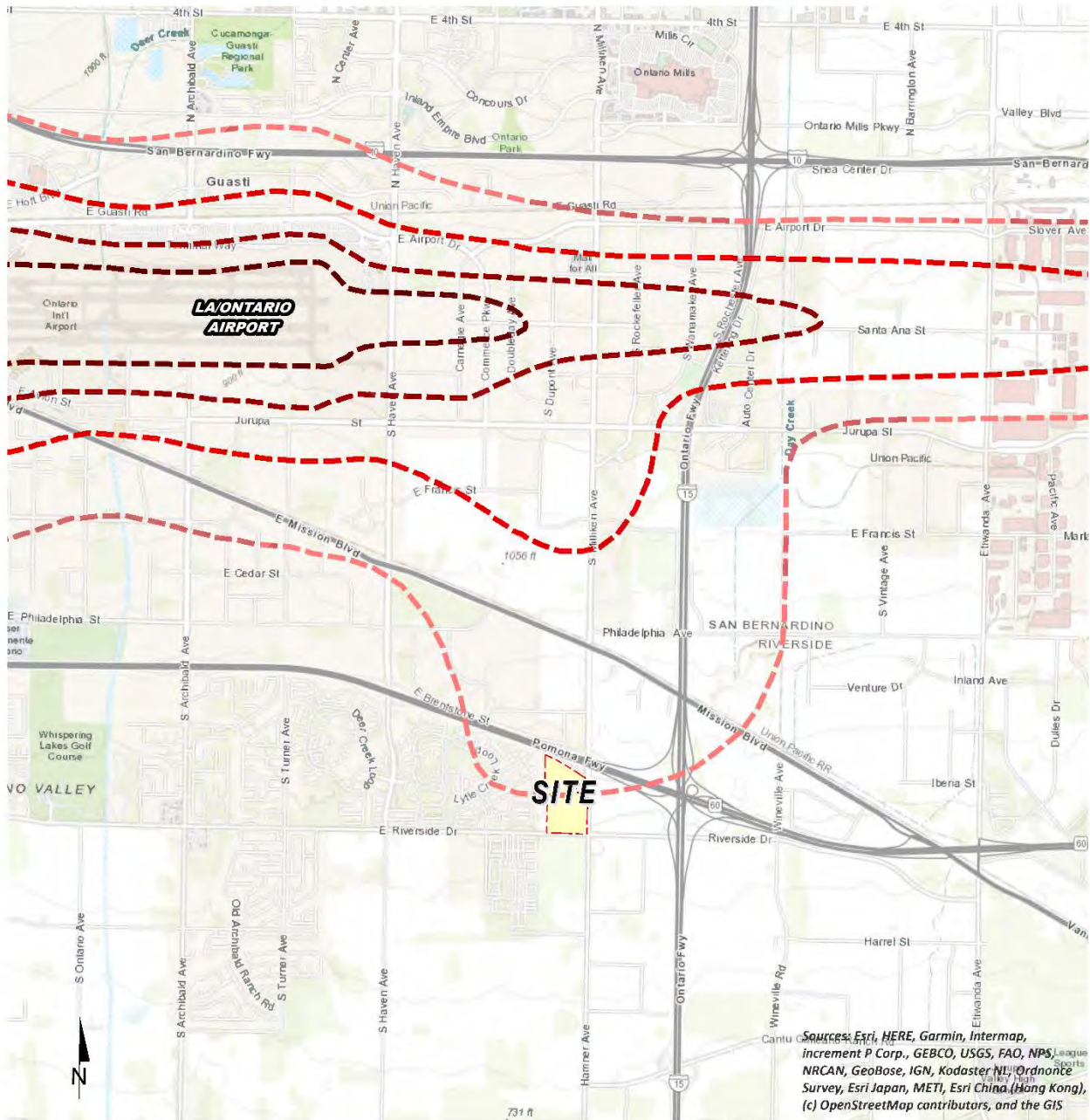
The Certified EIR concluded that development of land uses pursuant to the Policy Plan would result in significant and unavoidable construction-source vibration impacts. Under the Addendum Project, construction-source vibration impacts would be *less-than-significant*. On this basis, when compared to the Certified EIR findings, no new or substantially increased construction-source vibration impacts would occur under the Addendum Project.

AIRPORT NOISE LEVEL ASSESSMENT

The Project site is located roughly two miles southeast of the Ontario International Airport (ONT). The *Ontario International Airport Land Use Compatibility Plan* was amended on July 2018 (8) to promote compatibility between airport and the land uses that surround it. As shown on Exhibit F, the Project site is located within the airport influence area exposing the site to exterior noise levels ranging from 60-65 dBA CNEL. The Table 2-3 Noise Criteria established within the *Ontario International Airport Land Use Compatibility Plan* would apply to the Addendum Project. (8)

Industrial land uses located within the 60-65 dBA CNEL noise level contours of LA/ONT, such as the Addendum Project, are considered *normally compatible land use* and must reduce interior noise levels to 50 dBA CNEL. Standard building construction practices required under the State of California Green Building Standards Code (CALGreen) typically provide up to 25 dBA CNEL of attenuation. With respect to noise generated by the ONT Airport facilities and activities, application of standard CALGreen construction practices would yield acceptable Project interior noise levels of approximately 35 to 40 dBA CNEL. The Addendum Project does not propose or require facilities or actions that would contribute to or exacerbate noise generated by ONT facilities and activities. Based on the preceding, the Addendum Project would not be adversely affected by airport/airfield noise, nor would the Addendum Project contribute to or result in adverse airport/airfield noise impacts.

EXHIBIT F: AIRPORT NOISE CONTOUR BOUNDARIES



Mr. Ross Geller
Applied Planning, Inc.
October 6, 2020
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CONCLUSIONS

Based upon the information provided in this Noise Impact Assessment Memorandum, the proposed Addendum Project would not result in any new or substantially increased construction-source or operational-source noise/vibration impacts, nor would the Addendum Project result in a substantial increase in the severity of any noise/vibration impacts previously considered and addressed in the Certified EIR. Further, the Addendum Project would not be exposed to or contribute to potentially significant airport noise impacts. This Noise Impact Assessment Memorandum substantiates that the Addendum Project would in no instance result in potentially significant noise/vibration impacts. If you have any questions, please contact me directly at (949) 584-3148.

Respectfully submitted,

URBAN CROSSROADS, INC.



Bill Lawson, P.E., INCE
Principal

REFERENCES

1. **City of Ontario.** *The Ontario Plan Draft EIR.* April 2009.
2. —. *Municipal Code, Title 5, Chapter 29 - Noise.*
3. **U.S. Department of Transportation, Federal Transit Administration.** *Transit Noise and Vibration Impact Assessment.* May 2006.
4. **American National Standards Institute (ANSI).** *Specification for Sound Level Meters ANSI S1.4-2014/IEC 61672-1:2013.*
5. **California Department of Transportation Environmental Program.** *Technical Noise Supplement - A Technical Supplement to the Traffic Noise Analysis Protocol.* Sacramento, CA : s.n., September 2013.
6. **U.S. Department of Transportation, Federal Transit Administration.** *Transit Noise and Vibration Impact Assessment.* September 2018.
7. **Urban Crossroads, Inc.** *The Vine Trip Generation Evaluation.* September 2020.
8. **City of Ontario.** *Ontario International Airport Land Use Compatibility Plan.* July 2018.

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APPENDIX A

CITY OF ONTARIO MUNICIPAL CODE NOISE STANDARDS

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CHAPTER 29: NOISE

- 5-29.01 Declaration of findings and policy
- 5-29.02 Definitions
- 5-29.03 Designated noise zones
- 5-29.04 Exterior noise standards
- 5-29.05 Interior noise standards
- 5-29.06 Exemptions
- 5-29.07 Loud and disturbing noise
- 5-29.08 Real property maintenance noise regulations
- 5-29.09 Construction activity noise regulations
- 5-29.10 Other public agency exceptions
- 5-29.11 Schools, day care centers, churches, libraries, museums, health care institutions; Special provisions
- 5-29.12 Sound amplifying equipment
- 5-29.13 Amplified sound
- 5-29.14 Motor vehicles
- 5-29.15 Noise level measurement
- 5-29.16 Prima facie violation
- 5-29.17 Penalty
- 5-29.18 Enforcement and administration
- 5-29.19 City Manager waiver
- 5-29.20 Noise abatement program

Sec. 5-29.01. Declaration of findings and policy.

It is hereby found and declared that:

- (a) The making and creation of excessive, unnecessary or unusually loud noises within the limits of the City is a condition that has existed for some time, however, the extent and volume of such noises is increasing;
- (b) The making, creation or maintenance of such excessive, unnecessary, unnatural or unusually loud noises that are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the City; and
- (c) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the residents of the City.

(§ 2, Ord. 2888, eff. March 6, 2008)

Sec. 5-29.02. Definitions.

As used in this chapter, specific words and phrases are defined as follows:

- (a) "Ambient noise level" shall mean the all-encompassing noise level associated with a given environment and is a composite of sounds from all sources, excluding the alleged offensive noise or excessive sound, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.
- (b) "Applicable (noise) zone" shall mean the noise zone category based on the actual use of the property, provided that the actual use is a legal use in the City.
- (c) "A-weighted sound level" shall mean the sound pressure level in decibels (dBAs) as measured with a sound level meter using the A-weighted filter network (scale) at slow response and at a pressure of twenty (20) micropascals. The A-weighted filter de-emphasizes the very low and a very high frequency component of sound in a manner similar to the response of the human ear, and is a numerical method of rating human judgment of loudness.
- (d) "Decibel (dBA)" shall mean a unit for measuring the amplitude of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of pressure of the sound measured to the reference pressure of twenty (20) micropascals.
- (e) "Equivalent sound or noise level (Leq)" shall mean the International Electrotechnical Commission (IEC) 60804 Standard for measurement, or the most recent revision thereof, for the sound level corresponding to a steady state noise level over a given sample period with the same amount of acoustic energy as the actual time varying noise level or the energy average noise level during the sample period. The measurement period for the purposes of this chapter is fifteen (15) minutes.
- (f) "Impulsive noise" shall mean a noise of short duration usually less than one (1) second and of high intensity, with an abrupt onset and rapid decay. Such objectionable noises may also be repetitive.
- (g) "Intrusive noise" shall mean that noise that intrudes over and above the ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, time of occurrence and tonal information content, as well as the prevailing ambient noise level.
- (h) "Maintenance" shall mean the upkeep, repair or preservation of existing property or structures.
- (i) "Noise" shall mean any unwanted sound or sound that is undesirable because it interferes with speech and hearing, or is intense enough to damage hearing or is otherwise annoying.
- (j) "Noise level (sound level)" shall mean the weighted sound pressure level obtained by use of a sound level meter having a standard frequency filter for attenuating part of the sound spectrum. For purposes of this chapter, all noise levels (sound levels) shall be A-weighted sound pressure level.
- (k) "Noise (sound) level meter" shall mean an instrument, including a microphone, an amplifier, an output meter and frequency weighting networks for the measurement and determination of noise and sound levels. For the purposes of this chapter, the sound level meter must meet the International Electrotechnical Commission (IEC) 60651 and 60804 Standards, or the most recent revisions thereof, for Type 1 sound level meters or an instrument and the associated recording and analyzing equipment that will provide equivalent data.

(§ 2, Ord. 2888, eff. March 6, 2008)

Sec. 5-29.03. Designated noise zones.

The properties hereinafter described shall be assigned to the following noise zones:

Noise Zone I:	All single-family residential properties;
Noise Zone II:	All multi-family residential properties and mobile home parks;
Noise Zone III:	All commercial property;

Noise Zone IV:	The residential portion of mixed use properties;
Noise Zone V:	All manufacturing or industrial properties and all other uses.

The actual use of the property, and not necessarily its zoning designation, shall be the determining factor in establishing whether a property is in Noise Zone I, II, III, IV or V, provided that the actual use is a legal use within the applicable zone.

(§ 2, Ord. 2888, eff. March 6, 2008)

Sec. 5-29.04. Exterior noise standards.

(a) The following exterior noise standards, unless otherwise specifically indicated, shall apply to all properties within a designated noise zone.

<i>Allowable Exterior Noise Level (1)</i>		<i>Allowed Equivalent Noise Level, Leq. (2)</i>	
<i>Noise Zone</i>	<i>Type of Land Use</i>	<i>7 a.m. to 10 p.m.</i>	<i>10 p.m. to 7 a.m.</i>
I	Single-Family Residential	65 dBA	45 dBA
II	Multi-Family Residential, Mobile Home Parks	65 dBA	50 dBA
III	Commercial Property	65 dBA	60 dBA
IV	Residential Portion of Mixed Use	70 dBA	70 dBA
V	Manufacturing and Industrial, Other Uses	70 dBA	70 dBA

(1) If the ambient noise level exceeds the resulting standard, the ambient noise level shall be the standard.

(2) Measurements for compliance are made on the affected property pursuant to § 5-29.15.

(b) It is unlawful for any person at any location within the incorporated area of the City to create noise, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which noise causes the noise level, when measured at any location on any other property, to exceed either of the following:

(1) The noise standard for the applicable zone for any fifteen-minute (15) period; and

(2) A maximum instantaneous (single instance) noise level equal to the value of the noise standard plus twenty (20) dBA for any period of time (measured using A-weighted slow response).

(c) In the event the ambient noise level exceeds the noise standard, the maximum allowable noise level under such category shall be increased to reflect the maximum ambient noise level.

(d) The Noise Zone IV standard shall apply to that portion of residential property falling within one hundred (100) feet of a commercial property or use, if the noise originates from that commercial property or use.

(e) If the measurement location is on a boundary between two (2) different noise zones, the lower noise level standard applicable to the noise zone shall apply.

Sec. 5-29.05. Interior noise standards.

(a) The following interior noise standards, unless otherwise specifically indicated, shall apply to all properties within a designated noise zone.

Allowable Interior Noise Level (1)		Allowed Equivalent Noise Level, Leq. (2)	
Noise Zone	Type of Land Use	7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
I	Single-Family Residential	45 dBA	40 dBA
II	Multi-Family Residential, Mobile Home Parks	45 dBA	40 dBA
IV	Residential Portion of Mixed Use	45 dBA	40 dBA

(1) If the ambient noise level exceeds the resulting standard, the ambient noise level shall be the standard.

(2) Measurements for compliance are made on the affected property pursuant to § 5-29.15.

(b) It is unlawful for any person at any location within the incorporated area of the City to create noise, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which noise causes the noise level, when measured at any location on any other property, to exceed either of the following:

(1) The noise standard for the applicable zone for any fifteen-minute (15) period;

(2) A maximum instantaneous (single instance) noise level equal to the value of the noise standard plus twenty (20) dBA for any period of time (measured using A-weighted slow response).

(c) In the event the ambient noise level exceeds the noise standard, the maximum allowable noise level under such category shall be increased to reflect the maximum ambient noise level.

(d) The Noise Zone IV standard shall apply to that portion of residential property falling within one hundred (100) feet of a commercial property or use, if the noise originates from that commercial property or use.

(e) If the measurement location is on a boundary between two (2) different noise zones, the lower noise level standard applicable to the noise zone shall apply.

Sec. 5-29.06. Exemptions.

The following activities shall be exempted from the provisions of this chapter:

(a) Any activity conducted on public property, or on private property with the consent of the owner, by any public entity or its officers, employees, representatives, agents, subcontractors, permittees, licensees or lessees that the public entity has authorized are exempt from the provisions of this chapter. This includes, without limitation, sporting and recreational activities that are sponsored, co-sponsored, permitted or allowed by the City or any school district within the City's jurisdictional boundaries. This also includes, without limitation, occasional outdoor gatherings, public dances, shows or sporting and entertainment events, provided such events are conducted pursuant to an approval, authorization, contract, lease, permit or sublease by the appropriate public entity, specifically the planning commission or City Council;

(b) Occasional outdoor gatherings, public dances, show, sporting and entertainment events, provided said events are conducted pursuant to a permit or license issued by the appropriate jurisdiction relative to the staging of said events;

(c) Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicle, work or warning alarm or bell, provided the sounding of any bell or alarm on any building or motor vehicle shall terminate its operation within forty-five (45) minutes in any hour of its being activated;

(d) Noise sources associated with construction, repair, remodeling, demolition or grading of any real property. Such activities shall instead be subject to the provisions of § 5-29.09;

(e) Noise sources associated with construction, repair, remodeling, demolition or grading of public rights-of-way or during authorized seismic surveys;

(f) All mechanical devices, apparatus or equipment associated with agriculture operations provided that:

(1) Operations do not take place between 8:00 p.m. and 7:00 a.m.;

(2) Such operations and equipment are utilized for the protection or salvage of agricultural crops during periods of potential or actual frost damage or other adverse weather conditions; or

(3) Such operations and equipment are associated with agricultural pest control through pesticide application, provided the application is made in accordance with permits issued by or regulations enforced by the California Department of Agriculture;

(g) Noise sources associated with the maintenance of real property. Such activities shall instead be subject to the provisions of § 5-29.08;

(h) Any activity to the extent regulation thereof has been preempted by state or federal law;

(i) Any noise sources associated with people and/or music associated with a party at a residential property. Such noise shall be subject to the provisions of OMC § 5-29.07;

(j) Any noise source emanating from an ice cream truck within the City. Such noise shall be subject to the provisions of OMC § 4-18.04;

(k) Any noise sources associated with barking dogs or other intermittent noises made by animals on any property within the City. Such noise shall be subject to the provisions of OMC Chapter 1, Title 6;

(l) Noise sources related to uses approved by a permit or development agreement adopted prior to the date of adoption of this chapter and that contains acoustic or noise standard conditions of approval. This exemption shall only be applicable during the effective period of the City-approved permit or development agreement.

(§ 2, Ord. 2888, eff. March 6, 2008)

Sec. 5-29.07. Loud and disturbing noise.

(a) It is unlawful for any person or property owner within the City to make, cause or allow to be made any loud, excessive, impulsive or intrusive noise, disturbance or commotion that disturbs the peace or quiet of any area or that causes discomfort or annoyance to any reasonable person of normal sensitivities in the area, after a Police or Code Enforcement Officer has first requested that the person or property owner cease and desist from making such noise. The types of loud, disturbing, excessive, impulsive or intrusive noise may include, but shall not be limited to, yelling, shouting, hooting, whistling, singing, playing a musical instrument, or emitting or transmitting any loud music or noise from any mechanical or electrical sound making or sound-amplifying device.

(b) The factors, standards, and conditions that may be considered in determining whether a violation of the provisions of this section has been committed, included, but not limited to, the following:

(1) The level of the noise;

(2) The level and intensity of the background (ambient) noise, if any;

(3) The proximity of the noise to residential or commercial sleeping areas;

(4) The nature and zoning of the area within which the noise emanates;

(5) The density of inhabitation of the area within which the noise emanates;

(6) The time of day and night the noise occurs;

(7) The duration of the noise;

(8) Whether the noise is constant, recurrent or intermittent;

(9) Whether the noise is produced by a commercial or noncommercial activity; and

(10) Whether the use is lawful under the provisions of Title 5 of this Code and whether the noise is one that could reasonably be expected from the activity or allowed use.

(§ 2, Ord. 2888, eff. March 6, 2008)

Sec. 5-29.08. Real property maintenance noise regulations.

(a) No person, while engaged in maintenance of real property, shall operate any tool, equipment or machine in a manner that produces loud noise that disturbs a person of normal sensitivity who works or resides in the vicinity, or a Police or Code Enforcement Officer, except between the hours of 8:00 a.m. and 6:00 p.m.

(b) Trimming or pruning that requires the use of chainsaws or mulching machines shall only be allowed between the hours of 8:00 a.m. and 6:00 p.m. on a weekday and between the hours of 9:00 a.m. and 5:00 p.m. on Saturday or Sunday.

(c) The use of electrical or gasoline powered blowers, such as commonly used by gardeners or other persons for cleaning lawns, yards, driveways, gutters and other property shall only be allowed between the hours of 8:00 a.m. and 6:00 p.m. on a weekday and between the hours of 9:00 a.m. and 5:00 p.m. on Saturday or Sunday.

(d) No landowner, gardener, property maintenance service, contractor, subcontractor or employer shall permit or allow any person or persons working under his or her direction or control to operate any tool, equipment or machine in violation of the provisions of this section.

(e) Exceptions. The provisions of this section shall not apply to the following:

(1) Emergency property maintenance required by the building official;

(2) The maintenance, repair or improvement of any public work or facility by public employees, by any person or persons acting pursuant to a public works contract, or by any person or persons performing such work or pursuant to the direction of, or on behalf of, any public agency; provided, however, this exception shall not apply to the City, or its employees, contractors or agents, unless:

(i) The City Manager or department head determines that the maintenance, repair or improvement is immediately necessary to maintain public service,

(ii) The maintenance, repair or improvement is of a nature that cannot feasibly be conducted during normal business hours, or

(iii) The City Council has approved project specifications, contract provisions, or an environmental document that specifically authorizes maintenance during hours of the day that would otherwise be prohibited pursuant to this section; and

(3) Any maintenance that complies with the noise limits specified in § 5-29.04.

(§ 2, Ord. 2888, eff. March 6, 2008)

Sec. 5-29.09. Construction activity noise regulations.

(a) No person, while engaged in construction, remodeling, digging, grading, demolition or any other related building activity, shall operate any tool, equipment or machine in a manner that produces loud noise that disturbs a person of normal sensitivity who works or resides in the vicinity, or a Police or Code Enforcement Officer, on any weekday except between the hours of 7:00 a.m. and 6:00 p.m. or on Saturday or Sunday between the hours of 9:00 a.m. and 6:00 p.m.

(b) No landowner, construction company owner, contractor, subcontractor, or employer shall permit or allow any 490 person or persons working under their direction and control to operate any tool, equipment or machine in violation of the

provisions of this section.

(c) Exceptions.

(1) The provisions of this section shall not apply to emergency construction work performed by a private party when authorized by the City Manager or his or her designee;

(2) The maintenance, repair or improvement of any public work or facility by public employees, by any person or persons acting pursuant to a public works contract, or by any person or persons performing such work or pursuant to the direction of, or on behalf of, any public agency; provided, however, this exception shall not apply to the City, or its employees, contractors or agents, unless:

(i) The City Manager or a department head determines that the maintenance, repair or improvement is immediately necessary to maintain public services,

(ii) The maintenance, repair or improvement is of a nature that cannot feasibly be conducted during normal business hours, or

(iii) The City Council has approved project specifications, contract provisions, or an environmental document that specifically authorizes construction during hours of the day that would otherwise be prohibited pursuant to this section; and

(3) Any construction that complies with the noise limits specified in §§ 5-29.04 or 5-29.05.

(§ 2, Ord. 2888, eff. March 6, 2008)

Sec. 5-29.10. Other public agency exceptions.

The provisions of this chapter shall not be construed to prohibit any work at different hours by or under the direction of any other public agency or public or private utility companies in cases of necessity or emergency.

(§ 2, Ord. 2888, eff. March 6, 2008)

Sec. 5-29.11. Schools, day care centers, churches, libraries, museums, health care institutions; Special provisions.

It is unlawful for any person to create any noise that causes the outdoor noise level at any school, day care center, hospital or similar health care institution, church, library or museum while the same is in use, to exceed the noise standards specified in § 5-29.04 prescribed for the assigned Noise Zone I.

(§ 2, Ord. 2888, eff. March 6, 2008)

Sec. 5-29.12. Sound amplifying equipment.

Loudspeakers, sound amplifiers, public address systems or similar devices used to amplify sounds shall be subject to the provisions of § 5-29.13. Such sound amplifying equipment shall not be construed to include electronic devices, including but not limited to, radios, tape players, tape recorders, compact disc players, MP3 players, electric keyboards, music synthesizers, record players or televisions, which are designed and operated for personal use, or used entirely within a building and are not designed or used to convey the human voice, music or any other sound to an audience outside such building, or which are used in vehicles and heard only by occupants of the vehicle in which installed.

(§ 2, Ord. 2888, eff. March 6, 2008)

Sec. 5-29.13. Amplified sound.

(a) The City Council enacts the following legislation for the sole purpose of securing and promoting the public health, comfort, safety and welfare for its citizenry. While recognizing that the use of sound amplifying equipment may be entitled to certain protection by the constitutional rights of freedom of speech and assembly, the City Council finds that in ord 491 protect the public safety and the correlative rights of the citizens of this community to privacy and freedom from public

nuisance of loud and unnecessary noise, reasonable regulation of the time, place and manner of the use of amplifying equipment is necessary. In no event shall approval or authorization required herein be withheld by reason of the constitutionally protected content of any material proposed to be broadcast through amplifying equipment.

(b) It is unlawful for any person, other than personnel of law enforcement or governmental agencies, to install, use or operate a loudspeaker or sound amplifying device in a fixed or movable position or mounted upon any vehicle within the City for the purpose of giving instructions, directions, talks, addresses or lectures to any persons or assemblages of persons in or upon any street, alley, sidewalk, park, place or public property without a permit to do so from the Police Chief or his or her designee. Notwithstanding any other provision of this chapter, the provisions of this section shall also apply to the use of sound amplifying equipment upon public or private property when used in connection with outdoor or indoor public or private events, whether or not admission is charged or food or beverages are sold, when such activity is to be attended by more than one hundred (100) persons and the noise emanating from the event will be audible at the property plane, or in the case of a street dance or concert on the nearest residential property. Those activities listed in § 5-29.06(a) are exempt from the requirements of this section.

(c) The Police Chief or his or her designee is authorized to approve and issue permits under this section.

(d) An application for a permit required by this section shall be filed with the Police Chief at least sixteen (16) days and no more than one hundred twenty (120) days prior to the date on which the sound amplifying equipment is intended to be used. Applications for events covered by the First Amendment of the United States Constitution are exempt from the time requirements of this section if it is shown that circumstances require a shorter filing period and the event will not constitute an unsafe condition. The application shall contain the following information:

- (1) The name, address and telephone number of both the owner and the user of the sound amplifying equipment;
- (2) The license number, if a sound truck is to be used;
- (3) A general description of the sound amplifying equipment which is to be used;
- (4) Whether sound amplifying equipment will be used for commercial or noncommercial purpose;

(5) The dates and times upon and within which, and the streets or property over or upon which, the equipment is proposed to be operated;

(6) The name or names of one (1) or more persons who will be present during the conduct of any activities for which registration is sought and who will have authority to reduce the volume of any sound amplifying equipment during the course of the activities if required pursuant to this chapter and, otherwise, to insure compliance with the provisions of this chapter;

(7) A statement by the applicant that he or she is willing and able to comply with the provisions of this chapter and the conditions of the permit; and

(8) A sketch of the area or facilities within which the activities are to be conducted, with approximate dimensions and illustration of the location and orientation of all sound-amplifying equipment.

(e) The Police Chief shall deny the permit application or revoke any permit if the chief finds any of the following:

(1) The application contains materially false or intentionally misleading information;

(2) The use of sound amplifying equipment at an event or activity proposed will be located in or upon a premises, building or structure that is hazardous to the health or safety of the employees or patrons of the premises, business, activity, or event, or the general public, under the standards established by the Uniform Building or Fire Codes, or other applicable codes, as set forth in OMC Titles 4 and 8;

(3) The use of sound amplifying equipment at an event or activity proposed in or upon a premises, building or structure that lacks adequate on-site parking for participants attending the proposed event or activity under the applicable standards set forth in OMC Title 9;

(4) The conditions of any motor vehicle movement are such that, in his or her opinion, the use of the equipment would constitute an unreasonable interference with traffic safety;

(5) The conditions of pedestrian movement are such that the use of the equipment would constitute a detriment to traffic safety;

(6) The application submitted by the applicant reveals that the applicant would violate the provisions of this section or any other provision of federal, state and/or local law;

(7) The applicant is unwilling or unable to comply with the provisions of this chapter or any conditions imposed upon any permit issued;

(8) There had already been a permitted event at the intended location, or within a two hundred (200) yard radius of the intended location and the prior permitted event was located on residentially zoned property or on a street, alley, public parking lot or neighborhood park within three (3) months prior to the intended event. Community parks are exempt from this subsection (8); or

(9) The applicant or location has had previous violations within the past calendar year, and in the judgment of the Police Chief, issuance would be contrary to the intent of this section.

(f) In determining whether the use of the equipment would constitute an unreasonable interference with or detriment to traffic safety, the Police Chief shall consider, but shall not necessarily be limited to:

(1) The volumes, patterns and speed of vehicular and pedestrian traffic in the proposed area of use;

(2) The relationship of the proposed use of equipment and potential impacts upon traffic patterns;

(3) Availability of sufficient room for the operation of the equipment without significantly interfering with the traffic patterns;

(4) Proximity to schools, playgrounds and similar facilities where use of such equipment might attract children into traffic patterns; or

(5) Proximity to busy intersections or other potentially hazardous conditions where use of such equipment might constitute a hazard by reason of its tendency to distract drivers of vehicles or pedestrians.

(g) Issuance or denial.

(1) If the application is approved, the Police Chief shall return an approved copy of the application to the applicant and shall issue a permit. The permit shall constitute permission for the use of the sound amplifying equipment as requested.

(2) Any application filed shall be either approved or disapproved within five (5) days of the filing thereof.

(3) If the application is disapproved, the Police Chief shall return a disapproved copy forthwith to the applicant with a written statement on the reason for disapproval.

(i) Any person aggrieved by a decision of the Police Chief or his or her designee may file an appeal to the City Manager. A complete and proper appeal shall be filed with the City Clerk within ten (10) calendar days of the action that is the subject of the appeal. If the applicant fails to file an appeal within the ten (10) day filing period provided herein, denial shall take effect immediately upon expiration of such filing period. All appeals shall be in writing and shall contain the following information: (a) name(s) of the person filing the appeal, (b) a brief statement in ordinary and concise language of the relief sought, and (c) the signatures of all parties named as appellants and their mailing addresses. After receiving the appeal, the City Clerk shall immediately forward the matter to the City Manager for handling.

(ii) The City Manager shall, upon receipt of the appeal, set the matter for hearing before the City Manager or a hearing officer. Any hearing officer shall be a licensed attorney or recognized mediator designated by the City Manager. The hearing shall be set for not more than ten (10) calendar days after the receipt of the appeal unless a longer time is requested or consented to by the appellant. Notice of such hearing shall be given in writing and mailed at least five (5) calendar days prior to the date of the hearing, by U.S. mail, with a proof of service attached, addressed to the address listed on the permit application, or the written appeal if different from the permit application. The notice shall state the grounds of the complaint or reason for the denial and shall state the time and place where such hearing will be held.

(iii) The City Manager or hearing officer shall, within ten (10) calendar days following the conclusion of the hearing, make a written finding and decision, which shall be delivered to the City and the appellant by first class mail. Notwithstanding any provision in this Code, the decision of the City Manager or hearing officer shall be the final administrative decision of the City. Any party dissatisfied with the decision of the City Manager or hearing officer may seek review of such decision under the provisions of Code Civil Procedure, §§ 1094.5 and 1094.8, as amended from time to time.

(h) In addition to any other provisions of this Code, the use of sound-amplifying equipment and sound trucks in the City shall be subject to the following regulations:

(1) The only sounds permitted are music and human speech;

(2) Sound shall not be emitted within one hundred (100) yards of hospitals, churches, schools and City Hall;

(3) The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound amplifying equipment or sound truck, and so that the volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the range of allowed audibility; or

(4) The sound amplifying equipment or sound truck shall not be used between the hours of 8:00 p.m. and 8:00 a.m.

(§ 2, Ord. 2888, eff. March 6, 2008)

Sec. 5-29.14. Motor vehicles.

The use of any motor vehicle in such a condition as to create excessive, impulsive or intrusive noises is prohibited. The discharge into the open air of the exhaust of any internal combustion engine, stationary or mounted on wheels, motorboat or motor vehicle, including motor cycle, whether or not discharged through a muffler or other similar device, which discharge creates excessive, unusual, impulsive or intrusive noise is prohibited. Motor vehicles shall comply with the noise regulations of the California Vehicle Code.

(§ 2, Ord. 2888, eff. March 6, 2008)

Sec. 5-29.15. Noise level measurement.

(a) The location selected for measuring exterior noise levels in a residential area shall be at any part of a private yard, patio, deck or balcony normally used for human activity and identified by the owner or, if occupied by someone other than the owner, the occupant of the affected property as suspected of exceeding the noise level standard. This location may be the closest point in the private yard or patio, or on the deck or balcony, to the noise source, but should not be located in nonhuman activity areas such as trash container storage areas, planter beds, above or contacting a property line fence, or other areas not normally used as part of the yard, patio, deck or balcony. The location selected for measuring exterior noise levels in a nonresidential area shall be at the closest point to the noise source. The measurement microphone height shall be five (5) feet above finish elevation or, in the case of a deck or balcony, the measurement microphone height shall be five (5) feet above the finished floor level.

(b) The location selected for measuring interior noise levels shall be made within the affected residential unit. The measurements shall be made at a point at least four (4) feet from the wall, ceiling or floor, or within the frame of a window opening, nearest the noise source. The measurements shall be made with windows in an open position.

(c) Any decibel measurement made pursuant to the provisions of this chapter shall be measured in decibels (dBAs) as measured with a sound level meter using the A-weighted sound pressure level.

(§ 2, Ord. 2888, eff. March 6, 2008)

Sec. 5-29.16. Prima facie violation.

Any noise exceeding the noise level standard as specified in §§ 5-29.04 and 5-29.05, shall be deemed to be prima facie evidence of a violation of the provisions of this chapter.

(§ 2, Ord. 2888, eff. March 6, 2008)

Sec. 5-29.17. Penalty.

(a) Any person who negligently or knowingly violates any provision of this chapter shall be guilty of an infraction and upon conviction shall be punishable by a fine specified in OMC § 1-2.01. Each day a violation occurs shall constitute a separate offense and shall be punishable as such.

(b) Any person who negligently or knowingly violates any provision of this chapter may also be subject to fine(s) specified in the administrative citation schedule of fines set forth in OMC § 1-5.04. The manner of issuing administrative citations shall comply with all the procedures specified in OMC Chapter 5, Title 1.

(c) As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provisions of this chapter, which operation or maintenance causes or creates sound levels exceeding the allowable

standards as specified in this chapter, shall be deemed and is declared to be a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

(d) Any violation of this chapter is declared to be a public nuisance and may be abated in accordance with law. The expense of enforcing this chapter is declared to be public nuisance and may be by resolution of the City Council declared to be a lien and special assessment against the property on which such nuisance is maintained, and any such charge shall also be a personal obligation of the property owner.

(§ 2, Ord. 2888, eff. March 6, 2008)

Sec. 5-29.18. Enforcement and administration.

(a) It shall be the responsibility of Police or Code Enforcement Officers to enforce the provisions of this chapter and to perform all other functions required by this chapter. Such duties shall include, but not be limited to investigating potential violations, issuing warning notices and citations, and providing evidence to the City prosecutor for legal action.

(b) For violations of § 5-29.07, Police or Code Enforcement Officers shall obtain a declaration under penalty of perjury from two (2) declarants living in separate households within a sixty (60) day period stating in detail all of the following:

(1) That the declarant is a resident of a residential neighborhood located within two hundred (200) yards of the noise source; and

(2) Within the past month declarant has heard noise for substantially long periods to the extreme annoyance of the declarant.

(3) Declarations from two (2) declarants are required to prove a violation of § 5-29.07, but are not required to prove that a person has violated any other provision of this chapter.

(§ 2, Ord. 2888, eff. March 6, 2008)

Sec. 5-29.19. City Manager waiver.

The City Manager is authorized to grant a temporary waiver to the provisions of this chapter for a period of time necessary to correct the violations of this chapter, if such temporary waiver would be in the public interest and there is no feasible and prudent alternative to the activity, or the method of conducting the activity, for which the temporary waiver is sought. This time period may include a commitment to a program that includes placing necessary orders and entering into necessary contracts within thirty (30) days for repair or installation.

(§ 2, Ord. 2888, eff. March 6, 2008)

Sec. 5-29.20. Noise abatement program.

(a) In circumstances where adopted community-wide noise standards and policies prove impractical in controlling noise generated from a specific source, the City Council may establish a noise abatement program that recognizes the characteristics of the noise source and affected property and that incorporates specialized mitigation measures.

(b) Noise abatement programs shall set forth in detail the approved terms, conditions and requirements for achieving maximum compliance with noise standards and policies. Said terms, conditions and requirements may include, but shall not be limited to, limitations, restrictions, or prohibitions on operating hours, location of operations, and the types of equipment.

(§ 2, Ord. 2888, eff. March 6, 2008)

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APPENDIX B

STUDY AREA PHOTOS

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JN: 12648 Study Area Photos



L1_E

34, 1' 25.870000", 117, 33' 49.010000"



L1_N

34, 1' 25.870000", 117, 33' 48.980000"



L1_S

34, 1' 25.870000", 117, 33' 48.980000"



L1_W

34, 1' 25.870000", 117, 33' 49.010000"



L2_E

34, 1' 15.370000", 117, 33' 47.550000"



L2_N

34, 1' 15.280000", 117, 33' 47.580000"

JN: 12648 Study Area Photos



L2_S

34, 1' 15.370000", 117, 33' 47.550000"



L2_W

34, 1' 15.380000", 117, 33' 47.470000"



L3_E

34, 1' 9.150000", 117, 33' 46.100000"



L3_N

34, 1' 8.540000", 117, 33' 50.910000"



L3_S

34, 1' 9.230000", 117, 33' 46.020000"



L3_W

34, 1' 9.120000", 117, 33' 46.020000"

JN: 12648 Study Area Photos



L4_E
34, 1' 6.170000", 117, 34' 0.820000"



L4_N
34, 1' 6.110000", 117, 34' 0.820000"



L4_S
34, 1' 6.110000", 117, 34' 0.820000"



L4_W
34, 1' 6.170000", 117, 34' 0.820000"



L5_G
34, 1' 6.440000", 117, 33' 45.410000"



L5_N
34, 1' 5.930000", 117, 33' 48.600000"

JN: 12648 Study Area Photos



L5_S

34, 1' 6.480000", 117, 33' 45.380000"



L5_W

34, 1' 6.450000", 117, 33' 45.380000"

APPENDIX C

NOISE LEVEL MEASUREMENT WORKSHEETS

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24-Hour Noise Level Measurement Summary

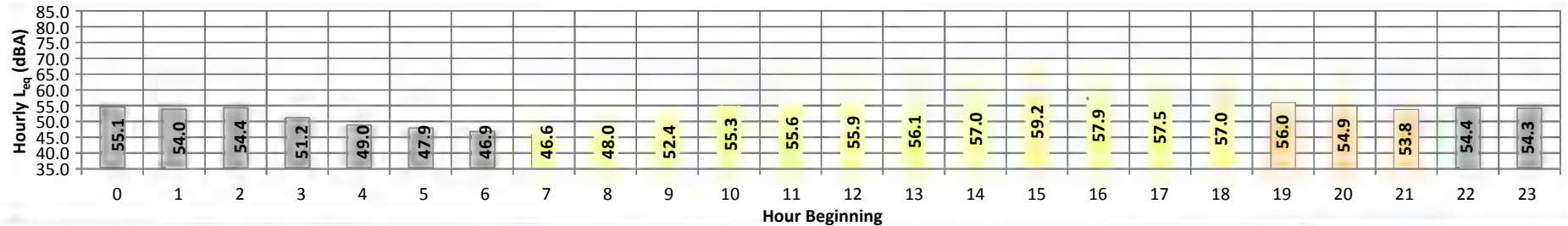
Date: Thursday, October 10, 2019
Project: Tuscana

Location: L1 - Located along McCloud River Ln behind single family home at 3968 Klamath River Dr.

Meter: Piccolo I

JN: 12648
Analyst: P. Mara

Hourly L_{eq} dBA Readings (unadjusted)



Timeframe	Hour	L_{eq}	L_{max}	L_{min}	L1%	L2%	L5%	L8%	L25%	L50%	L90%	L95%	L99%	L_{eq}	Adj.	Adj. L_{eq}
Night	0	55.1	73.1	45.0	68.0	64.0	58.0	55.0	52.0	50.0	48.0	47.0	46.0	55.1	10.0	65.1
	1	54.0	73.7	45.2	63.0	60.0	56.0	54.0	51.0	50.0	48.0	47.0	46.0	54.0	10.0	64.0
	2	54.4	76.8	47.9	64.0	61.0	57.0	55.0	52.0	51.0	49.0	49.0	48.0	54.4	10.0	64.4
	3	51.2	60.4	47.1	57.0	56.0	55.0	54.0	52.0	49.0	47.0	47.0	47.0	51.2	10.0	61.2
	4	49.0	54.2	46.8	52.0	52.0	51.0	50.0	49.0	48.0	48.0	47.0	47.0	49.0	10.0	59.0
	5	47.9	58.2	46.4	53.0	51.0	49.0	49.0	47.0	47.0	47.0	47.0	46.0	46.0	47.9	10.0
Day	6	46.9	64.0	46.3	47.0	47.0	46.0	46.0	46.0	46.0	46.0	46.0	46.0	46.9	10.0	56.9
	7	46.6	48.3	46.3	47.0	46.0	46.0	46.0	46.0	46.0	46.0	46.0	46.0	46.6	0.0	46.6
	8	48.0	71.4	46.3	48.0	47.0	46.0	46.0	46.0	46.0	46.0	46.0	46.0	48.0	0.0	48.0
	9	52.4	64.1	46.7	59.0	58.0	56.0	55.0	53.0	50.0	47.0	47.0	46.0	52.4	0.0	52.4
	10	55.3	68.7	51.0	59.0	58.0	57.0	57.0	55.0	54.0	53.0	52.0	52.0	55.3	0.0	55.3
	11	55.6	64.2	51.6	59.0	58.0	57.0	57.0	56.0	55.0	53.0	53.0	52.0	55.6	0.0	55.6
	12	55.9	72.2	51.3	60.0	59.0	58.0	57.0	56.0	55.0	53.0	53.0	52.0	55.9	0.0	55.9
	13	56.1	73.0	52.2	59.0	58.0	58.0	57.0	56.0	55.0	54.0	53.0	53.0	56.1	0.0	56.1
	14	57.0	78.8	52.5	62.0	60.0	58.0	58.0	56.0	56.0	54.0	54.0	53.0	57.0	0.0	57.0
	15	59.2	71.1	53.6	68.0	67.0	63.0	61.0	58.0	57.0	55.0	55.0	54.0	59.2	0.0	59.2
	16	57.9	72.1	53.8	66.0	64.0	60.0	59.0	57.0	56.0	55.0	55.0	54.0	57.9	0.0	57.9
	17	57.5	73.7	54.0	62.0	60.0	59.0	58.0	57.0	57.0	57.0	55.0	55.0	54.0	0.0	57.5
Evening	18	57.0	69.6	53.1	61.0	60.0	58.0	58.0	57.0	56.0	55.0	54.0	54.0	57.0	0.0	57.0
	19	56.0	71.3	51.7	60.0	59.0	57.0	57.0	56.0	55.0	54.0	53.0	53.0	56.0	5.0	61.0
	20	54.9	72.8	47.7	58.0	57.0	56.0	56.0	55.0	54.0	52.0	51.0	50.0	54.9	5.0	59.9
Night	21	53.8	65.1	49.0	58.0	57.0	56.0	55.0	54.0	53.0	51.0	50.0	49.0	53.8	5.0	58.8
	22	54.4	76.3	46.7	61.0	58.0	56.0	55.0	53.0	52.0	50.0	49.0	48.0	54.4	10.0	64.4
	23	54.3	73.2	45.9	66.0	62.0	55.0	54.0	52.0	50.0	48.0	47.0	47.0	54.3	10.0	64.3
Day	Min	46.6	48.3	46.3	47.0	46.0	46.0	46.0	46.0	46.0	46.0	46.0	46.0	24-Hour	Daytime	Nighttime
	Max	59.2	78.8	54.0	68.0	67.0	63.0	61.0	58.0	57.0	55.0	55.0	54.0			
Energy Average		56.0	Average:		59.2	57.9	56.3	55.8	54.4	53.6	52.2	51.9	51.3	54.9	55.8	52.8
Evening	Min	53.8	65.1	47.7	58.0	57.0	56.0	55.0	54.0	53.0	51.0	50.0	49.0	24-Hour CNEL (dBA)		
	Max	56.0	72.8	51.7	60.0	59.0	57.0	57.0	56.0	55.0	54.0	53.0	53.0			
Energy Average		55.0	Average:		58.7	57.7	56.3	56.0	55.0	54.0	52.3	51.3	50.7	60.2		
Night	Min	46.9	54.2	45.0	47.0	47.0	46.0	46.0	46.0	46.0	46.0	46.0	46.0			
	Max	55.1	76.8	47.9	68.0	64.0	58.0	55.0	53.0	52.0	50.0	49.0	48.0			
Energy Average		52.8	Average:		59.0	56.8	53.7	52.4	50.4	49.2	47.8	47.2	46.8			

24-Hour Noise Level Measurement Summary

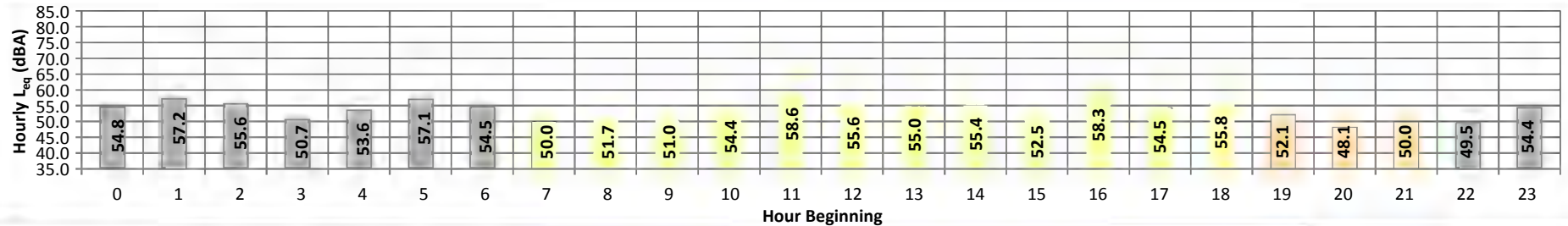
Date: Wednesday, October 09, 2019
Project: Tuscana

Location: L2 - Located in the intersection of Merced River Rd. and McCloud River Ln.

Meter: Piccolo I

JN: 12648
Analyst: P. Mara

Hourly L_{eq} dBA Readings (unadjusted)



Timeframe	Hour	L_{eq}	L_{max}	L_{min}	L1%	L2%	L5%	L8%	L25%	L50%	L90%	L95%	L99%	L_{eq}	Adj.	Adj. L_{eq}
Night	0	54.8	77.9	43.9	67.0	60.0	53.0	50.0	49.0	48.0	46.0	46.0	45.0	54.8	10.0	64.8
	1	57.2	74.9	38.6	70.0	67.0	64.0	61.0	45.0	42.0	40.0	39.0	38.0	57.2	10.0	67.2
	2	55.6	75.8	45.8	66.0	64.0	59.0	56.0	52.0	51.0	48.0	47.0	46.0	55.6	10.0	65.6
	3	50.7	66.9	45.8	59.0	59.0	55.0	52.0	49.0	48.0	47.0	46.0	46.0	50.7	10.0	60.7
	4	53.6	71.0	47.6	64.0	61.0	56.0	54.0	52.0	52.0	51.0	49.0	48.0	53.6	10.0	63.6
	5	57.1	75.3	45.9	68.0	65.0	62.0	61.0	55.0	50.0	47.0	47.0	46.0	57.1	10.0	67.1
Day	6	54.5	72.7	45.5	67.0	65.0	59.0	57.0	50.0	48.0	47.0	46.0	46.0	54.5	10.0	64.5
	7	50.0	65.7	45.2	60.0	58.0	54.0	52.0	48.0	47.0	46.0	46.0	46.0	50.0	0.0	50.0
	8	51.7	72.0	45.3	60.0	59.0	56.0	54.0	51.0	49.0	47.0	46.0	46.0	51.7	0.0	51.7
	9	51.0	69.0	46.3	60.0	58.0	55.0	53.0	50.0	48.0	47.0	47.0	47.0	51.0	0.0	51.0
	10	54.4	77.0	46.3	66.0	61.0	57.0	55.0	50.0	48.0	47.0	47.0	46.0	54.4	0.0	54.4
	11	58.6	85.2	45.4	70.0	65.0	58.0	55.0	51.0	49.0	47.0	46.0	46.0	58.6	0.0	58.6
	12	55.6	80.8	45.2	66.0	63.0	58.0	55.0	49.0	48.0	46.0	46.0	45.0	55.6	0.0	55.6
	13	55.0	79.3	46.0	68.0	61.0	56.0	54.0	50.0	49.0	47.0	47.0	47.0	55.0	0.0	55.0
	14	55.4	79.3	46.6	65.0	60.0	57.0	56.0	51.0	50.0	48.0	47.0	47.0	55.4	0.0	55.4
	15	52.5	70.9	48.6	59.0	57.0	55.0	54.0	52.0	51.0	50.0	49.0	49.0	52.5	0.0	52.5
	16	58.3	77.8	49.0	72.0	69.0	60.0	55.0	52.0	51.0	50.0	50.0	49.0	58.3	0.0	58.3
	17	54.5	76.7	48.8	62.0	60.0	57.0	56.0	53.0	52.0	50.0	50.0	49.0	54.5	0.0	54.5
18	55.8	74.9	47.4	67.0	64.0	60.0	59.0	52.0	50.0	50.0	49.0	49.0	55.8	0.0	55.8	
Evening	19	52.1	73.8	47.1	61.0	58.0	54.0	53.0	50.0	49.0	48.0	48.0	47.0	52.1	5.0	57.1
	20	48.1	62.2	44.1	54.0	52.0	51.0	49.0	48.0	47.0	45.0	45.0	44.0	48.1	5.0	53.1
	21	50.0	66.6	42.8	63.0	60.0	54.0	50.0	46.0	45.0	44.0	43.0	43.0	50.0	5.0	55.0
Night	22	49.5	72.0	40.7	60.0	52.0	47.0	46.0	45.0	44.0	42.0	42.0	41.0	49.5	10.0	59.5
	23	54.4	75.8	40.5	69.0	63.0	52.0	47.0	43.0	42.0	41.0	41.0	40.0	54.4	10.0	64.4
Day	Min	50.0	65.7	45.2	59.0	57.0	54.0	52.0	48.0	47.0	46.0	46.0	45.0	24-Hour	Daytime	Nighttime
	Max	58.6	85.2	49.0	72.0	69.0	60.0	59.0	53.0	52.0	50.0	50.0	49.0			
Energy Average		55.1	Average:		64.6	61.3	56.9	54.8	50.8	49.3	47.8	47.5	47.1	54.6	54.5	54.8
Evening	Min	48.1	62.2	42.8	54.0	52.0	51.0	49.0	46.0	45.0	44.0	43.0	43.0	24-Hour CNEL (dBA)		
	Max	52.1	73.8	47.1	63.0	60.0	54.0	53.0	50.0	49.0	48.0	48.0	47.0	61.2		
Energy Average		50.4	Average:		59.3	56.7	53.0	50.7	48.0	47.0	45.7	45.3	44.7			
Night	Min	49.5	66.9	38.6	59.0	52.0	47.0	46.0	43.0	42.0	40.0	39.0	38.0			
	Max	57.2	77.9	47.6	70.0	67.0	64.0	61.0	55.0	51.0	49.0	48.0	48.0			
Energy Average		54.8	Average:		65.6	61.8	56.3	53.8	48.9	47.1	45.2	44.7	44.0			

24-Hour Noise Level Measurement Summary

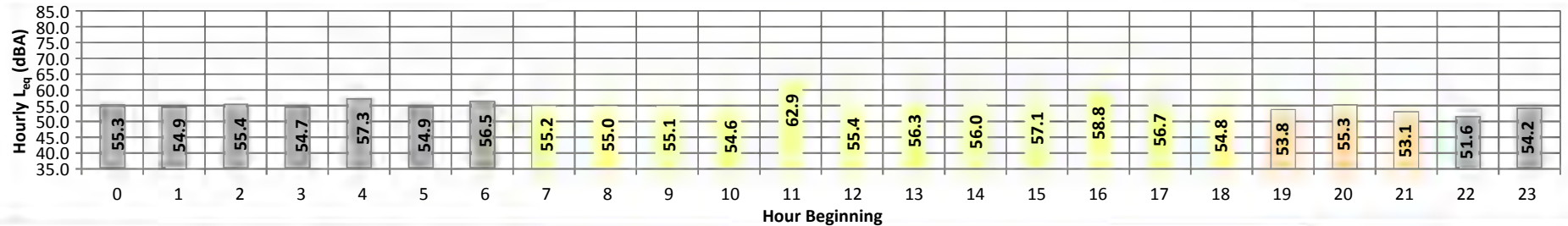
Date: Wednesday, October 09, 2019
Project: Tuscana

Location: L3 - Located north of East Riverside Dr. and south of single family home at 2965 McCloud River Ln.

Meter: Piccolo I

JN: 12648
Analyst: P. Mara

Hourly L_{eq} dBA Readings (unadjusted)



Timeframe	Hour	L_{eq}	L_{max}	L_{min}	L1%	L2%	L5%	L8%	L25%	L50%	L90%	L95%	L99%	L_{eq}	Adj.	Adj. L_{eq}
Night	0	55.3	75.5	45.1	67.0	64.0	59.0	56.0	51.0	49.0	47.0	46.0	46.0	55.3	10.0	65.3
	1	54.9	73.0	38.2	66.0	65.0	62.0	60.0	47.0	43.0	40.0	40.0	39.0	54.9	10.0	64.9
	2	55.4	73.6	47.4	64.0	63.0	59.0	57.0	54.0	52.0	49.0	48.0	48.0	55.4	10.0	65.4
	3	54.7	74.9	45.3	64.0	63.0	60.0	59.0	51.0	49.0	47.0	46.0	46.0	54.7	10.0	64.7
	4	57.3	74.2	48.6	67.0	65.0	62.0	60.0	56.0	53.0	50.0	49.0	49.0	57.3	10.0	67.3
	5	54.9	67.2	47.0	63.0	62.0	60.0	59.0	55.0	51.0	48.0	48.0	47.0	54.9	10.0	64.9
Day	6	56.5	73.5	46.5	64.0	63.0	61.0	60.0	57.0	54.0	48.0	47.0	47.0	56.5	10.0	66.5
	7	55.2	73.7	45.6	64.0	62.0	60.0	59.0	55.0	51.0	47.0	47.0	46.0	55.2	0.0	55.2
	8	55.0	71.6	46.1	63.0	62.0	59.0	58.0	55.0	52.0	48.0	47.0	47.0	55.0	0.0	55.0
	9	55.1	74.1	46.3	64.0	62.0	60.0	59.0	54.0	51.0	48.0	47.0	47.0	55.1	0.0	55.1
	10	54.6	71.4	45.2	64.0	62.0	59.0	58.0	54.0	51.0	47.0	46.0	46.0	54.6	0.0	54.6
	11	62.9	89.9	44.7	72.0	67.0	62.0	60.0	55.0	51.0	47.0	46.0	45.0	62.9	0.0	62.9
	12	55.4	68.5	44.9	63.0	62.0	60.0	59.0	56.0	52.0	47.0	46.0	45.0	55.4	0.0	55.4
	13	56.3	73.7	44.2	65.0	63.0	60.0	59.0	56.0	53.0	47.0	46.0	45.0	56.3	0.0	56.3
	14	56.0	72.0	44.9	65.0	63.0	61.0	59.0	56.0	52.0	47.0	46.0	45.0	56.0	0.0	56.0
	15	57.1	75.4	46.3	65.0	64.0	61.0	60.0	57.0	54.0	48.0	48.0	47.0	57.1	0.0	57.1
	16	58.8	78.7	46.2	70.0	68.0	63.0	61.0	58.0	55.0	48.0	48.0	47.0	58.8	0.0	58.8
	17	56.7	72.2	47.3	65.0	63.0	61.0	60.0	57.0	54.0	49.0	48.0	47.0	56.7	0.0	56.7
Evening	18	54.8	77.2	45.8	62.0	61.0	59.0	58.0	55.0	51.0	47.0	47.0	46.0	54.8	0.0	54.8
	19	53.8	70.1	44.6	63.0	61.0	58.0	57.0	54.0	49.0	46.0	45.0	45.0	53.8	5.0	58.8
	20	55.3	81.9	42.1	63.0	60.0	58.0	57.0	53.0	48.0	44.0	43.0	43.0	55.3	5.0	60.3
Night	21	53.1	76.4	41.3	62.0	60.0	58.0	57.0	52.0	46.0	43.0	42.0	42.0	53.1	5.0	58.1
	22	51.6	72.4	39.9	63.0	59.0	56.0	54.0	47.0	44.0	42.0	42.0	41.0	51.6	10.0	61.6
Night	23	54.2	72.3	40.8	68.0	65.0	58.0	56.0	46.0	43.0	42.0	41.0	41.0	54.2	10.0	64.2
Timeframe	Hour	L_{eq}	L_{max}	L_{min}	L1%	L2%	L5%	L8%	L25%	L50%	L90%	L95%	L99%	L_{eq} (dBA)		
Day	Min	54.6	68.5	44.2	62.0	61.0	59.0	58.0	54.0	51.0	47.0	46.0	45.0	24-Hour	Daytime	Nighttime
	Max	62.9	89.9	47.3	72.0	68.0	63.0	61.0	58.0	55.0	49.0	48.0	47.0			
Energy Average		57.3	Average:		65.2	63.3	60.4	59.2	55.7	52.3	47.5	46.8	46.1	56.3	56.8	55.2
Evening	Min	53.1	70.1	41.3	62.0	60.0	58.0	57.0	52.0	46.0	43.0	42.0	42.0	24-Hour CNEL (dBA)		
	Max	55.3	81.9	44.6	63.0	61.0	58.0	57.0	54.0	49.0	46.0	45.0	45.0	62.1		
Energy Average		54.2	Average:		62.7	60.3	58.0	57.0	53.0	47.7	44.3	43.3	43.3			
Night	Min	51.6	67.2	38.2	63.0	59.0	56.0	54.0	46.0	43.0	40.0	40.0	39.0			
	Max	57.3	75.5	48.6	68.0	65.0	62.0	60.0	57.0	54.0	50.0	49.0	49.0			
Energy Average		55.2	Average:		65.1	63.2	59.7	57.9	51.6	48.7	45.9	45.2	44.9			

24-Hour Noise Level Measurement Summary

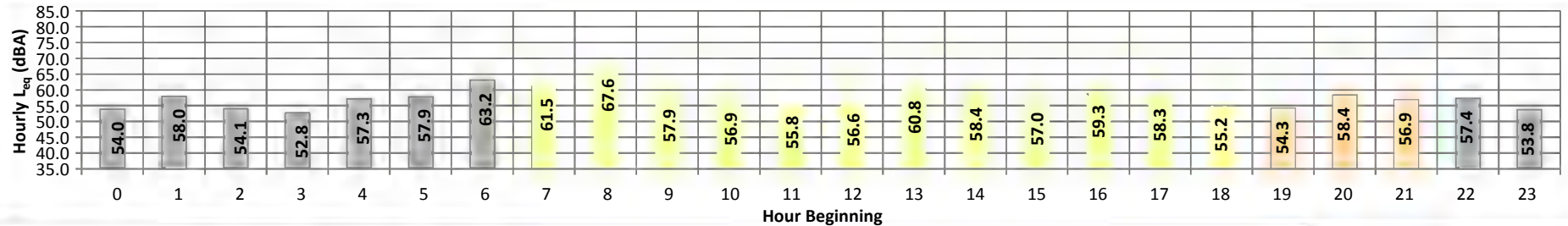
Date: Wednesday, October 09, 2019
Project: Tuscana

Location: L4 - Located along Mill Creek Ave. west of the single family home a at 3935 E Lindenwood Dr.

Meter: Piccolo I

JN: 12648
Analyst: P. Mara

Hourly L_{eq} dBA Readings (unadjusted)



Timeframe	Hour	L_{eq}	L_{max}	L_{min}	L1%	L2%	L5%	L8%	L25%	L50%	L90%	L95%	L99%	L_{eq}	Adj.	Adj. L_{eq}	
Night	0	54.0	77.0	43.3	66.0	59.0	53.0	51.0	47.0	46.0	44.0	44.0	44.0	54.0	10.0	64.0	
	1	58.0	78.8	45.8	70.0	67.0	64.0	60.0	52.0	49.0	47.0	47.0	46.0	58.0	10.0	68.0	
	2	54.1	75.3	47.0	62.0	59.0	56.0	54.0	50.0	49.0	48.0	48.0	47.0	54.1	10.0	64.1	
	3	52.8	71.4	46.5	62.0	60.0	56.0	54.0	52.0	50.0	47.0	47.0	47.0	52.8	10.0	62.8	
	4	57.3	76.8	48.6	67.0	64.0	61.0	61.0	54.0	52.0	52.0	50.0	49.0	57.3	10.0	67.3	
	5	57.9	71.6	53.0	64.0	63.0	61.0	61.0	58.0	56.0	56.0	54.0	54.0	53.0	57.9	10.0	67.9
Day	6	63.2	82.1	58.9	70.0	69.0	66.0	65.0	62.0	61.0	60.0	59.0	59.0	63.2	10.0	73.2	
	7	61.5	74.5	59.4	69.0	67.0	63.0	62.0	61.0	60.0	60.0	59.0	59.0	61.5	0.0	61.5	
	8	67.6	89.5	46.3	79.0	75.0	71.0	69.0	63.0	59.0	49.0	48.0	47.0	67.6	0.0	67.6	
	9	57.9	75.4	45.2	68.0	66.0	64.0	63.0	56.0	52.0	47.0	46.0	46.0	57.9	0.0	57.9	
	10	56.9	74.0	48.0	65.0	63.0	61.0	60.0	57.0	53.0	49.0	49.0	48.0	56.9	0.0	56.9	
	11	55.8	74.1	44.5	67.0	65.0	61.0	59.0	54.0	51.0	48.0	47.0	46.0	55.8	0.0	55.8	
	12	56.6	72.1	45.6	66.0	65.0	62.0	60.0	55.0	52.0	48.0	47.0	46.0	56.6	0.0	56.6	
	13	60.8	78.8	45.8	71.0	69.0	66.0	64.0	59.0	55.0	55.0	49.0	48.0	48.0	60.8	0.0	60.8
	14	58.4	77.7	48.5	68.0	66.0	63.0	61.0	58.0	54.0	50.0	50.0	49.0	49.0	58.4	0.0	58.4
	15	57.0	80.7	48.2	64.0	62.0	60.0	59.0	56.0	53.0	51.0	50.0	49.0	49.0	57.0	0.0	57.0
	16	59.3	77.5	47.3	70.0	68.0	64.0	62.0	58.0	55.0	50.0	49.0	48.0	48.0	59.3	0.0	59.3
	17	58.3	86.4	48.2	66.0	63.0	60.0	59.0	55.0	52.0	50.0	50.0	49.0	48.0	58.3	0.0	58.3
18	55.2	71.9	46.4	64.0	62.0	59.0	58.0	55.0	52.0	52.0	48.0	48.0	47.0	55.2	0.0	55.2	
Evening	19	54.3	71.7	45.6	62.0	60.0	58.0	57.0	54.0	51.0	47.0	47.0	46.0	54.3	5.0	59.3	
	20	58.4	84.4	42.9	65.0	64.0	64.0	64.0	52.0	49.0	45.0	44.0	43.0	58.4	5.0	63.4	
	21	56.9	71.5	40.3	64.0	64.0	64.0	64.0	53.0	49.0	43.0	42.0	40.0	56.9	5.0	61.9	
Night	22	57.4	74.4	40.2	65.0	64.0	64.0	64.0	53.0	47.0	41.0	41.0	40.0	57.4	10.0	67.4	
	23	53.8	72.8	38.6	67.0	65.0	60.0	57.0	46.0	42.0	40.0	40.0	39.0	53.8	10.0	63.8	
Day	Min	55.2	71.9	44.5	64.0	62.0	59.0	58.0	54.0	51.0	47.0	46.0	46.0	24-Hour	Daytime	Nighttime	
	Max	67.6	89.5	59.4	79.0	75.0	71.0	69.0	63.0	60.0	60.0	59.0	59.0				
Energy Average		60.5	Average:		68.1	65.9	62.8	61.3	57.3	54.0	49.9	49.2	48.4	59.2	59.9	57.8	
Evening	Min	54.3	71.5	40.3	62.0	60.0	58.0	57.0	54.0	49.0	43.0	42.0	40.0				
	Max	58.4	84.4	45.6	65.0	64.0	64.0	64.0	54.0	51.0	47.0	47.0	46.0	24-Hour CNEL (dBA)			
Energy Average		56.8	Average:		63.7	62.7	62.0	61.7	53.0	49.7	45.0	44.3	43.0	64.7			
Night	Min	52.8	71.4	38.6	62.0	59.0	53.0	51.0	46.0	42.0	40.0	40.0	39.0				
	Max	63.2	82.1	58.9	70.0	69.0	66.0	65.0	62.0	61.0	60.0	59.0	59.0				
Energy Average		57.8	Average:		65.9	63.3	60.1	58.6	52.7	50.2	47.9	47.7	47.1				

24-Hour Noise Level Measurement Summary

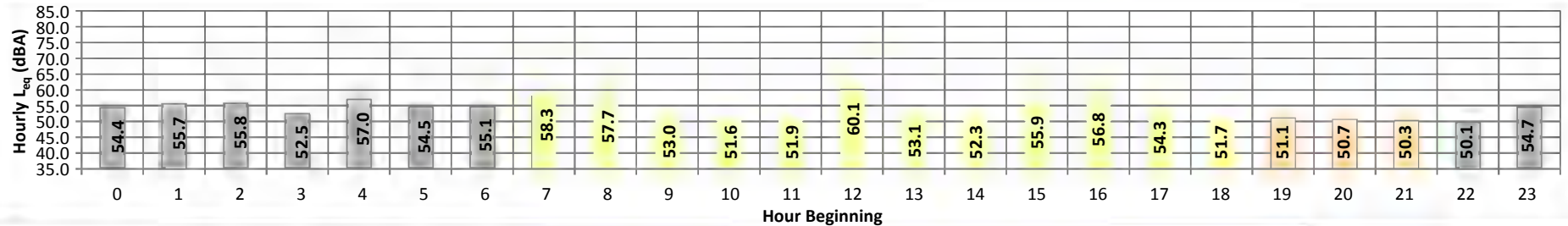
Date: Wednesday, October 09, 2019
Project: Tuscana

Location: L5 - Located south of East Riverside Dr. and east of single family home at 4097 E Auburn Way.

Meter: Piccolo I

JN: 12648
Analyst: P. Mara

Hourly L_{eq} dBA Readings (unadjusted)



Timeframe	Hour	L_{eq}	L_{max}	L_{min}	L1%	L2%	L5%	L8%	L25%	L50%	L90%	L95%	L99%	L_{eq}	Adj.	Adj. L_{eq}	
Night	0	54.4	76.4	45.3	66.0	61.0	56.0	54.0	50.0	48.0	47.0	46.0	46.0	54.4	10.0	64.4	
	1	55.7	73.4	39.3	68.0	66.0	63.0	60.0	47.0	42.0	41.0	40.0	39.0	55.7	10.0	65.7	
	2	55.8	73.0	47.9	65.0	63.0	59.0	57.0	54.0	53.0	50.0	49.0	48.0	55.8	10.0	65.8	
	3	52.5	72.8	47.4	59.0	57.0	55.0	54.0	52.0	50.0	49.0	48.0	48.0	52.5	10.0	62.5	
	4	57.0	73.1	49.6	67.0	65.0	59.0	58.0	56.0	56.0	54.0	52.0	51.0	50.0	57.0	10.0	67.0
	5	54.5	70.5	48.0	62.0	60.0	57.0	56.0	54.0	54.0	52.0	50.0	49.0	49.0	54.5	10.0	64.5
Day	6	55.1	68.9	47.9	62.0	60.0	58.0	57.0	55.0	53.0	50.0	50.0	48.0	55.1	10.0	65.1	
	7	58.3	72.7	47.1	67.0	66.0	64.0	63.0	57.0	53.0	49.0	48.0	47.0	58.3	0.0	58.3	
	8	57.7	69.8	47.6	68.0	66.0	64.0	62.0	57.0	53.0	49.0	48.0	48.0	57.7	0.0	57.7	
	9	53.0	65.9	47.8	60.0	58.0	57.0	56.0	53.0	51.0	49.0	48.0	48.0	53.0	0.0	53.0	
	10	51.6	68.3	46.3	59.0	57.0	55.0	54.0	52.0	49.0	47.0	47.0	46.0	51.6	0.0	51.6	
	11	51.9	69.9	45.6	60.0	58.0	55.0	54.0	52.0	49.0	47.0	46.0	46.0	51.9	0.0	51.9	
	12	60.1	74.5	46.1	70.0	68.0	67.0	66.0	58.0	53.0	48.0	47.0	47.0	60.1	0.0	60.1	
	13	53.1	70.5	46.2	60.0	58.0	56.0	55.0	53.0	51.0	49.0	48.0	48.0	53.1	0.0	53.1	
	14	52.3	68.3	45.6	59.0	58.0	56.0	55.0	52.0	50.0	47.0	46.0	46.0	52.3	0.0	52.3	
	15	55.9	72.6	46.6	65.0	63.0	60.0	59.0	55.0	52.0	48.0	48.0	48.0	55.9	0.0	55.9	
	16	56.8	74.2	47.3	70.0	66.0	59.0	57.0	54.0	52.0	49.0	48.0	48.0	56.8	0.0	56.8	
	17	54.3	68.9	47.8	61.0	59.0	58.0	57.0	54.0	53.0	50.0	49.0	48.0	54.3	0.0	54.3	
Evening	18	51.7	65.2	46.1	58.0	56.0	55.0	54.0	52.0	50.0	48.0	47.0	46.0	51.7	0.0	51.7	
	19	51.1	69.0	45.2	58.0	56.0	54.0	54.0	51.0	49.0	46.0	46.0	46.0	51.1	5.0	56.1	
	20	50.7	74.6	43.1	58.0	56.0	54.0	53.0	50.0	47.0	44.0	44.0	43.0	50.7	5.0	55.7	
Night	21	50.3	67.8	42.3	61.0	59.0	54.0	53.0	49.0	45.0	43.0	43.0	42.0	50.3	5.0	55.3	
	22	50.1	70.7	41.1	60.0	55.0	52.0	50.0	46.0	44.0	43.0	42.0	42.0	50.1	10.0	60.1	
	23	54.7	73.9	41.9	69.0	66.0	58.0	53.0	46.0	43.0	42.0	42.0	42.0	54.7	10.0	64.7	
Day	Min	51.6	65.2	45.6	58.0	56.0	55.0	54.0	52.0	49.0	47.0	46.0	46.0	24-Hour	Daytime	Nighttime	
	Max	60.1	74.5	47.8	70.0	68.0	67.0	66.0	58.0	53.0	50.0	49.0	48.0				
Energy Average		55.7	Average:		63.1	61.1	58.8	57.7	54.1	51.3	48.3	47.5	47.0	55.0	55.1	54.8	
Evening	Min	50.3	67.8	42.3	58.0	56.0	54.0	53.0	49.0	45.0	43.0	43.0	42.0	24-Hour CNEL (dBA)			
	Max	51.1	74.6	45.2	61.0	59.0	54.0	54.0	51.0	49.0	46.0	46.0	46.0				
Energy Average		50.7	Average:		59.0	57.0	54.0	53.3	50.0	47.0	44.3	44.3	43.7	61.3			
Night	Min	50.1	68.9	39.3	59.0	55.0	52.0	50.0	46.0	42.0	41.0	40.0	39.0				
	Max	57.0	76.4	49.6	69.0	66.0	63.0	60.0	56.0	54.0	52.0	51.0	50.0				
Energy Average		54.8	Average:		64.2	61.4	57.4	55.4	51.1	48.8	47.1	46.3	45.8				

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APPENDIX D

OPERATIONAL NOISE LEVEL CALCULATIONS

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STATIONARY SOURCE NOISE PREDICTION MODEL

10/22/2019

Observer Location: R1

Source: Unloading/Docking Activity
Condition: Operational

Project Name: Toscana Square

Job Number: 12648
Analyst: B. Lawson

NOISE MODEL INPUTS

Noise Distance to Observer:	587.0 feet	Barrier Height:	6.0 feet
Noise Distance to Barrier:	577.0 feet	Noise Source Height:	8.0 feet
Barrier Distance to Observer:	10.0 feet	Observer Height:	5.0 feet
Observer Elevation:	0.0 feet	Barrier Type (0-Wall, 1-Berm):	0
Noise Source Elevation:	0.0 feet	Drop Off Coefficient:	20.0
Barrier Elevation:	0.0 feet		

20 = 6 dBA per doubling of distance
15 = 4.5 dBA per doubling of distance

NOISE MODEL PROJECTIONS

Noise Level	Distance (feet)	Leq	L50	L25	L8	L2	Lmax
Reference (Sample)	30.0	67.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	587.0	-25.8	-25.8	-25.8	-25.8	-25.8	-25.8
Shielding (Barrier Attenuation)	577.0	-5.4	-5.4	-5.4	-5.4	-5.4	-5.4
Raw (Distance + Barrier)		36.0	-31.2	-31.2	-31.2	-31.2	-31.2
60 Minute Hourly Adjustment		36.0	-31.2	-31.2	-31.2	-31.2	-31.2

STATIONARY SOURCE NOISE PREDICTION MODEL

10/22/2019

Observer Location: R1

Source: Roof-Top Air Conditioning Unit
Condition: Operational

Project Name: Toscana Square

Job Number: 12648
Analyst: B. Lawson

NOISE MODEL INPUTS

Noise Distance to Observer:	285.0 feet	Barrier Height:	6.0 feet
Noise Distance to Barrier:	275.0 feet	Noise Source Height:	5.0 feet
Barrier Distance to Observer:	10.0 feet	Observer Height:	5.0 feet
Observer Elevation:	0.0 feet	Barrier Type (0-Wall, 1-Berm):	0
Noise Source Elevation:	30.0 feet	Drop Off Coefficient:	20.0
Barrier Elevation:	0.0 feet		

20 = 6 dBA per doubling of distance
15 = 4.5 dBA per doubling of distance

NOISE MODEL PROJECTIONS

Noise Level	Distance (feet)	Leq	L50	L25	L8	L2	Lmax
Reference (Sample)	5.0	77.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	285.0	-35.1	-35.1	-35.1	-35.1	-35.1	-35.1
Shielding (Barrier Attenuation)	275.0	-4.9	-4.9	-4.9	-4.9	-4.9	-4.9
Raw (Distance + Barrier)		37.2	-40.0	-40.0	-40.0	-40.0	-40.0
39 Minute Hourly Adjustment		35.3	-41.9	-41.9	-41.9	-41.9	-41.9

STATIONARY SOURCE NOISE PREDICTION MODEL

10/22/2019

Observer Location: R1	Project Name: Toscana Square
Source: Parking Lot Vehicle Movements	Job Number: 12648
Condition: Operational	Analyst: B. Lawson

NOISE MODEL INPUTS

Noise Distance to Observer: 207.0 feet	Barrier Height: 6.0 feet	
Noise Distance to Barrier: 197.0 feet	Noise Source Height: 5.0 feet	
Barrier Distance to Observer: 10.0 feet	Observer Height: 5.0 feet	
Observer Elevation: 0.0 feet	Barrier Type (0-Wall, 1-Berm): 0	
Noise Source Elevation: 0.0 feet	Drop Off Coefficient: 15.0	
Barrier Elevation: 0.0 feet		20 = 6 dBA per doubling of distance 15 = 4.5 dBA per doubling of distance

NOISE MODEL PROJECTIONS

Noise Level	Distance (feet)	Leq	L50	L25	L8	L2	Lmax
Reference (Sample)	10.0	52.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	207.0	-19.7	-19.7	-19.7	-19.7	-19.7	-19.7
Shielding (Barrier Attenuation)	197.0	-5.5	-5.5	-5.5	-5.5	-5.5	-5.5
Raw (Distance + Barrier)		27.0	-25.2	-25.2	-25.2	-25.2	-25.2
60 Minute Hourly Adjustment		27.0	-25.2	-25.2	-25.2	-25.2	-25.2

STATIONARY SOURCE NOISE PREDICTION MODEL

10/22/2019

Observer Location: R2	Project Name: Toscana Square
Source: Unloading/Docking Activity	Job Number: 12648
Condition: Operational	Analyst: B. Lawson

NOISE MODEL INPUTS

Noise Distance to Observer: 528.0 feet	Barrier Height: 6.0 feet	
Noise Distance to Barrier: 518.0 feet	Noise Source Height: 8.0 feet	
Barrier Distance to Observer: 10.0 feet	Observer Height: 5.0 feet	
Observer Elevation: 0.0 feet	Barrier Type (0-Wall, 1-Berm): 0	
Noise Source Elevation: 0.0 feet	Drop Off Coefficient: 20.0	
Barrier Elevation: 0.0 feet		20 = 6 dBA per doubling of distance 15 = 4.5 dBA per doubling of distance

NOISE MODEL PROJECTIONS

Noise Level	Distance (feet)	Leq	L50	L25	L8	L2	Lmax
Reference (Sample)	30.0	67.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	528.0	-24.9	-24.9	-24.9	-24.9	-24.9	-24.9
Shielding (Barrier Attenuation)	518.0	-5.4	-5.4	-5.4	-5.4	-5.4	-5.4
Raw (Distance + Barrier)		36.9	-30.3	-30.3	-30.3	-30.3	-30.3
60 Minute Hourly Adjustment		36.9	-30.3	-30.3	-30.3	-30.3	-30.3

STATIONARY SOURCE NOISE PREDICTION MODEL

10/22/2019

Observer Location: R2	<i>Project Name:</i> Toscana Square
Source: Roof-Top Air Conditioning Unit	<i>Job Number:</i> 12648
Condition: Operational	<i>Analyst:</i> B. Lawson

NOISE MODEL INPUTS

<i>Noise Distance to Observer:</i> 465.0 feet	Barrier Height: 6.0 feet
<i>Noise Distance to Barrier:</i> 455.0 feet	<i>Noise Source Height:</i> 5.0 feet
<i>Barrier Distance to Observer:</i> 10.0 feet	<i>Observer Height:</i> 5.0 feet
<i>Observer Elevation:</i> 0.0 feet	<i>Barrier Type (0-Wall, 1-Berm):</i> 0
<i>Noise Source Elevation:</i> 30.0 feet	<i>Drop Off Coefficient:</i> 20.0
<i>Barrier Elevation:</i> 0.0 feet	20 = 6 dBA per doubling of distance 15 = 4.5 dBA per doubling of distance

NOISE MODEL PROJECTIONS

Noise Level	Distance (feet)	Leq	L50	L25	L8	L2	Lmax
Reference (Sample)	5.0	77.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	465.0	-39.4	-39.4	-39.4	-39.4	-39.4	-39.4
Shielding (Barrier Attenuation)	455.0	-5.1	-5.1	-5.1	-5.1	-5.1	-5.1
Raw (Distance + Barrier)		32.7	-44.5	-44.5	-44.5	-44.5	-44.5
39 Minute Hourly Adjustment		30.8	-46.4	-46.4	-46.4	-46.4	-46.4

STATIONARY SOURCE NOISE PREDICTION MODEL

10/22/2019

Observer Location: R2	<i>Project Name:</i> Toscana Square
Source: Parking Lot Vehicle Movements	<i>Job Number:</i> 12648
Condition: Operational	<i>Analyst:</i> B. Lawson

NOISE MODEL INPUTS

<i>Noise Distance to Observer:</i> 257.0 feet	Barrier Height: 6.0 feet
<i>Noise Distance to Barrier:</i> 247.0 feet	<i>Noise Source Height:</i> 5.0 feet
<i>Barrier Distance to Observer:</i> 10.0 feet	<i>Observer Height:</i> 5.0 feet
<i>Observer Elevation:</i> 0.0 feet	<i>Barrier Type (0-Wall, 1-Berm):</i> 0
<i>Noise Source Elevation:</i> 0.0 feet	<i>Drop Off Coefficient:</i> 15.0
<i>Barrier Elevation:</i> 0.0 feet	20 = 6 dBA per doubling of distance 15 = 4.5 dBA per doubling of distance

NOISE MODEL PROJECTIONS

Noise Level	Distance (feet)	Leq	L50	L25	L8	L2	Lmax
Reference (Sample)	10.0	52.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	257.0	-21.1	-21.1	-21.1	-21.1	-21.1	-21.1
Shielding (Barrier Attenuation)	247.0	-5.5	-5.5	-5.5	-5.5	-5.5	-5.5
Raw (Distance + Barrier)		25.6	-26.6	-26.6	-26.6	-26.6	-26.6
60 Minute Hourly Adjustment		25.6	-26.6	-26.6	-26.6	-26.6	-26.6

STATIONARY SOURCE NOISE PREDICTION MODEL

10/22/2019

Observer Location: R3

Source: Unloading/Docking Activity
Condition: Operational

Project Name: Toscana Square

Job Number: 12648
Analyst: B. Lawson

NOISE MODEL INPUTS

Noise Distance to Observer:	631.0 feet	Barrier Height:	6.0 feet
Noise Distance to Barrier:	621.0 feet	Noise Source Height:	8.0 feet
Barrier Distance to Observer:	10.0 feet	Observer Height:	5.0 feet
Observer Elevation:	0.0 feet	Barrier Type (0-Wall, 1-Berm):	0
Noise Source Elevation:	0.0 feet	Drop Off Coefficient:	20.0
Barrier Elevation:	0.0 feet		20 = 6 dBA per doubling of distance 15 = 4.5 dBA per doubling of distance

NOISE MODEL PROJECTIONS

Noise Level	Distance (feet)	Leq	L50	L25	L8	L2	Lmax
Reference (Sample)	30.0	67.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	631.0	-26.5	-26.5	-26.5	-26.5	-26.5	-26.5
Shielding (Barrier Attenuation)	621.0	-5.4	-5.4	-5.4	-5.4	-5.4	-5.4
Raw (Distance + Barrier)		35.3	-31.9	-31.9	-31.9	-31.9	-31.9
60 Minute Hourly Adjustment		35.3	-31.9	-31.9	-31.9	-31.9	-31.9

STATIONARY SOURCE NOISE PREDICTION MODEL

10/22/2019

Observer Location: R3

Source: Roof-Top Air Conditioning Unit
Condition: Operational

Project Name: Toscana Square

Job Number: 12648
Analyst: B. Lawson

NOISE MODEL INPUTS

Noise Distance to Observer:	614.0 feet	Barrier Height:	6.0 feet
Noise Distance to Barrier:	604.0 feet	Noise Source Height:	5.0 feet
Barrier Distance to Observer:	10.0 feet	Observer Height:	5.0 feet
Observer Elevation:	0.0 feet	Barrier Type (0-Wall, 1-Berm):	0
Noise Source Elevation:	30.0 feet	Drop Off Coefficient:	20.0
Barrier Elevation:	0.0 feet		20 = 6 dBA per doubling of distance 15 = 4.5 dBA per doubling of distance

NOISE MODEL PROJECTIONS

Noise Level	Distance (feet)	Leq	L50	L25	L8	L2	Lmax
Reference (Sample)	5.0	77.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	614.0	-41.8	-41.8	-41.8	-41.8	-41.8	-41.8
Shielding (Barrier Attenuation)	604.0	-5.1	-5.1	-5.1	-5.1	-5.1	-5.1
Raw (Distance + Barrier)		30.3	-46.9	-46.9	-46.9	-46.9	-46.9
39 Minute Hourly Adjustment		28.4	-48.8	-48.8	-48.8	-48.8	-48.8

STATIONARY SOURCE NOISE PREDICTION MODEL

10/22/2019

Observer Location: R3

Source: Parking Lot Vehicle Movements
Condition: Operational

Project Name: Toscana Square

Job Number: 12648
Analyst: B. Lawson

NOISE MODEL INPUTS

Noise Distance to Observer:	296.0 feet	Barrier Height:	6.0 feet
Noise Distance to Barrier:	286.0 feet	Noise Source Height:	5.0 feet
Barrier Distance to Observer:	10.0 feet	Observer Height:	5.0 feet
Observer Elevation:	0.0 feet	Barrier Type (0-Wall, 1-Berm):	0
Noise Source Elevation:	0.0 feet	Drop Off Coefficient:	15.0
Barrier Elevation:	0.0 feet		20 = 6 dBA per doubling of distance 15 = 4.5 dBA per doubling of distance

NOISE MODEL PROJECTIONS

Noise Level	Distance (feet)	Leq	L50	L25	L8	L2	Lmax
Reference (Sample)	10.0	52.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	296.0	-22.1	-22.1	-22.1	-22.1	-22.1	-22.1
Shielding (Barrier Attenuation)	286.0	-5.5	-5.5	-5.5	-5.5	-5.5	-5.5
Raw (Distance + Barrier)		24.6	-27.6	-27.6	-27.6	-27.6	-27.6
60 Minute Hourly Adjustment		24.6	-27.6	-27.6	-27.6	-27.6	-27.6

STATIONARY SOURCE NOISE PREDICTION MODEL

10/22/2019

Observer Location: R4

Source: Unloading/Docking Activity
Condition: Operational

Project Name: Toscana Square

Job Number: 12648
Analyst: B. Lawson

NOISE MODEL INPUTS

Noise Distance to Observer:	2,112.0 feet	Barrier Height:	6.0 feet
Noise Distance to Barrier:	2,102.0 feet	Noise Source Height:	8.0 feet
Barrier Distance to Observer:	10.0 feet	Observer Height:	5.0 feet
Observer Elevation:	0.0 feet	Barrier Type (0-Wall, 1-Berm):	0
Noise Source Elevation:	0.0 feet	Drop Off Coefficient:	20.0
Barrier Elevation:	0.0 feet		20 = 6 dBA per doubling of distance 15 = 4.5 dBA per doubling of distance

NOISE MODEL PROJECTIONS

Noise Level	Distance (feet)	Leq	L50	L25	L8	L2	Lmax
Reference (Sample)	30.0	67.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	2,112.0	-37.0	-37.0	-37.0	-37.0	-37.0	-37.0
Shielding (Barrier Attenuation)	2,102.0	-5.5	-5.5	-5.5	-5.5	-5.5	-5.5
Raw (Distance + Barrier)		24.7	-42.5	-42.5	-42.5	-42.5	-42.5
60 Minute Hourly Adjustment		24.7	-42.5	-42.5	-42.5	-42.5	-42.5

STATIONARY SOURCE NOISE PREDICTION MODEL

10/22/2019

Observer Location: R4

Source: Roof-Top Air Conditioning Unit
Condition: Operational

Project Name: Toscana Square

Job Number: 12648
Analyst: B. Lawson

NOISE MODEL INPUTS

Noise Distance to Observer:	2,069.0 feet	Barrier Height:	6.0 feet
Noise Distance to Barrier:	2,059.0 feet	Noise Source Height:	5.0 feet
Barrier Distance to Observer:	10.0 feet	Observer Height:	5.0 feet
Observer Elevation:	0.0 feet	Barrier Type (0-Wall, 1-Berm):	0
Noise Source Elevation:	30.0 feet	Drop Off Coefficient:	20.0
Barrier Elevation:	0.0 feet		

20 = 6 dBA per doubling of distance
15 = 4.5 dBA per doubling of distance

NOISE MODEL PROJECTIONS

Noise Level	Distance (feet)	Leq	L50	L25	L8	L2	Lmax
Reference (Sample)	5.0	77.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	2,069.0	-52.3	-52.3	-52.3	-52.3	-52.3	-52.3
Shielding (Barrier Attenuation)	2,059.0	-5.4	-5.4	-5.4	-5.4	-5.4	-5.4
Raw (Distance + Barrier)		19.5	-57.7	-57.7	-57.7	-57.7	-57.7
39 Minute Hourly Adjustment		17.6	-59.6	-59.6	-59.6	-59.6	-59.6

STATIONARY SOURCE NOISE PREDICTION MODEL

10/22/2019

Observer Location: R4

Source: Parking Lot Vehicle Movements
Condition: Operational

Project Name: Toscana Square

Job Number: 12648
Analyst: B. Lawson

NOISE MODEL INPUTS

Noise Distance to Observer:	1,741.0 feet	Barrier Height:	6.0 feet
Noise Distance to Barrier:	1,731.0 feet	Noise Source Height:	5.0 feet
Barrier Distance to Observer:	10.0 feet	Observer Height:	5.0 feet
Observer Elevation:	0.0 feet	Barrier Type (0-Wall, 1-Berm):	0
Noise Source Elevation:	0.0 feet	Drop Off Coefficient:	15.0
Barrier Elevation:	0.0 feet		

20 = 6 dBA per doubling of distance
15 = 4.5 dBA per doubling of distance

NOISE MODEL PROJECTIONS

Noise Level	Distance (feet)	Leq	L50	L25	L8	L2	Lmax
Reference (Sample)	10.0	52.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	1,741.0	-33.6	-33.6	-33.6	-33.6	-33.6	-33.6
Shielding (Barrier Attenuation)	1,731.0	-5.5	-5.5	-5.5	-5.5	-5.5	-5.5
Raw (Distance + Barrier)		13.1	-39.1	-39.1	-39.1	-39.1	-39.1
60 Minute Hourly Adjustment		13.1	-39.1	-39.1	-39.1	-39.1	-39.1

STATIONARY SOURCE NOISE PREDICTION MODEL

10/22/2019

Observer Location: R5	<i>Project Name:</i> Toscana Square
Source: Unloading/Docking Activity	<i>Job Number:</i> 12648
Condition: Operational	<i>Analyst:</i> B. Lawson

NOISE MODEL INPUTS

<i>Noise Distance to Observer:</i> 739.0 feet	Barrier Height: 6.0 feet
<i>Noise Distance to Barrier:</i> 729.0 feet	<i>Noise Source Height:</i> 8.0 feet
<i>Barrier Distance to Observer:</i> 10.0 feet	<i>Observer Height:</i> 5.0 feet
<i>Observer Elevation:</i> 0.0 feet	<i>Barrier Type (0-Wall, 1-Berm):</i> 0
<i>Noise Source Elevation:</i> 0.0 feet	<i>Drop Off Coefficient:</i> 20.0
<i>Barrier Elevation:</i> 0.0 feet	20 = 6 dBA per doubling of distance 15 = 4.5 dBA per doubling of distance

NOISE MODEL PROJECTIONS

Noise Level	Distance (feet)	Leq	L50	L25	L8	L2	Lmax
Reference (Sample)	30.0	67.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	739.0	-27.8	-27.8	-27.8	-27.8	-27.8	-27.8
Shielding (Barrier Attenuation)	729.0	-5.5	-5.5	-5.5	-5.5	-5.5	-5.5
Raw (Distance + Barrier)		33.9	-33.3	-33.3	-33.3	-33.3	-33.3
60 Minute Hourly Adjustment		33.9	-33.3	-33.3	-33.3	-33.3	-33.3

STATIONARY SOURCE NOISE PREDICTION MODEL

10/22/2019

Observer Location: R5	<i>Project Name:</i> Toscana Square
Source: Roof-Top Air Conditioning Unit	<i>Job Number:</i> 12648
Condition: Operational	<i>Analyst:</i> B. Lawson

NOISE MODEL INPUTS

<i>Noise Distance to Observer:</i> 639.0 feet	Barrier Height: 6.0 feet
<i>Noise Distance to Barrier:</i> 629.0 feet	<i>Noise Source Height:</i> 5.0 feet
<i>Barrier Distance to Observer:</i> 10.0 feet	<i>Observer Height:</i> 5.0 feet
<i>Observer Elevation:</i> 0.0 feet	<i>Barrier Type (0-Wall, 1-Berm):</i> 0
<i>Noise Source Elevation:</i> 30.0 feet	<i>Drop Off Coefficient:</i> 20.0
<i>Barrier Elevation:</i> 0.0 feet	20 = 6 dBA per doubling of distance 15 = 4.5 dBA per doubling of distance

NOISE MODEL PROJECTIONS

Noise Level	Distance (feet)	Leq	L50	L25	L8	L2	Lmax
Reference (Sample)	5.0	77.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	639.0	-42.1	-42.1	-42.1	-42.1	-42.1	-42.1
Shielding (Barrier Attenuation)	629.0	-5.1	-5.1	-5.1	-5.1	-5.1	-5.1
Raw (Distance + Barrier)		30.0	-47.2	-47.2	-47.2	-47.2	-47.2
39 Minute Hourly Adjustment		28.1	-49.1	-49.1	-49.1	-49.1	-49.1

STATIONARY SOURCE NOISE PREDICTION MODEL

10/22/2019

Observer Location: R5

Source: Parking Lot Vehicle Movements
 Condition: Operational

Project Name: Toscana Square

Job Number: 12648
 Analyst: B. Lawson

NOISE MODEL INPUTS

Noise Distance to Observer:	317.0 feet	Barrier Height:	6.0 feet
Noise Distance to Barrier:	307.0 feet	Noise Source Height:	5.0 feet
Barrier Distance to Observer:	10.0 feet	Observer Height:	5.0 feet
Observer Elevation:	0.0 feet	Barrier Type (0-Wall, 1-Berm):	0
Noise Source Elevation:	0.0 feet	Drop Off Coefficient:	15.0
Barrier Elevation:	0.0 feet		

20 = 6 dBA per doubling of distance
 15 = 4.5 dBA per doubling of distance

NOISE MODEL PROJECTIONS

Noise Level	Distance (feet)	Leq	L50	L25	L8	L2	Lmax
Reference (Sample)	10.0	52.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	317.0	-22.5	-22.5	-22.5	-22.5	-22.5	-22.5
Shielding (Barrier Attenuation)	307.0	-5.5	-5.5	-5.5	-5.5	-5.5	-5.5
Raw (Distance + Barrier)		24.2	-28.0	-28.0	-28.0	-28.0	-28.0
60 Minute Hourly Adjustment		24.2	-28.0	-28.0	-28.0	-28.0	-28.0

APPENDIX E
Trip Generation Analysis



September 24, 2020

Mr. Grant Ross
Orbis Real Estate Partners
280 Newport Center Drive, Suite 240
Newport Beach, CA 92660

SUBJECT: THE VINE TRIP GENERATION EVALUATION

Dear Mr. Grant Ross:

Urban Crossroads, Inc. is pleased to provide the following Trip Generation Evaluation for The Vine development which is located on the northwest corner of Milliken Avenue and Riverside Drive in the City of Ontario. The purpose of this work effort is to assess the potential changes in trip generation associated with the update to the uses proposed for the Project.

BACKGROUND

The Project is proposing to amend The Ontario Plan (TOP) General Plan to allow the development of 697,150 square feet of industrial uses and 26,700 square feet of retail uses on 45.1-acres within 3 parcels. Of the 697,150 square feet of industrial uses, 557,720 square feet (80% of the total industrial square footage) are assumed to be general light industrial related uses and the remaining 139,430 square feet (20% of the total industrial square footage) are assumed to be manufacturing related uses. The proposed Project lies within Traffic Analysis Zone (TAZ) 191 of the TOP. Currently, TAZ 191 of the TOP allows for the development of 41.35 acres of mixed use (a mix of Specific Plan, low density residential, and community commercial uses) and 3.75 acres of open space recreation use. The following trip generation assessment is in support of the proposed addendum to the TOP General Plan Environment Impact Report (EIR).

CURRENTLY APPROVED PROJECT

The Ontario General Plan Update Transportation Technical Report prepared by Kimley-Horn & Associates, Inc. (dated March 19, 2009, referred herein as 2009 Traffic Study) was prepared for the TOP EIR. The current land use and zoning designations for TAZ 191 of the TOP are summarized in Table 1.

TABLE 1: EXISTING LAND USE AND ZONING DESIGNATIONS

Parcel	Existing TOP Land Use Designation	Existing Zoning Designation	Existing Acreage
1083-361-01	Mixed Use	Specific Plan	20.0
1083.361-04	Mixed Use	LDR-5 Low Density Residential	8.1
		CC, Community Commercial	1.3
1083-361-07	Mixed Use	CC, Community Commercial	11.95
	Open Space Non-Recreation	OS-R, Open Space Recreation	3.75
Total			45.1

The trip generation for TAZ 191 is based on a select zone run identifying the trips associated with TAZ 191 from The Ontario Traffic Model (see Attachment A). As shown in Table 2, the Ontario Traffic Model includes 21,495 trip-ends per day, with 2,845 trips generated during the AM peak period and 6,559 trips generated during the PM peak period for TAZ 191. The Ontario Traffic Model (which is based off of the San Bernardino Traffic Analysis Model or SBTAM) uses an AM peak period-to-peak hour factor of 0.35 and a PM peak period-to-peak hour factor of 0.27. These factors represent the relationship of the highest single AM peak hour to the modeled 3 hour AM peak period (an even distribution would result in a factor of 0.33) and the highest single PM peak hour to the modeled 4 hour PM peak period (an even distribution would result in a factor of 0.25). As such, TAZ 191 generates 996 trips during the AM peak hour and 1,771 trips during the PM peak hour. The traffic model does not break down the passenger car and truck trips. Lastly, trips taken from the traffic model are assumed to be in actual vehicles (not passenger car equivalents (PCE)). PCEs allow the typical “real-world” mix of vehicle types to be represented as a single, standardized unit, such as the passenger car, that are typically used for the purposes of capacity and level of service analyses.

TABLE 2: CURRENTLY ADOPTED TRIP GENERATION SUMMARY FOR TAZ 191

TAZ	AM			PM			Daily
	In	Out	Total	In	Out	Total	
TAZ 191							
Peak Period and Daily: ¹	1,925	920	2,845	2,719	3,840	6,559	21,495
Peak Hour and Daily: ²	674	322	996	734	1,037	1,771	21,495

¹ Trip Generation Source: AM/PM Peak Period and Daily traffic from The Ontario Traffic Model for TAZ 191.

² Peak hour data calculated using the peak period factors of 0.35 for the AM and 0.27 for the PM.

Trip generation has also been calculated based on the currently adopted land uses for the TOP. Resolution No. 2019-106 identifies the following maximum allowable mix of land uses for the Project area (SR-60/Hammer Tuscana Village):

- 18% of the area at 25 dwelling units per acre which equates to 185 multifamily (mid-rise) dwelling units
- 57% of the area at 0.25 floor to area ratio (FAR) retail which equates to 254,499 square feet of retail use
- 25% of the area at 1.5 FAR office which equates to 669,735 square feet of office use

Table 3 presents the trip generation rates obtained from the ITE Trip Generation Manual (10th Edition, 2017) for the currently adopted General Plan uses. The regression equation based on square footage has been utilized for both the shopping center and office uses to determine the trip generation rates as opposed to use of the average rates. Table 3 also summarizes the resulting trip generation for the currently adopted General Plan land uses. As shown in Table 3, the currently adopted General Plan land uses are anticipated to generate 19,066 trip-ends per day with 1,003 AM peak hour trips and 1,865 PM peak hour trips.

TABLE 3: CURRENTLY ADOPTED TRIP GENERATION SUMMARY BASED ON LAND USE

Land Use ¹	Units ²	ITE LU Code	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Trip Generation Rates									
Multifamily (Mid-Rise) Residential	DU	221	0.09	0.27	0.36	0.27	0.17	0.44	5.44
General Office ³	TSF	710	0.84	0.14	0.98	0.17	0.87	1.04	10.02
Shopping Center ³	TSF	820	0.68	0.42	1.10	2.05	2.22	4.27	44.59

Land Use	Quantity	Units ²	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Trip Generation Summary									
Multifamily (Mid-Rise) Residential	185	DU	17	49	67	50	32	81	1,006
General Office	669,735	TSF	563	94	656	114	583	697	6,712
Shopping Center	254,499	TSF	173	107	280	522	565	1,087	11,348
TOTAL TRIPS			753	250	1,003	686	1,180	1,865	19,066

¹ Trip Generation Source: Institute of Transportation Engineers (ITE), Trip Generation Manual, Tenth Edition (2017).

² TSF = thousand square feet; DU = Dwelling Units

³ Trip Generation Source: ITE, Trip Generation Manual regression equation for ITE LU Code 710 and 820.

PROPOSED PROJECT

The Project is proposing to develop 557,720 square feet (80% of the total industrial square footage) of general light industrial use, 139,430 square feet (20% of the total industrial square footage) of manufacturing use, and 26,700 square feet of retail use. Table 4 presents the trip generation rates obtained from the ITE Trip Generation Manual (10th Edition, 2017) for the proposed Project uses. The regression equation based on 26,700 square feet has been utilized for the shopping center use to determine the trip generation rates as opposed to use of the average rates.

TABLE 4: ITE TRIP GENERATION RATES FOR PROPOSED PROJECT

Land Use ¹	Units ²	ITE LU Code	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Actual Vehicle Trip Generation Rates									
General Light Industrial ³	TSF	110	0.616	0.084	0.700	0.082	0.548	0.630	4.960
Passenger Cars (AM-97.0%; PM-98.0%; Daily-92.0%)			0.598	0.081	0.679	0.080	0.537	0.617	4.563
2-Axle Trucks (AM-0.50%; PM-0.33%; Daily-1.34%)			0.003	0.000	0.004	0.000	0.002	0.002	0.066
3-Axle Trucks (AM-0.62%; PM-0.41%; Daily-1.66%)			0.004	0.001	0.004	0.000	0.002	0.003	0.082
4-Axle+ Trucks (AM-1.88%; PM-1.25%; Daily-5.01%)			0.012	0.002	0.013	0.001	0.007	0.008	0.248
Manufacturing ³	TSF	140	0.477	0.143	0.620	0.208	0.462	0.670	3.930
Passenger Cars (AM-92.0%; PM-93.0%; Daily-90.0%)			0.439	0.131	0.570	0.193	0.430	0.623	3.537
2-Axle Trucks (AM-1.34%; PM-1.17%; Daily-1.67%)			0.006	0.002	0.008	0.002	0.005	0.008	0.066
3-Axle Trucks (AM-1.66%; PM-1.45%; Daily-2.07%)			0.008	0.002	0.010	0.003	0.007	0.010	0.081
4-Axle+ Trucks (AM-5.01%; PM-4.38%; Daily-6.26%)			0.024	0.007	0.031	0.009	0.020	0.029	0.246
Shopping Center ⁴	TSF	820	3.830	2.350	6.180	3.680	3.980	7.660	91.740
Passenger Car Equivalent (PCE) Trip Generation Rates⁵									
General Light Industrial ³	TSF	110	0.616	0.084	0.700	0.082	0.548	0.630	4.960
Passenger Cars			0.598	0.081	0.679	0.080	0.537	0.617	4.563
2-Axle Trucks (PCE = 1.5)			0.005	0.001	0.005	0.000	0.003	0.003	0.099
3-Axle Trucks (PCE = 2.0)			0.008	0.001	0.009	0.001	0.005	0.005	0.164
4-Axle+ Trucks (PCE = 3.0)			0.035	0.005	0.039	0.003	0.021	0.024	0.745
Manufacturing ³	TSF	140	0.477	0.143	0.620	0.208	0.462	0.670	3.930
Passenger Cars			0.439	0.131	0.570	0.193	0.430	0.623	3.537
2-Axle Trucks (PCE = 1.5)			0.010	0.003	0.012	0.004	0.008	0.012	0.098
3-Axle Trucks (PCE = 2.0)			0.016	0.005	0.021	0.006	0.013	0.019	0.163
4-Axle+ Trucks (PCE = 3.0)			0.072	0.021	0.093	0.027	0.061	0.088	0.738

¹ Trip Generation Source: Institute of Transportation Engineers (ITE), Trip Generation Manual, Tenth Edition (2017).

² TSF = thousand square feet

³ Vehicle Mix Source: ITE Trip Generation Handbook Supplement (2020), Appendix C.

Truck Mix: South Coast Air Quality Management District's (SCAQMD) recommended truck mix, by axle type.

Normalized % - Without Cold Storage: 16.7% 2-Axle trucks, 20.7% 3-Axle trucks, 62.6% 4-Axle trucks.

⁴ Trip Generation Source: ITE, Trip Generation Manual regression equation using 26,700 square feet of shopping center use.

⁵ PCE factors per SBCTA CMP: 2-axle = 1.5; 3-axle = 2.0; 4+axle = 3.0.

Vehicle mix has been obtained from the ITE Trip Generation Manual Supplement (February 2020) and since ITE does not provide guidance on truck mix, the truck mix by axle type as recommended by the South Coast Air Quality Management District (SCAQMD) for non-cold storage facilities has been utilized. Trip generation for heavy trucks was further broken down by truck type (or axle type). The total truck percentage is comprised of 3 different truck types: 2-axle, 3-axle, and 4+-axle trucks. PCE factors were applied to the trip generation rates for heavy trucks (large 2-axles, 3-axles, 4+-axles). The PCE factors are consistent with the recommended PCE factors in Appendix B of the San Bernardino County Congestion Management Program (CMP) (2016 Update).

The resulting trip generation for the proposed Project is shown in Table 5 based on actual vehicles. As shown in Table 5, the proposed Project is anticipated to generate 5,770 trip-ends per day with 639 AM peak hour trips and 650 PM peak hour trips.

TABLE 5: PROPOSED PROJECT TRIP GENERATION SUMMARY (ACTUAL VEHICLES)

Land Use	Quantity	Units ¹	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
General Light Industrial	557.720	TSF							
Passenger Cars:			333	45	378	45	300	345	2,546
Truck Trips:									
2-axle:			2	0	2	0	1	1	38
3-axle:			2	0	2	0	1	1	46
4+-axle:			6	1	7	1	4	5	140
- Truck Trips			10	1	11	1	6	7	224
General Light Industrial Total Trips (Actual) ²			343	46	389	46	306	352	2,770
Manufacturing	139.430	TSF							
Passenger Cars:			61	18	79	27	60	87	494
Truck Trips:									
2-axle:			1	0	1	0	1	1	10
3-axle:			1	0	1	0	1	1	12
4+-axle:			3	1	4	1	3	4	34
- Truck Trips			5	1	6	1	5	6	56
Manufacturing Total Trips (Actual) ²			66	19	85	28	65	93	550
Shopping Center	26.700	TSF							
Passenger Cars:			102	63	165	98	106	205	2,450
Shopping Center Total Trips			102	63	165	98	106	205	2,450
Total Passenger Cars:			496	126	622	170	466	637	5,490
Total Truck Trips:			15	2	17	2	11	13	280
TOTAL PROJECT TRIPS (Actual)²			511	128	639	172	477	650	5,770

¹ TSF = thousand square feet

² TOTAL TRIPS = Passenger Cars + Truck Trips.

Table 6 shows the Project trip generation based on PCE. As shown in Table 6, the proposed Project is estimated to generate 6,196 PCE trip-ends per day with 670 PCE AM peak hour trips and 671 PCE PM peak hour trips.

TABLE 6: PROPOSED PROJECT TRIP GENERATION SUMMARY (PCE)

Land Use	Quantity	Units ¹	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
General Light Industrial	557.720	TSF							
Passenger Cars:			333	45	379	45	300	344	2,546
Truck Trips:									
2-axle:			3	0	3	0	2	2	56
3-axle:			4	1	5	0	3	3	92
4+-axle:			19	3	22	2	11	13	416
- Truck Trips			26	4	30	2	16	18	564
General Light Industrial Total Trips (PCE) ²			359	49	409	47	316	362	3,110
Manufacturing	139.430	TSF							
Passenger Cars:			61	18	79	27	60	87	494
Truck Trips:									
2-axle:			1	0	1	1	1	2	14
3-axle:			2	1	3	1	2	3	24
4+-axle:			10	3	13	4	8	12	104
- Truck Trips			13	4	17	6	11	17	142
Manufacturing Total Trips (PCE) ²			74	22	96	33	71	104	636
Shopping Center	26.700	TSF							
Passenger Cars:			102	63	165	98	106	205	2,450
Shopping Center Total Trips			102	63	165	98	106	205	2,450
<i>Total Passenger Cars:</i>			<i>496</i>	<i>126</i>	<i>623</i>	<i>170</i>	<i>466</i>	<i>636</i>	<i>5,490</i>
<i>Total Truck Trips:</i>			<i>39</i>	<i>8</i>	<i>47</i>	<i>8</i>	<i>27</i>	<i>35</i>	<i>706</i>
TOTAL PROJECT TRIPS (PCE)²			535	134	670	178	493	671	6,196

¹ TSF = thousand square feet

² TOTAL TRIPS = Passenger Cars + Truck Trips.

TRIP GENERATION COMPARISON

PCE trips are used for peak hour operations analyses in order to evaluate the effects to delay from the presence of heavy trucks at intersections. PCE trips are not a representation of actual vehicles. However, in an effort to conduct a conservative trip generation assessment, the trip generation associated with the currently adopted uses were compared to the trip generation associated with proposed Project land uses using the higher PCE-based trip generation as opposed to actual vehicles.

As shown in Table 7, the development of the proposed Project is anticipated to generate 15,299 fewer trip-ends per day with 326 fewer AM and 1,100 fewer PM peak hour trips as compared to the currently adopted uses as evaluated in the Ontario Traffic Model. This equates to a 34% reduction during the AM, and 62% reduction during the PM peak hours and a 71% reduction to daily trip-ends.

TABLE 7: TRIP GENERATION COMPARISON TO TAZ 191

Land Use	AM Peak Hour			PM Peak Hour			Daily
	In	Out	Total	In	Out	Total	
Currently Adopted TAZ 191 (see Table 2):							
Passenger Cars:	674	322	996	734	1,037	1,771	21,495
Proposed Project:							
<i>Total Passenger Cars:</i>	496	126	623	170	466	636	5,490
<i>Total Truck Trips:</i>	39	8	47	8	27	35	706
TOTAL PROJECT TRIPS (PCE)	535	134	670	178	493	671	6,196
VARIANCE (Proposed Project - Currently Adopted)¹							
<i>Total Passenger Cars:</i>	-178	-196	-373	-564	-571	-1,135	-16,005
<i>Total Truck Trips:</i>	39	8	47	8	27	35	706
TOTAL VARIANCE (PCE)	-139	-188	-326	-556	-544	-1,100	-15,299

¹ Note: Negative value reflects reduction while positive value reflects increase.

Table 8 shows a similar comparison between the proposed Project and the currently adopted General Plan land uses. As shown in Table 8, the development of the proposed Project is anticipated to generate 12,870 fewer trip-ends per day with 333 fewer AM and 1,194 fewer PM peak hour trips as compared to the currently adopted uses as evaluated in the Ontario Traffic Model. This equates to a 33% reduction during the AM, and 64% reduction during the PM peak hours and a 68% reduction to daily trip-ends.

TABLE 8: TRIP GENERATION COMPARISON TO CURRENTLY ADOPTED GENERAL PLAN LAND USES

Land Use	AM Peak Hour			PM Peak Hour			Daily
	In	Out	Total	In	Out	Total	
Currently Adopted Land Uses (see Table 3):							
Passenger Cars:	753	250	1,003	686	1,180	1,865	19,066
Proposed Project:							
<i>Total Passenger Cars:</i>	496	126	623	170	466	636	5,490
<i>Total Truck Trips:</i>	39	8	47	8	27	35	706
TOTAL PROJECT TRIPS (PCE)	535	134	670	178	493	671	6,196
VARIANCE (Proposed Project - Currently Adopted)¹							
<i>Total Passenger Cars:</i>	-257	-124	-380	-516	-714	-1,229	-13,576
<i>Total Truck Trips:</i>	39	8	47	8	27	35	706
TOTAL VARIANCE (PCE)	-218	-116	-333	-508	-687	-1,194	-12,870

¹ Note: Negative value reflects reduction while positive value reflects increase.

Mr. Grant Ross
Orbis Real Estate Partners
September 24, 2020
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CONCLUSION

The proposed Project is anticipated to generate fewer trips than those contemplated and evaluated as part of the TOP General Plan Update (based on a comparison to both TAZ 191 in the Ontario Traffic Model and to the currently adopted General Plan Land Uses). As such, no additional traffic-related impacts or mitigation measures above and beyond those previously disclosed in the TOP EIR are anticipated as a result of the development of the proposed Project as currently contemplated. If you have any questions, please contact me directly at (949) 861-0177.

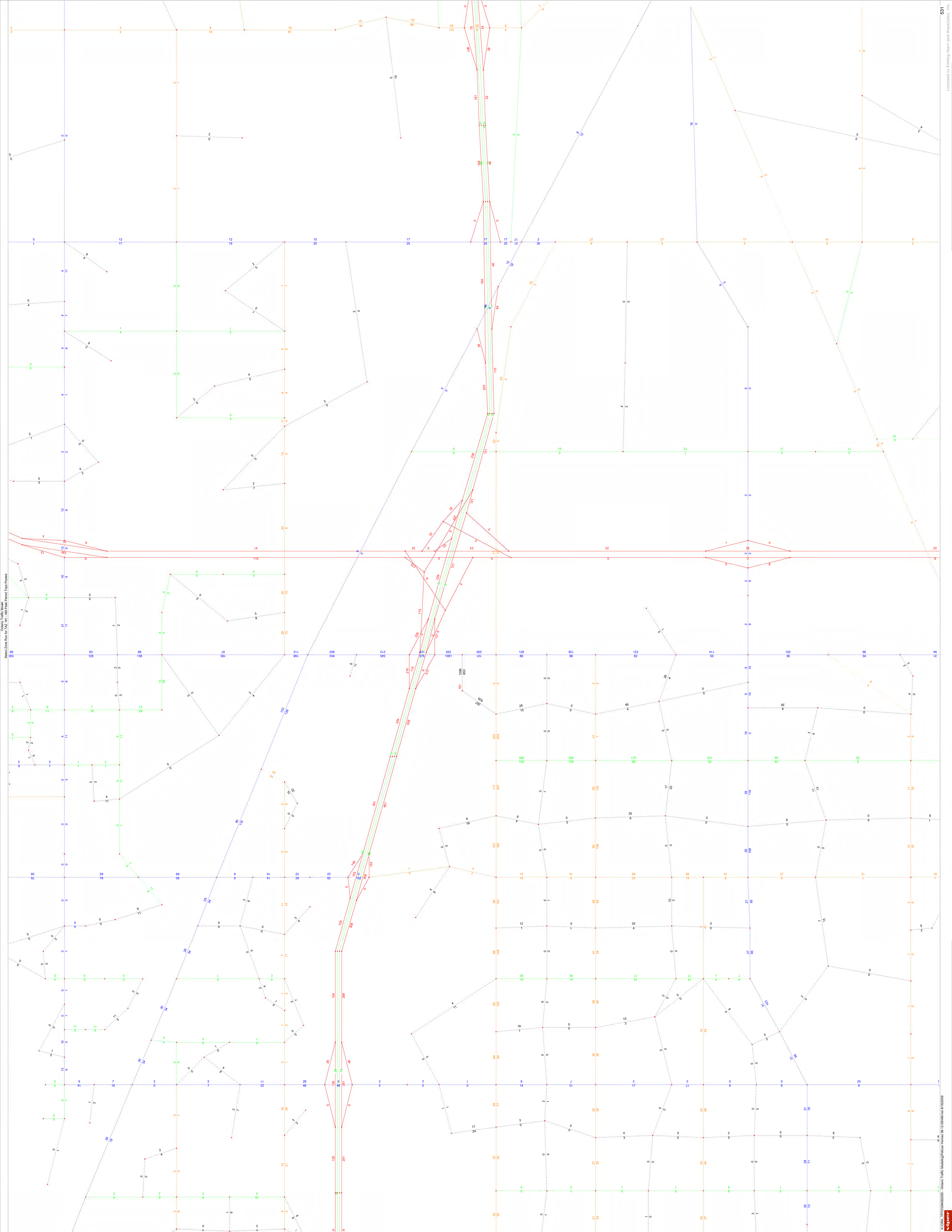
Respectfully submitted,

URBAN CROSSROADS, INC.



Charlene So, PE
Associate Principal

ATTACHMENT A: THE ONTARIO TRAFFIC MODEL – SELECT ZONE RUN FOR TAZ 191



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RESOLUTION NO. PC20-080

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE FILE NO. PGPA19-007, AN AMENDMENT TO THE LAND USE ELEMENT OF THE POLICY PLAN (GENERAL PLAN), REVISING EXHIBIT LU-01 (OFFICIAL LAND USE PLAN) AND EXHIBIT LU-03 (FUTURE BUILDOUT), AFFECTING PROPERTY LOCATED AT NORTHWEST CORNER OF RIVERSIDE DRIVE AND MILLIKEN AVENUE, FROM MIXED-USE TO 7.6 ACRES OF GENERAL COMMERCIAL AND 33.75 ACRES OF INDUSTRIAL, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 083-361-01, 1083-361-04 & 1083-361-07. (SEE ATTACHMENTS 1 AND 2) (PART OF CYCLE 4 FOR THE 2020 CALENDAR YEAR).

WHEREAS, TOSCANA SQUARE, LLC, ("Applicant") has filed an Application for the approval of a General Plan Amendment, File No. PGPA19-007, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City of Ontario adopted the Policy Plan (General Plan) as part of The Ontario Plan in January 2010. Since the adoption of The Ontario Plan, the City has evaluated Exhibits LU-01: Official Land Use Plan and LU-03: Future Buildout further and is proposing modifications; and

WHEREAS, the proposed changes to Exhibit LU-01 Official Land Use Plan include changes to land use designations of certain properties shown on Exhibit A to accommodate a combination of industrial and commercial Development Plans (File Nos. PDEV19-059, PDEV20-012, PDEV20-013) and a Tentative Tract Map (File No. PMTT19-018); and

WHEREAS, Policy Plan Exhibit LU-03 (Future Buildout) specifies the expected buildout for the City of Ontario, incorporating the adopted land use designations. The proposed changes to Exhibit LU-01 (Official Land Use Plan) will require that Exhibit LU-03 (Future Buildout) is modified to be consistent with Exhibit LU-01 (Official Land Use Plan), as depicted on Exhibit B, attached; and

WHEREAS, a Specific Plan Amendment, Zone Change, Tentative Parcel Map, three Development Plans and a Conditional Use Permit, File Nos. PSPA19-010, PZC19-002, PMTT19-018, PDEV19-059, PDEV20-012, PDEV20-013 and PCUP20-009, respectively, were filed in conjunction with the proposed General Plan Amendment. The seven applications consist of: [1] a Specific Plan Amendment (File No. PSPA19-010) rescinding the Tuscana Village Specific Plan; [2] A Zone Change (File No. PZC19-002) on 41.35 acres of land from LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac), CC (Community Commercial), and SP (Specific Plan), to 33.75 acres of IL (Light Industrial)

and 7.6 acres of CC (Community Commercial); [3] A Tentative Parcel Map (File No. PMTT19-018/TPM 20177) to subdivide approximately 20 acres of land into 7 parcels; [4] A Development Plan (File No. PDEV19-059) to construct 3 industrial buildings totaling 295,991 square feet on 13.19 acres of land; [5] A Development Plan (File No. PDEV20-012) to construct a 3,062 square foot convenience store (7-Eleven) with fuel sales and ancillary drive-thru car wash, in conjunction with a Conditional Use Permit (File No. PCUP20-009) to establish alcoholic beverage sales for off-premises consumption, limited to beer and wine (Type 20 ABC license), on 1.27 acres of land; and [6] A Development Plan (File No. PDEV20-013) to construct a 2,490 square foot commercial building for a fast-food restaurant (Starbucks) with a drive-thru facility on 1.18 acres of land; and

WHEREAS, the City of Ontario conducted a virtual community meeting via Zoom, on September 10, 2020 to discuss the proposed subject applications. Eleven members of community logged into the Zoom meeting and 6 residents provided comments/questions during the meeting. Additionally, the Planning Department received two emails in opposition to the proposed Project; 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, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, as the first action on the Project, on October 27, 2020, the Planning Commission recommended approval of a Resolution recommending City Council adopt an Addendum to the Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 for File No. PGPA06-001. The Addendum finds that the proposed project introduces no new significant environmental impacts, and all previously adopted mitigation measures are incorporated into the Project by reference; and

WHEREAS, on October 27, 2020 the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report — State Clearinghouse No. 2008101140 (“Certified EIR”), which was certified by the Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001.

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

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

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

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

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

SECTION 2: Additional Environmental Review Not Required. Based on the Addendum, all related 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 environmental impact report is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the “Certified EIR” that will require major revisions to the “Certified EIR” due to the involvement of new significant

environmental effects or a substantial increase in the severity of previously identified significant effects; and

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

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

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

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

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

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

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

(ALUCP Map 2-5). As a result, the PLANNING COMMISSION, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(1) The proposed General Plan Amendment is consistent with the goals and policies of The Ontario Plan as follows:

(a) **CE1-1 - Jobs-Housing Balance.** We pursue improvement to the Inland Empire's balance between jobs and housing by promoting job growth that reduces the regional economy's reliance on out-commuting.

Compliance: The proposed land use designation changes from 41.35 acres of land from Mixed Use (Hamner/SR-60 Area 12) to 7.6 acres of General Commercial and 33.75 acres of Industrial, will facilitate the construction of the proposed industrial and commercial development plans. The proposed industrial development will assist towards promoting local/regional job growth and furthering the goal of jobs and housing balance within the Inland Empire.

(b) **CE1-2 - Jobs and Workforce Skills.** We use our economic development resources to: 1) attract jobs suited for the skills and education of current and future City residents; 2) work with regional partners to provide opportunities for the labor force to improve its skills and education; and 3) attract businesses that increase Ontario's stake and participation in growing sectors of the regional and global economy.

Compliance: The proposed land use designation changes from 41.35 acres of land from Mixed Use (Hamner/SR-60 Area 12) to 7.6 acres of General Commercial and 33.75 acres of Industrial, will facilitate the construction of the proposed industrial and commercial development plans. The proposed industrial/commercial development will assist towards creating jobs suited for the skills and education of current and future City residents and provide jobs in growing sectors of the regional and global economy.

(c) **CE1-11 - Socioeconomic Trends.** We continuously monitor, plan for, and respond to changing socioeconomic trends.

Compliance: The proposed land use designation changes from 41.35 acres of land from Mixed Use (Hamner/SR-60 Area 12) to 7.6 acres of General Commercial and 33.75 acres of Industrial, will facilitate the construction of the proposed industrial and commercial development plans. The project site was initially intended to be developed with a

combination of residential and commercial land uses. In responding to changing socioeconomic trends, larger industrial/business park complexes have grown in demand and commercial/retail space demand has declined. The proposed General Plan Amendment is in response to changing socioeconomic trends which has shifted to on-line shopping resulting in greater demands for warehouse industrial uses.

(2) The proposed General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;

(3) The Land Use Element is a mandatory element allowed four general plan amendments per calendar year and this general plan amendment is the fourth amendment to the Land Use Element of the 2020 calendar year consistent with Government Code Section 65358;

(4) Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the DAB 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.

Senate Bill 330 – Housing Accountability Act (Government Code Section 65589.5 et seq.) (“SB 330”) was passed by the California Legislature, signed by the Governor and became effective on January 1, 2020. The bill is the result of the Legislature’s extensive findings regarding the California “housing supply crisis” with “housing demand far outstripping supply.”

SB 330 amends Government Code Sections 65589.5, adds Govt. Code Sections 65940, 65943 and 65950, and repeals and readopts Sections 65906.5, 65913.10 and 65941.1. To summarize, no city may disapprove a residential housing development project for low- to moderate-income households (as defined therein) unless it makes a finding that the housing development project “would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households...” such as where the housing development project is proposed on land “which does not have adequate water or wastewater facilities to serve the project.” (Government Code Section 65589.5(d)(2), (4)).

In addition, the legislation adds Chapter 12 to Division 1 of Title 7 of the Government Code (Section 66300 et seq.) that applies to “affected cities,” which are identified as cities in urbanized areas as determined by the most recent census. In accordance with SB 330,

the Department of Community Development and Housing (“HCD”) has prepared a list of affected cities and has determined that Ontario is an “affected city.” Therefore, pursuant to Government Code section 66300(b)(1)(A) and (b):

(b) (1) Notwithstanding any other law except as provided in subdivision (i), with respect to land where housing is an allowable use, an affected city shall not enact a development policy, standard, or condition that would have any of the following effects:

(A) Changing the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district below what was allowed under the land use designation and zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018...

except when approved by HCD or when the following exception is set out in Govt. Code § 66300(i)(1) applies:

(i) (1) This section does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance to a less intensive use if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity.

As discussed in the Background section of the staff report, a General Plan Amendment (GPA) is proposed to change the site’s land use designations from Mixed-Use to General Commercial and Industrial. The GPA would eliminate the Mixed-Use allowable housing, thereby theoretically eliminating 185 units (as allocated by TOP LU-03 Build-out Table, which had an assumed density of up to 25 dwelling units per acre).

To address the removal of 185 low-moderate residential units at a density of 25 dwelling units per acre and demonstrate a “no net loss,” and demonstrate the Project is in compliance with provisions of Section 66300(i)(1) have been met and there is no net loss of residential capacity. On December 17, 2019, the City Council approved an Amendment to the Meredith International Centre Specific Plan (File No. PSPA19-002) to establish a Mixed-Use Overlay district on 22.39 acres of land within a portion of Planning Area 2 (Urban Commercial) land use district, located at the southeast corner of Vineyard Avenue and Inland Empire Boulevard. The Meredith International Centre Specific Plan is listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix. The Specific Plan allowed 800 dwelling units at a density of 37 dwelling units per acre, which have all been constructed. The Specific Plan amendment approved in December 2019 provides for an additional 925

residential units at a density of 41 dwelling units per acre, which will add 925 units to the Available Land Inventory Table. The Addendum to the Meredith International Centre Specific Plan Amendment Environmental Impact Report (SCH# 2014051020), approved on December 17, 2019, supports that change in the Specific Plan, which results in a surplus of 925 residential units within the City. On March 30, 2020, the City Council approved a General Plan Amendment to TOP Policy Plan Future Buildout Table (Exhibit LU-03) to reflect the addition of 925 residential units, assumed density and intensity for the Mixed-Use/Meredith section of the Buildout Table. The loss of 185 units under the current Policy Plan designation will be directly offset by the addition of 925 units, resulting in a no net loss of residential units.

(5) During the amendment of the general plan, opportunities for the involvement of citizens, California Native American Indian tribes (Government Code Section 65352.3.), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means were implemented consistent with Government Code Section 65351.

SECTION 5: *Planning Commission Action.* Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVES the proposed General Plan Amendment, as depicted in Attachment 1 (Policy Plan Land Use Plan (Exhibit LU-01) Revision) and Attachment 2 (Future Buildout (Exhibit LU-03) Revision) of this Resolution.


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 27th day of October 2020, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



Jim Willoughby
Planning Commission Chairman

ATTEST:



Rudy Zeledon
Planning Director and
Secretary to the Planning Commission

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


I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC20-080, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on October 27, 2020, by the following roll call vote, to wit:

AYES: DeDiemar, Gregorek, Reyes, Ricci, Willoughby

NOES: None


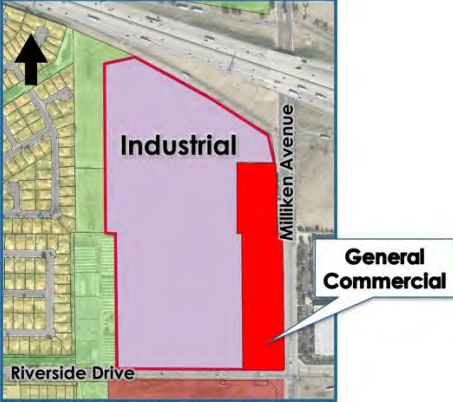
ABSENT: Gage

ABSTAIN: None



Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT 1: Policy Plan Land Use Plan (Exhibit LU-01) Revision

Existing Policy Plan Land Use	Assessor Parcel Number(s) Involved	Proposed Policy Plan Land Use
 <p>Mixed-Use (41.35 acres)</p>	<p>1083-361-01, 1083-361-04 and 1083-361-07</p> <p>(1 of 3 properties)</p>	 <p>General Commercial (7.6 acres) Industrial (33.75 acres)</p>

ATTACHMENT 2: Future Buildout (Exhibit LU-03) Revision



LU-03 Future Buildout¹



Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Residential						
Rural	529	2.0 du/ac	1,058	4,231		
Low Density ⁶	7,231	4.0 du/ac (OMC) 4.5 du/ac (NMC)	30,477	121,816		
Low-Medium Density ⁷	992	8.5 du/ac	8,432	33,704		
Medium Density	1,921	18.0 du/ac (OMC) 22.0 du/ac (NMC)	38,724	135,508		
High Density	183	35.0 du/ac	6,415	21,470		
Subtotal	10,846		85,107	316,729		
Mixed Use						
• Downtown	113	<ul style="list-style-type: none"> 60% of the area at 35 du/ac 40% of the area at 0.80 FAR for office and retail 	2,365	4,729	1,569,554	2,808
• East Holt Boulevard	57	<ul style="list-style-type: none"> 25% of the area at 30 du/ac 50% of the area at 1.0 FAR office 25% of area at 0.80 FAR retail 	428	856	1,740,483	3,913
• Meredith	93	<ul style="list-style-type: none"> 47% of the area at 39.46 du/ac 48% at 0.35 FAR for office and retail uses 5% at 0.75 FAR for Lodging 	1,725	3,450	832,497	975
• Transit Center	76	<ul style="list-style-type: none"> 10% of the area at 60 du/ac 90% of the area at 1.0 FAR office and retail 	457	913	2,983,424	5,337
• Inland Empire Corridor	37	<ul style="list-style-type: none"> 50% of the area at 20 du/ac 30% of area at 0.50 FAR office 20% of area at 0.35 FAR retail 	368	736	352,662	768
• Guasti	77	<ul style="list-style-type: none"> 20% of the area at 30 du/ac 30% of area at 1.0 FAR retail 50% of area at 0.70 FAR office 	465	929	2,192,636	4,103
• Ontario Center	345	<ul style="list-style-type: none"> 30% of area at 40 du/ac 50% of area at 1.0 FAR office 20% of area at 0.50 FAR retail 	4,139	8,278	9,014,306	22,563
• Ontario Mills	240	<ul style="list-style-type: none"> 5% of area at 40 du/ac 20% of area at 0.75 FAR office 75% of area at 0.50 FAR retail 	479	958	5,477,126	7,285
• NMC West/South	315	<ul style="list-style-type: none"> 30% of area at 35 du/ac 70% of area at 0.70 FAR office and retail 	3,311	6,621	6,729,889	17,188
• NMC East	264	<ul style="list-style-type: none"> 30% of area at 25 du/ac 30% of area at 0.35 FAR for office 40% of area at 0.30 FAR for retail uses 	1,978	3,956	2,584,524	4,439
• Euclid/Francis	10	<ul style="list-style-type: none"> 50% of the area at 30 du/ac 50% of area at 0.8 FAR retail 	156	312	181,210	419
• SR-60/ Hammer Tuscan Village	41	<ul style="list-style-type: none"> 18% of the area at 25 du/ac 57% of the area at 0.25 FAR retail 25% of the area at 1.5 FAR office 	185	369	924,234	2,098
Subtotal	1,668 1,627		16,054 15,869	32,107 31,738	34,582,545 33,658,311	71,896 69,797



LU-03 Future Buildout¹

Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Retail/Service						
Neighborhood Commercial ⁶	281	0.30 FAR			3,671,585	8,884
General Commercial	477 484	0.30 FAR			6,229,385 6,328,702	5,787 5,879
Office/Commercial	479	0.75 FAR			15,650,564	34,707
Hospitality	142	1.00 FAR			6,177,679	7,082
Subtotal	1,379 1,386				31,729,213 31,828,530	56,461 56,553
Employment						
Business Park	1,531	0.40 FAR			26,676,301	46,803
Industrial	6,457 6,490	0.55 FAR			154,698,172 155,498,369	125,921 136,624
Subtotal	7,988 8,021				181,374,472 182,174,670	182,724 183,427
Other						
Open Space-Non-Recreation	1,232	Not applicable				
Open Space-Parkland ⁶	950	Not applicable				
Open Space-Water	59	Not applicable				
Public Facility	97	Not applicable				
Public School	621	Not applicable				
LA/Ontario International Airport	1,677	Not applicable				
Landfill	137	Not applicable				
Railroad	251	Not applicable				
Roadways	4,871	Not applicable				
Subtotal	9,895					
Total	31,786		181,160 100,976	348,836 348,467	247,686,231 247,661,510	311,088 309,777

Notes

- Historically, citywide buildout levels do not achieve the maximum allowable density/intensity on every parcel and are, on average, lower than allowed by the Policy Plan. Accordingly, the buildout projections in this Policy Plan do not assume buildout at the maximum density or intensity and instead are adjusted downward. To view the buildout assumptions, access the Methodology report.
- Acres are given as adjusted gross acreages, which do not include the right-of-way for roadways, flood control facilities, or railroads.
- Assumed Density/Intensity includes both residential density, expressed as units per acre, and non-residential intensity, expressed as floor area ratio (FAR), which is the amount of building square feet in relation to the size of the lot.
- Projections of population by residential designation are based on a persons-per-household factor that varies by housing type. For more information, access the Methodology report.
- To view the factors used to generate the number of employees by land use category, access the Methodology report.
- Acreages and corresponding buildout estimates for these designations do not reflect underlying land uses within the Business Park, Industrial and Commercial Overlays. Estimates for these areas are included within the corresponding Business Park, Industrial and General Commercial categories.

RESOLUTION NO. PC20-081

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE FILE NOS. PZC19-002 AND PSPA19-010, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DESIGNATION ON 41.35 ACRES OF LAND FROM LDR-5 (LOW DENSITY RESIDENTIAL – 2.1 TO 5.0 DU/AC), CC (COMMUNITY COMMERCIAL), AND SP (SPECIFIC PLAN), TO 33.75 ACRES OF IL (LIGHT INDUSTRIAL) AND 7.6 ACRES OF CC (COMMUNITY COMMERCIAL) AND A SPECIFIC PLAN AMENDMENT RESCINDING THE TUSCANA VILLAGE SPECIFIC PLAN, LOCATED ON THE NORTHWEST CORNER OF RIVERSIDE DRIVE AND MILLIKEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1083-361-01, 1083-361-04 AND 1083-361-07.

WHEREAS, TOSCANA SQUARE, LLC. (hereinafter referred to as "Applicant") has filed an Application for the approval of a Zone Change and Specific Plan Amendment, File Nos. PZC19-002 and PSPA19-010, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 41.35 acres of land generally located on northwest corner of Riverside Drive and Milliken Avenue, within the proposed IL (Light Industrial) and CC (Community Commercial) zoning districts. The Project site is comprised of three lots, the northern parcel is undeveloped and has been historically used for agricultural purposes (vineyard). The center parcel is developed with a wine shop (San Antonio Winery), restaurant, church, small animal farm and vineyard. The southern parcel is presently vacant; and

WHEREAS, the property to the north of the Project site is the SR-60 Pomona Freeway. The properties to the east are within the City of Eastvale, Industrial Park zoning district, and is developed with Business Park/Industrial land uses. The property to the south is within the Community Commercial land use district of the Edenglen Specific Plan and is presently vacant. The property to the west is within the Utilities Corridor zoning district, and is developed with a nursery and SCE power lines and transmission towers; and

WHEREAS, a General Plan Amendment, Tentative Parcel Map, three Development Plans and a Conditional Use Permit, File Nos. PGPA19-007, PMTT19-018, PDEV19-059, PDEV20-012, PDEV20-013 and PCUP20-009, were filed in conjunction with the proposed Zone Change and Specific Plan Amendment. The six applications consist of: [1] A General Plan Amendment (File No. PGPA19-007) to modify the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01) component of The Ontario Plan, changing the land use designation on 41.35 acres of land from Mixed Use (Hamner/SR-60 Area 12) to 7.6 acres of General Commercial and 33.75 acres of Industrial, and modify

the Future Buildout Table (Exhibit LU-03) to be consistent with the proposed land use designation changes; [2] A Tentative Parcel Map (File No. PMTT19-018/TPM 20177) to subdivide approximately 20 acres of land into 7 parcels; [3] A Development Plan (File No. PDEV19-059) to construct 3 industrial buildings totaling 295,991 square feet on 13.19 acres of land; [4] A Development Plan (File No. PDEV20-012) to construct a 3,062 square foot convenience store (7-Eleven) with fuel sales and ancillary drive-thru car wash, in conjunction with a Conditional Use Permit (File No. PCUP20-009) to establish alcoholic beverage sales for off-premises consumption, limited to beer and wine (Type 20 ABC license), on 1.27 acres of land; and [5] A Development Plan (File No. PDEV20-013) to construct a 2,490 square foot commercial building for a fast-food restaurant (Starbucks) with a drive-thru facility on 1.18 acres of land; and

WHEREAS, the Tuscana Village Specific Plan (File No. PSP09-001) and related Mitigated Negative Declaration (“MND”) were approved by the City Council on June 5, 2012. The Tuscana Village Specific Plan established the land use designations, development standards, and design guidelines for the southern parcel of the project site (APN: 1083-361-01) that is comprised of 20-acres. The specific plan allowed for the potential development of 200 residential dwelling units and approximately 871,000 square feet of commercial development; and

WHEREAS, the applicant has requested that the City rescind the Tuscana Village Specific Plan, that would result in the elimination of residential land uses, reduce the amount of commercial designated land from 7.9 acres to 5 acres (Community Commercial), and incorporate 15 acres of Light Industrial land uses for the southern parcel of the project site (APN: 1083-361-01); and

WHEREAS, the City of Ontario conducted a virtual community meeting via Zoom, on September 10, 2020 to discuss the proposed subject applications. Eleven members of community logged into the Zoom meeting and 6 residents provided comments/questions during the meeting. Additionally, the Planning Department received two emails in opposition to the proposed Project; and

WHEREAS, The Ontario Plan (File No. PGPA06-001) Environmental Impact Report (State Clearinghouse No. 2008101140) was certified on January 27, 2010 (hereinafter referred to as “Certified EIR”), in which development and use of the Project site was discussed; and

WHEREAS, the Planning Director of the City of Ontario prepared and approved for attachment to the certified Environmental Impact Report, an Addendum to the Certified EIR (hereinafter referred to as “EIR Addendum”) in accordance with the requirements of the California Environmental Quality Act of 1970, together with State and local guidelines implementing said Act, all as amended to date (collectively referred to as “CEQA”); and

WHEREAS, the environmental impacts of this project were thoroughly analyzed in the EIR Addendum, which concluded that implementation of the Project could result in a number of significant effects on the environment that were previously analyzed in the Certified EIR, and that the Certified EIR identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

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

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act — Public Resources Code Section 21000 et seq. — (hereinafter referred to as "CEQA") and an EIR Addendum 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, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

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

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

WHEREAS, on October 19, 2020, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Addendum and concluded said hearing on

that date, voting to issue Decision No. DAB20-058, recommending that the Planning Commission recommend the City Council approve the Addendum; and

WHEREAS, as the first action on the Project, on October 27, 2020, the Planning Commission issued a Resolution recommending the City Council adopt the EIR Addendum, finding that the proposed Project introduces no new significant environmental impacts and applying all previously adopted mitigation measures to the Project, which were incorporated by reference; and

WHEREAS, on October 27, 2020, 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: Housing Element Compliance. Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the Planning Commission finds that based 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.

Senate Bill 330 – Housing Accountability Act (Government Code Section 65589.5 et seq.) (“SB 330”) was passed by the California Legislature, signed by the Governor and became effective on January 1, 2020. The bill is the result of the Legislature’s extensive findings regarding the California “housing supply crisis” with “housing demand far outstripping supply.”

SB 330 amends Government Code Sections 65589.5, adds Govt. Code Sections 65940, 65943 and 65950, and repeals and readopts Sections 65906.5, 65913.10 and 65941.1. To summarize, no city may disapprove a residential housing development project for low- to moderate-income households (as defined therein) unless it makes a finding that the housing development project “would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households...” such as where the housing development project is proposed on land “which does not have adequate water or wastewater facilities to serve the project.” (Government Code Section 65589.5(d)(2), (4)).

In addition, the legislation adds Chapter 12 to Division 1 of Title 7 of the Government Code (Section 66300 et seq.) that applies to “affected cities,” which are identified as cities in urbanized areas as determined by the most recent census. In accordance with SB 330, the Department of Community Development and Housing (“HCD”) has prepared a list of affected cities and has determined that Ontario is an “affected city.” Therefore, pursuant to Government Code section 66300(b)(1)(A) and (b):

(b) (1) Notwithstanding any other law except as provided in subdivision (i), with respect to land where housing is an allowable use, an affected city shall not enact a development policy, standard, or condition that would have any of the following effects:

(A) Changing the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district below what was allowed under the land use designation and zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018...”

except when approved by HCD or when the following exception is set out in Govt. Code § 66300(i)(1) applies:

(i) (1) This section does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance to a less intensive use if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity.

As discussed in the Background section of the staff report, a General Plan Amendment (GPA) is proposed to change the site’s land use designations from Mixed-Use to General Commercial and Industrial. The GPA would eliminate the Mixed-Use allowable housing, thereby theoretically eliminating 185 units (as allocated by TOP LU-03 Build-out Table, which had an assumed density of up to 25 dwelling units per acre).

To address the removal of 185 low-moderate residential units at a density of 25 dwelling units per acre and demonstrate a “no net loss,” and demonstrate the Project is in compliance with provisions of Section 66300(i)(1) have been met and there is no net loss of residential capacity. On December 17, 2019, the City Council approved an Amendment to the Meredith International Centre Specific Plan (File No. PSPA19-002) to establish a Mixed-Use Overlay district on 22.39 acres of land within a portion of Planning Area 2 (Urban Commercial) land use district, located at the southeast corner of Vineyard Avenue and Inland Empire Boulevard. The Meredith International Centre Specific Plan is listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area)

of the Housing Element Technical Report Appendix. The Specific Plan allowed 800 dwelling units at a density of 37 dwelling units per acre, which have all been constructed. The Specific Plan amendment approved in December 2019 provides for an additional 925 residential units at a density of 41 dwelling units per acre, which will add 925 units to the Available Land Inventory Table. The Addendum to the Meredith International Centre Specific Plan Amendment Environmental Impact Report (SCH# 2014051020), approved on December 17, 2019, supports that change in the Specific Plan, which results in a surplus of 925 residential units within the City. On March 30, 2020, the City Council approved a General Plan Amendment to TOP Policy Plan Future Buildout Table (Exhibit LU-03) to reflect the addition of 925 residential units, assumed density and intensity for the Mixed-Use/Meredith section of the Buildout Table. The loss of 185 units under the current Policy Plan designation will be directly offset by the addition of 925 units, resulting in a no net loss of residential units.

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 ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as “ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the recommending authority for the Project, the Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the PLANNING COMMISSION, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 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 Sections 1 and 2, above, the Planning Commission hereby concludes as follows:

(1) ***The proposed Zone Change 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.***

(a) 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.

Compliance: The proposed General Plan Amendment and Zone Change reflect the existing uses of the properties or closely coordinates with land use designations in the surrounding area, and provides opportunities for choice in living and working environments.

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

- LU2-1: Land Use Decisions. We minimize adverse impacts on adjacent properties when considering land use and zoning requests.

Compliance: The proposed General Plan Amendment and Zone Change reflect the existing uses of the properties or closely coordinates with land use designations in the surrounding area, and will not create adverse impacts on adjacent properties.

(2) ***The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** The proposed Zone Change on 41.35 acres of land from LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac), CC (Community Commercial), and SP (Specific Plan), to 33.75 acres of IL (Light Industrial) and 7.6 acres of CC (Community Commercial) are compatible with the zoning and land uses in the surrounding area. The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City. Milliken/Hamner Avenue is a designated truck route and the surrounding land uses to the north, east and south consist of a combination of commercial and light industrial land uses, similar to Zone Change request.

(3) ***The proposed Zone Change will not adversely affect the harmonious relationship with adjacent properties and land uses.*** The proposed Zone Change on 41.35 acres of land from LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac), CC (Community Commercial), and SP (Specific Plan), to 33.75 acres of IL (Light Industrial) and 7.6 acres of CC (Community Commercial) are compatible with the zoning and land uses in the surrounding area. The proposed zoning designations are compatible with the

zoning and surrounding land uses. Milliken/Hamner Avenue is a designated truck route and the surrounding land uses to the north, east and south consist of a combination of commercial and light industrial land uses. The zoning district to the west of the project site is Utilities Corridor and is developed with a nursery and SCE Transmission towers and powerlines which creates 200-foot to 300-foot varying buffer between the proposed light industrial uses and residential communities to the west.

(4) ***The subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.*** The subject site is physically suitable, including, but not limited to, parcel sizes, shapes, access, and availability of utilities, for the requested Zone Change on 41.35 acres of land from LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac), CC (Community Commercial), and SP (Specific Plan), to 33.75 acres of IL (Light Industrial) and 7.6 acres of CC (Community Commercial). The subject site is also physically suitable for the proposed and future development of commercial and industrial land uses.

SECTION 4: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 3, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVES the herein described Zone Change Application, as detailed in “Exhibit A” attached hereto and incorporated herein by this reference.

SECTION 5: Rescission of the approval of the Tuscana Village Specific Plan, File No. PSP09-001. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVES the rescission of the Tuscana Village Specific Plan File No. PSP09-001 for Assessor’s Parcel Number (APN) 1083-361-01 that is comprised of 20-acres.

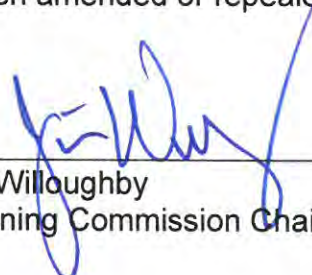
SECTION 6: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. 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 27th day of October 2020, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



Jim Willoughby
Planning Commission Chairman

ATTEST:



Rudy Zeledon
Planning Director and
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC20-081, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on October 27, 2020, by the following roll call vote, to wit:

AYES: DeDiemar, Gregorek, Reyes, Ricci, Willoughby

NOES: None

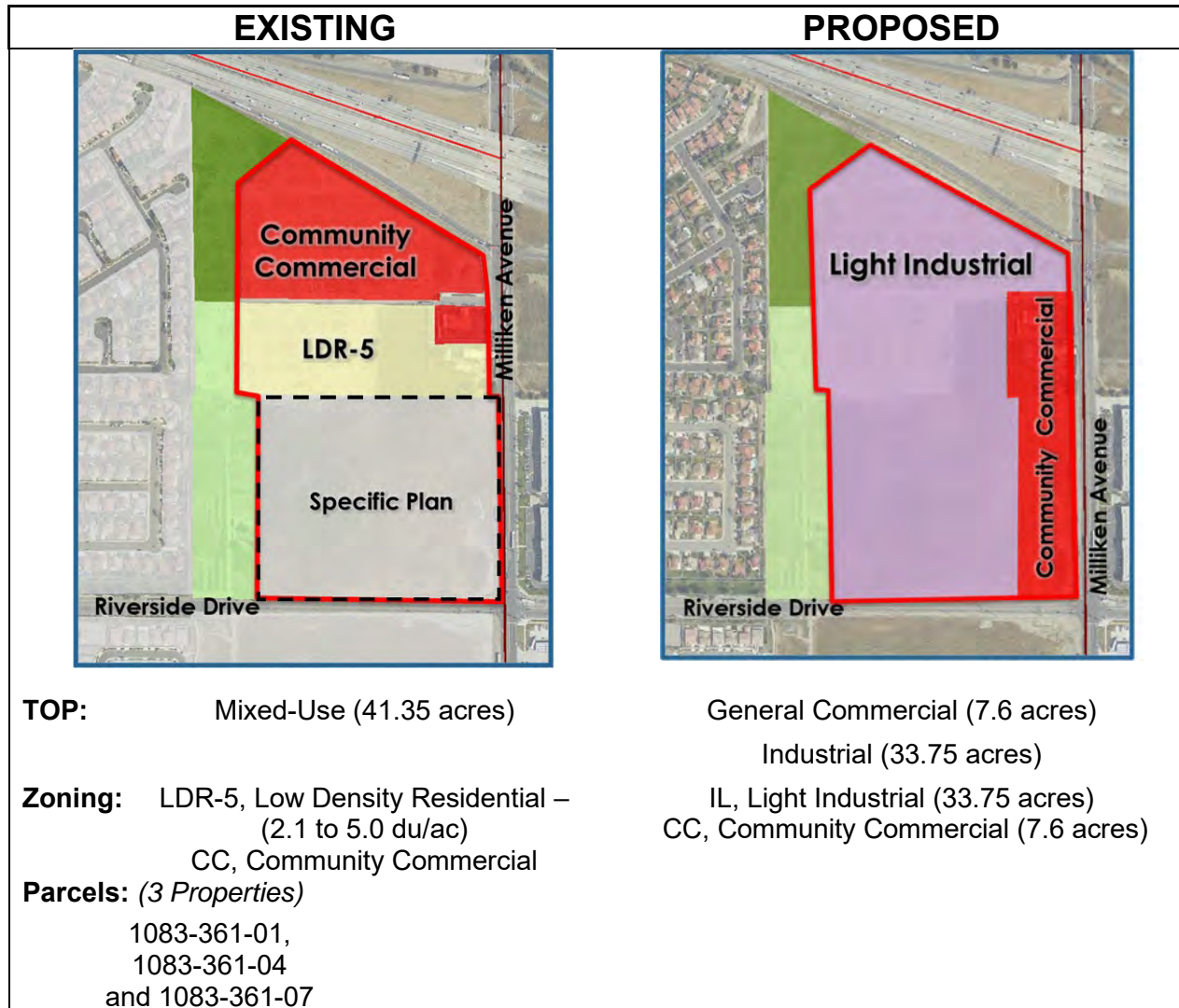
ABSENT: Gage

ABSTAIN: None



Gwen Berendsen
Secretary Pro Tempore

Exhibit A: Proposed Zone Change (File No. PZC19-002)



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NOS. PZC19-002 AND PSPA19-010, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DESIGNATION ON 41.35 ACRES OF LAND FROM LDR-5 (LOW DENSITY RESIDENTIAL - 2.1 TO 5.0 DU/AC), CC (COMMUNITY COMMERCIAL), AND SP (SPECIFIC PLAN) TO 33.75 ACRES OF IL (LIGHT INDUSTRIAL) AND 7.6 ACRES OF CC (COMMUNITY COMMERCIAL) ZONED LAND AND A SPECIFIC PLAN AMENDMENT RESCINDING THE TUSCANA VILLAGE SPECIFIC PLAN, LOCATED AT THE NORTHWEST CORNER OF RIVERSIDE DRIVE AND MILLIKEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF - APNS: 1083-361-01, 1083-361-04 AND 1083-361-07

WHEREAS, TOSCANA SQUARE, LLC. ("Applicant") has filed an Application for the approval of a Zone Change and Specific Plan Amendment, File Nos. PZC19-002 and PSPA19-010, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 41.35 acres of land located on northwest corner of Riverside Drive and Milliken Avenue, within the proposed IL (Light Industrial) and CC (Community Commercial) zoning districts. The Project site is comprised of three lots. The northern parcel is undeveloped and has been historically used for agricultural purposes (vineyard). The center parcel is developed with a wine shop (San Antonio Winery), restaurant, church, small animal farm and vineyard. The southern parcel is presently vacant; and

WHEREAS, the property to the north of the Project site is the SR-60 Pomona Freeway. The properties to the east are within the City of Eastvale, Industrial Park zoning district, and is developed with Business Park/Industrial land uses. The property to the south is within the Community Commercial land use district of the Edenglen Specific Plan and is presently vacant. The property to the west is within the Utilities Corridor zoning district and is developed with a nursery and SCE power lines and transmission towers; and

WHEREAS, a General Plan Amendment, Tentative Parcel Map, three Development Plans and a Conditional Use Permit, File Nos. PGPA19-007, PMTT19-018, PDEV19-059, PDEV20-012, PDEV20-013 and PCUP20-009, were filed in conjunction with the proposed Zone Change and Specific Plan Amendment. The six applications consist of: [1] A General Plan Amendment (File No. PGPA19-007) to modify the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01) component of The Ontario Plan, changing the land use designation on 41.35 acres of land from Mixed Use (Hamner/SR-60 Area 12) to 7.6 acres of General Commercial and 33.75 acres of Industrial and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the proposed land use designation changes; [2] A Tentative Parcel Map (File No. PMTT19-018/TPM 20177) to subdivide approximately 20 acres of land into 7 parcels; [3] A Development Plan (File No.

PDEV19-059) to construct three industrial buildings totaling 295,991 square feet on 13.19 acres of land; [4] A Development Plan (File No. PDEV20-012) to construct a 3,062 square foot convenience store (7-Eleven) with fuel sales and ancillary drive-thru car wash, in conjunction with a Conditional Use Permit (File No. PCUP20-009) to establish alcoholic beverage sales for off-premises consumption, limited to beer and wine (Type 20 ABC license), on 1.27 acres of land; and [5] A Development Plan (File No. PDEV20-013) to construct a 2,490 square foot commercial building for a fast-food restaurant (Starbucks) with a drive-thru facility on 1.18 acres of land; and

WHEREAS, the applicant has requested to change the zone on 41.35 acres of land located on northwest corner of Riverside Drive and Milliken Avenue from LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac), CC (Community Commercial), and SP (Specific Plan) to 33.75 acres of IL (Light Industrial) and 7.6 acres of CC (Community Commercial); and

WHEREAS, the proposed development will allow for warehousing/light manufacturing uses and heavy manufacturing uses will not be allowed; and

WHEREAS, the Tuscana Village Specific Plan (File No. PSP09-001) and related Mitigated Negative Declaration (“MND”) were approved by the City Council on June 5, 2012. The Tuscana Village Specific Plan established the land use designations, development standards, and design guidelines for the southern parcel of the project site (APN: 1083-361-01) that is comprised of 20-acres. The specific plan allowed for the potential development of 200 residential dwelling units and approximately 871,000 square feet of commercial development; and

WHEREAS, the applicant has requested that the City rescind the Tuscana Village Specific Plan, that would result in the elimination of residential land uses, reduce the amount of commercial designated land from 7.9 acres to 5 acres (Community Commercial), and incorporate 15 acres of Light Industrial land uses for the southern parcel of the project site (APN: 1083-361-01); and

WHEREAS, the City of Ontario conducted a virtual community meeting via Zoom, on September 10, 2020 to discuss the proposed subject applications. Eleven members of community logged into the Zoom meeting and 6 residents provided comments/questions during the meeting; and

WHEREAS, on October 27, 2020, the Planning Commission conducted a public hearing and approved Resolution No. PC20-079, recommending the City Council approve a Resolution adopting an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), certified by the City Council on January 27, 2010, in conjunction with File No. PGPA06-001. The Addendum finds that the proposed project introduces no new significant environmental impacts. Furthermore, all mitigation measures previously adopted with the Certified Environmental Impact Report are incorporated into the Project by reference; and

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

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

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

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

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

WHEREAS, on October 27, 2020, the Planning Commission of the City of Ontario conducted a hearing to consider the Initial Study/Addendum and the Project, and concluded said hearing on that date, voting to issue Resolution Nos. PC20-081 and PC20-082, recommending the City Council approve the Application; and

WHEREAS, on November 17, 2020, the City Council of the City of Ontario conducted a hearing to consider the Initial Study/Addendum and the Project and concluded said hearing on that date; and

WHEREAS, as the first action on the Project, on November 17, 2020, the City Council approved a resolution adopting an Initial Study/Addendum to a previous "Certified EIR" prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of significance; and

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

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

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

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

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

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

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

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

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

SECTION 2. *Additional Environmental Review Not Required.* Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental "Certified EIR" is not required for the Project, as the Project:

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

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

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

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

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

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

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

SECTION 3. Housing Element Compliance. Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the DAB 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.

Senate Bill 330 – Housing Accountability Act (Government Code Section 65589.5 et seq.) (“SB 330”) was passed by the California Legislature, signed by the Governor and became effective on January 1, 2020. The bill is the result of the Legislature’s extensive findings regarding the California “housing supply crisis” with “housing demand far outstripping supply.”

Senate Bill 330 amends Government Code Sections 65589.5, adds Govt. Code Sections 65940, 65943 and 65950, and repeals and readopts Sections 65906.5, 65913.10 and 65941.1. To summarize, no city may disapprove a residential housing development project for low- to moderate-income households (as defined therein) unless it makes a finding that the housing development project “would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households...” such as where the housing development project is proposed on land “which does not have adequate water or wastewater facilities to serve the project.” (Government Code Section 65589.5(d)(2), (4)).

In addition, the legislation adds Chapter 12 to Division 1 of Title 7 of the Government Code (Section 66300 et seq.) that applies to “affected cities,” which are identified as cities in urbanized areas as determined by the most recent census. In accordance with SB 330, the Department of Community Development and Housing (“HCD”) has prepared a list of affected cities and has determined that Ontario is an “affected city.” Therefore, pursuant to Government Code section 66300(b)(1)(A) and (b):

(b) (1) Notwithstanding any other law except as provided in subdivision (i), with respect to land where housing is an allowable use, an affected city shall not enact a development policy, standard, or condition that would have any of the following effects:

(A) Changing the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district below what was allowed under the land use designation and zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018...

except when approved by HCD or when the following exception is set out in Govt. Code § 66300(i)(1) applies:

(i) (1) This section does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance to a less intensive use if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity.

As discussed in the Background section of the staff report, a General Plan Amendment (GPA) is proposed to change the site's land use designations from Mixed-Use to General Commercial and Industrial. The GPA would eliminate the Mixed-Use allowable housing, thereby theoretically eliminating 185 units (as allocated by TOP LU-03 Build-out Table, which had an assumed density of up to 25 dwelling units per acre).

To address the removal of 185 low-moderate residential units at a density of 25 dwelling units per acre and demonstrate a "no net loss," and demonstrate the Project is in compliance with provisions of Section 66300(i)(1) have been met and there is no net loss of residential capacity. On December 17, 2019, the City Council approved an Amendment to the Meredith International Centre Specific Plan (File No. PSPA19-002) to establish a Mixed-Use Overlay district on 22.39 acres of land within a portion of Planning Area 2 (Urban Commercial) land use district, located at the southeast corner of Vineyard Avenue and Inland Empire Boulevard. The Meredith International Centre Specific Plan is listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix. The Specific Plan allowed 800 dwelling units at a density of 37 dwelling units per acre, which have all been constructed. The Specific Plan amendment approved in December 2019 provides for an additional 925 residential units at a density of 41 dwelling units per acre, which will add 925 units to the Available Land Inventory Table. The Addendum to the Meredith International Centre Specific Plan Amendment Environmental Impact Report (SCH# 2014051020), approved on December 17, 2019, supports that change in the Specific Plan, which results in a surplus of 925 residential units within the City. On March 30, 2020, the City Council approved a General Plan Amendment to TOP Policy Plan Future Buildout Table (Exhibit LU-03) to reflect the addition of 925 residential units, assumed density and intensity for the Mixed-Use/Meredith section of the Buildout Table. The loss of 185 units under the current Policy Plan designation will be directly offset by the addition of 925 units, resulting in a no net loss of residential units.

SECTION 4. Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual

development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 5. *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 3, above, the City Council hereby concludes as follows:

(1) ***The proposed Zone Change 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.***

(a) 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.

Compliance: The proposed General Plan Amendment and Zone Change reflect the existing uses of the properties or closely coordinates with land use designations in the surrounding area and provides opportunities for choice in living and working environments.

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

- **LU2-1: Land Use Decisions.** We minimize adverse impacts on adjacent properties when considering land use and zoning requests.

Compliance: The proposed General Plan Amendment and Zone Change reflect the existing uses of the properties or closely coordinates with land use designations in the surrounding area and will not create adverse impacts on adjacent properties.

(2) ***The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** The proposed Zone Change on 41.35 acres of land from LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac), CC (Community Commercial), and SP (Specific Plan), to 33.75 acres of IL (Light Industrial) and 7.6 acres of CC (Community Commercial) are compatible with the zoning and land uses in the surrounding area. The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City. Milliken/Hamner Avenue is a designated truck route and the surrounding land uses to the north, east and south consist of a combination of commercial and light industrial land uses, similar to the Zone Change request.

(3) ***The proposed Zone Change will not adversely affect the harmonious relationship with adjacent properties and land uses.*** The proposed Zone Change on 41.35 acres of land from LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac), CC (Community Commercial), and SP (Specific Plan), to 33.75 acres of IL (Light Industrial) and 7.6 acres of CC (Community Commercial) are compatible with the zoning and land uses in the surrounding area. The proposed zoning designations are compatible with the zoning and surrounding land uses. Milliken/Hamner Avenue is a designated truck route and the surrounding land uses to the north, east and south consist of a combination of commercial and light industrial land uses. The zoning district to the west of the project site is Utilities Corridor and is developed with a nursery and SCE Transmission towers and powerlines which creates 200-foot to 300-foot varying buffer between the proposed light industrial uses and residential communities to the west.

(4) ***The subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.*** The subject site is physically suitable, including, but not limited to, parcel sizes, shapes, access, and availability of utilities, for the requested Zone Change on 41.35 acres of land from LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac), CC (Community Commercial), and SP (Specific Plan), to 33.75 acres of IL (Light Industrial) and 7.6 acres of CC (Community Commercial). The subject site is also physically suitable for the proposed and future development of commercial and industrial land uses.

SECTION 6. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described Zone Change, attached hereto as “Exhibit A,” and incorporated herein by this reference.

SECTION 7. Rescission of the approval of the Tuscana Village Specific Plan, File No. PSP09-001. Based upon the findings and conclusions set forth in Sections 1 through 6, above, the CITY COUNCIL APPROVES the rescission of the Tuscana Village Specific Plan File No. PSP09-001 for Assessor’s Parcel Number (APN) 1083-361-01 that is comprised of 20-acres.

SECTION 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 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 9. *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 10. *Severability.* If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 11. *Effective Date.* This Ordinance shall become effective 30 days following its adoption.

SECTION 12. *Publication and Posting.* The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within 15 days following the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 1st day of December 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3172 was duly introduced at a regular meeting of the City Council of the City of Ontario held November 17, 2020 and adopted at the regular meeting held December 1, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

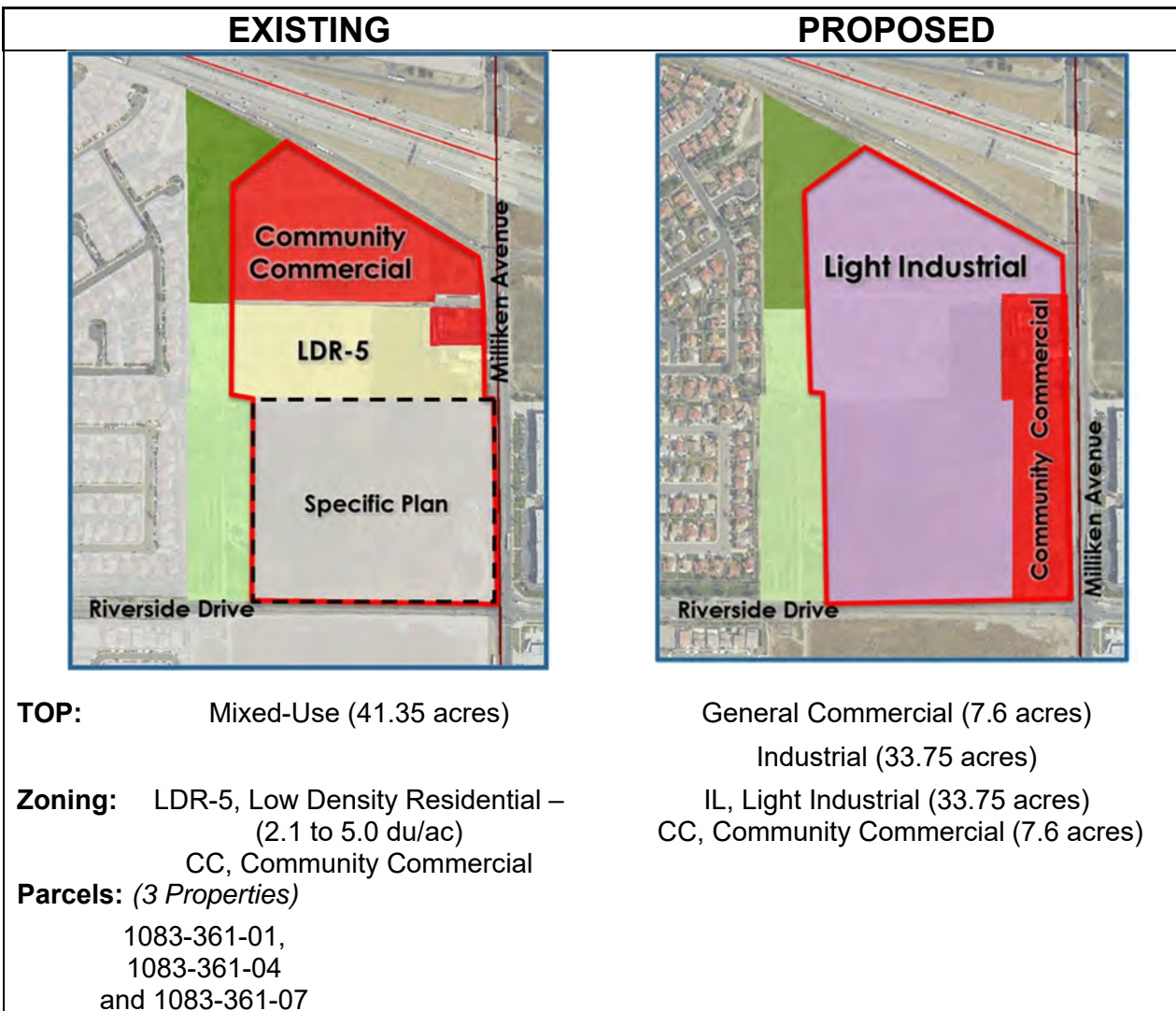
(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3172 duly passed and adopted by the Ontario City Council at their regular meeting held December 1, 2020 and that Summaries of the Ordinance were published on November 24, 2020 and December 8, 2020, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)


Exhibit A: Zone Change (File No. PZC19-002)



CITY OF ONTARIO

Agenda Report
December 1, 2020

SECTION: CONSENT CALENDAR

Department: Development Administration
Prepared By: Derrick E Womble
Staff Member Presenting:
Scott Murphy, AICP, Executive Director
Development Agency
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 5

SUBJECT: AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT (FILE NO. PDA19-001) BETWEEN THE CITY OF ONTARIO AND EUCLID LAND VENTURE, LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE PARCEL MAP 20016 (FILE NO. PMTT18-011), AN 85.6-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF MERRILL AVENUE AND EUCLID AVENUE, WITHIN THE INDUSTRIAL AND BUSINESS PARK LAND USE DISTRICTS OF THE ONTARIO RANCH BUSINESS PARK SPECIFIC PLAN (APNS: 1054-011-01, 1054-011-02, 1054-011-04, 1054-021-01, 1054-021-02, 1054-271-01, 1054-271-02, 1054-271-03, 1054-281-01, 1054-281-02 AND 1054-281-03

RECOMMENDATION: That the City Council consider and adopt an ordinance approving the Development Agreement (File No. PDA19-001) between the City of Ontario and Euclid Land Venture, LLC., to establish the terms and conditions for the development of Tentative Parcel Map 20016 (File No. PMTT18-011), an 85.6-acre property located at the northeast corner of Merrill Avenue and Euclid Avenue, within the Industrial and Business Park land use districts of the Ontario Ranch Business Park Specific Plan (APNs: 1054-011-01, 1054-011-02, 1054-011-04, 1054-021-01, 1054-021-02, 1054-271-01, 1054-271-02, 1054-271-03, 1054-281-01, 1054-281-02 and 1054-281-03.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Invest in the Growth and Evolution of the City's Economy

Operate in a Businesslike Manner

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

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

FISCAL IMPACT: The proposed Development Agreement (File No. PDA19-001) will not have an immediate impact on the City's budget. The Development Agreement will provide funding from the formation of a Community Facilities District (CFD) for City services and facilities required to support the Ontario Ranch Business Park Specific Plan development, thereby mitigating the increased costs associated with such services. In addition, the City will receive public service funding fees plus development impact, compliance processing, licensing, and permitting fees. No General City revenue will be used to support the Ontario Ranch development.

BACKGROUND & ANALYSIS: On November 17, 2020, the City Council introduced and waived

further reading of an ordinance approving the Development Agreement (File No. PDA19-001). On September 15, 2020, the City Council approved the Environmental Impact Report (EIR) SCH#2019050018 and Ontario Ranch Business Park Specific Plan, File No. PSP18-002 (“Specific Plan”) which addressed the proposed development of approximately 1,905,027 square feet of Industrial and Business Park uses.

The Ontario Ranch financial commitments required for construction of properties within a specific plan are substantial. Therefore, in order to adequately forecast these costs and gain assurance that the project may proceed under the existing policies, rules and regulations, Euclid Land Venture, LLC (“Owner”) has requested that the City enter into negotiations to create a Development Agreement (“Agreement”).

In accordance with California Government Code Section 65865, which in part states that that “[a]ny city... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property...” and California Government Code Section 65865.52, which in part states that “a Development Agreement shall specify the duration of the Agreement, the permitted uses of the property... and may include conditions, terms, restrictions...,” the City of Ontario adopted Resolution No. 2002-100 setting forth the procedures and requirements for consideration of Development Agreements. Pursuant to these procedures and requirements, staff entered into negotiations with the Owner to create a Development Agreement for consideration by the Planning Commission and City Council.

The Agreement (File No. PDA19-001) is the first development agreement to be proposed outside of the NMC Builders’ Construction Agreement development area and was established in coordination between the City Attorney and the Owner’s legal counsel. The provisions of the Agreement are consistent with the commitments to assure adequate public infrastructure improvements are constructed or funded by the Owner.

The Agreement proposes to include 85.6 acres of land within the Industrial and Business Park land use districts of the Specific Plan, as shown on the attached Exhibit “A”. The Agreement grants the Owner a vested right to develop Tentative Parcel Map 20016 (File No. PMTT18-011), provided the Owner complies with the terms and conditions of the Specific Plan and EIR.

The Tentative Parcel Map 20016 (see Exhibit “B”) is located at the northeast corner of Merrill Avenue and Euclid Avenue and proposes to subdivide the property into eight (8) parcels to facilitate a Development Plan (File No. PDEV18-036) to construct three (3) Industrial buildings totaling 1,447,123 square feet and five (5) Business Park buildings totaling 105,624 square feet.

The term of the Agreement is for ten (10) years, with a five (5) year option to renew. The main points of the agreement address funding for all new City expenses created by the project, which includes: Development Impact Fees (DIF) for construction of public improvements (i.e. streets and bridges, sewer, water, storm drain and fiber); funding a portion of Phase 2 Water Improvements; Public Service Funding to ensure adequate provisions of public services (police, fire and other public services); the creation of a Community Facilities District (CFD) for the maintenance of public facilities.

In considering the application at their meeting on October 27, 2020, the Planning Commission found that the Development Agreement was consistent with State law, The Ontario Plan, and the City’s Development Agreement policies, previously approved for Ontario Ranch developments. As a result, the Planning Commission adopted Resolution No. PC20-074 recommending City Council approval of the Development Agreement with a 5-0 vote.

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

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

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with the Ontario Ranch Business Park Specific Plan, for which a(n) EIR (SCH#2019050018) was adopted by the City Council on September 15, 2020. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.

Exhibit "A"
 Ontario Ranch Business Park Specific Plan Land Use Map

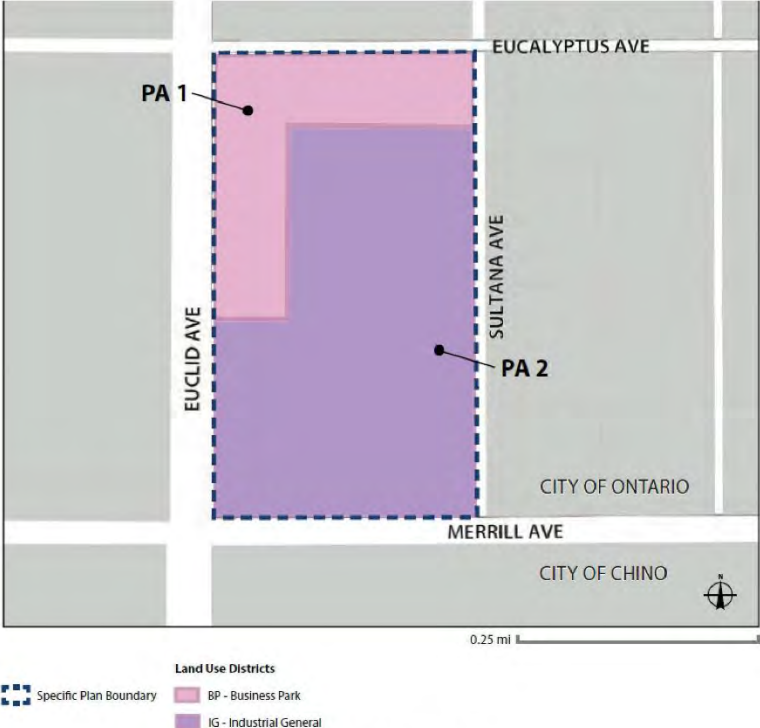
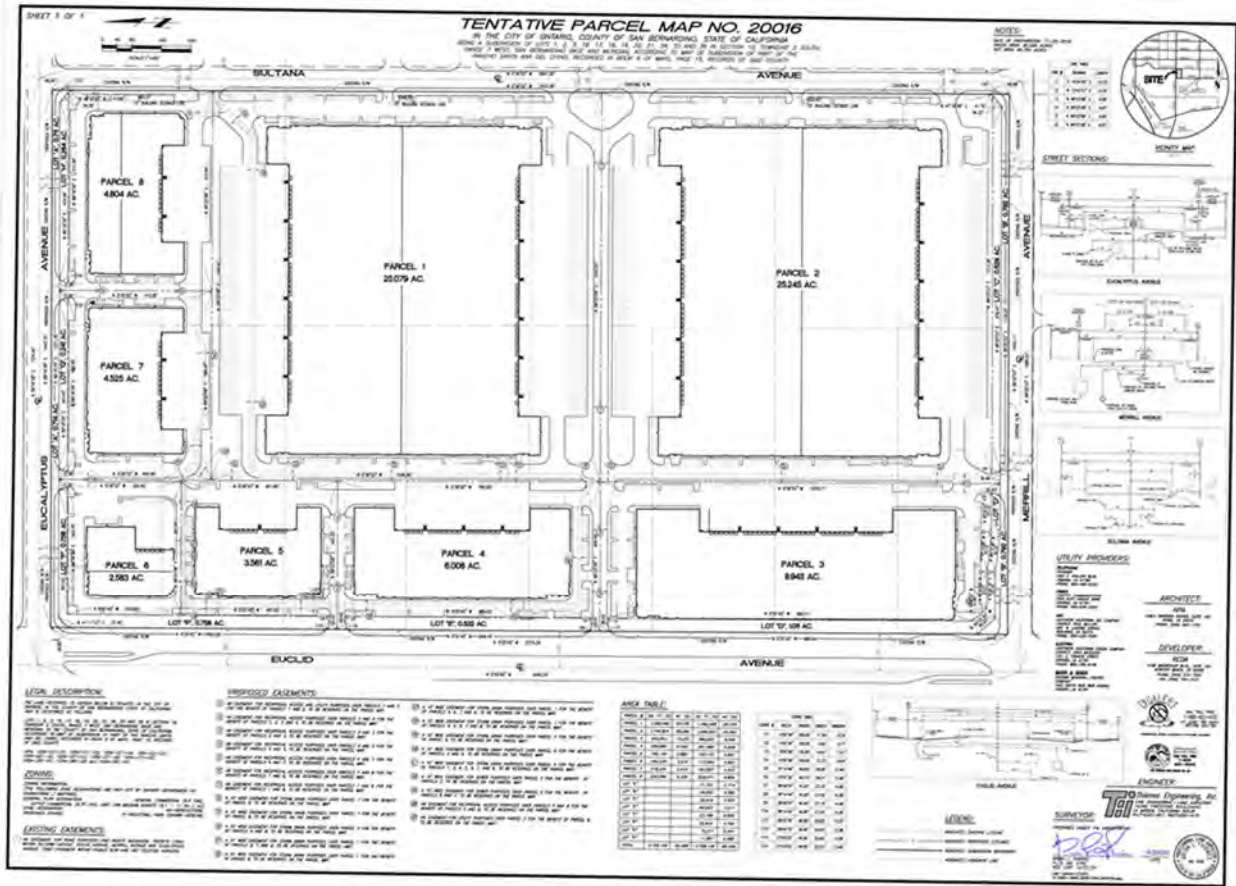


Figure 3: Land Use Plan

Exhibit "B"
Tentative Parcel Map 20016



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

FILE NO(S): PDA19-001

SUBJECT: A Development Agreement (File No. PDA19-001) between the City of Ontario and Euclid Land Venture, LLC, to establish the terms and conditions for the development of Tentative Parcel Map 20016 (File No. PMTT18-011), a 85.6 acre property located at the northeast corner of Merrill Avenue and Euclid Avenue, within the Industrial and Business Park land use districts of the Ontario Ranch Business Park Specific Plan (APNs: 1054-011-01, 1054-011-02, 1054-011-04; 1054-021-01, 1054-021-02; 1054-271-01, 1054-271-02, 1054-271-03, 1054-281-01, 1054-281-02, and 1054-281-03). **Submitted by Euclid Land Venture, LLC. City Council action is required.**

PROPERTY OWNER: Ronald & Kristine Pietersma Family Trust

RECOMMENDED ACTION: That the Planning Commission consider and recommend City Council adoption of an ordinance approving the Development Agreement (File No. PDA19-001) between the City of Ontario and Euclid Land Venture, LLC., pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: The project site is comprised of 85.6 acres of land located at the northeast corner of Merrill Avenue and Euclid Avenue, within the Industrial and Business Park land use districts of the Ontario Ranch Business Park Specific Plan, and is depicted in Figure 1: Project Location, below.

PROJECT ANALYSIS:

(1) Background — On September 15, 2020, the City Council approved the Environmental Impact Report (EIR) SCH#2019050018, and Ontario Ranch Business Park Specific Plan, File No. PSP18-002 (the "Specific Plan") which addressed the proposed development of

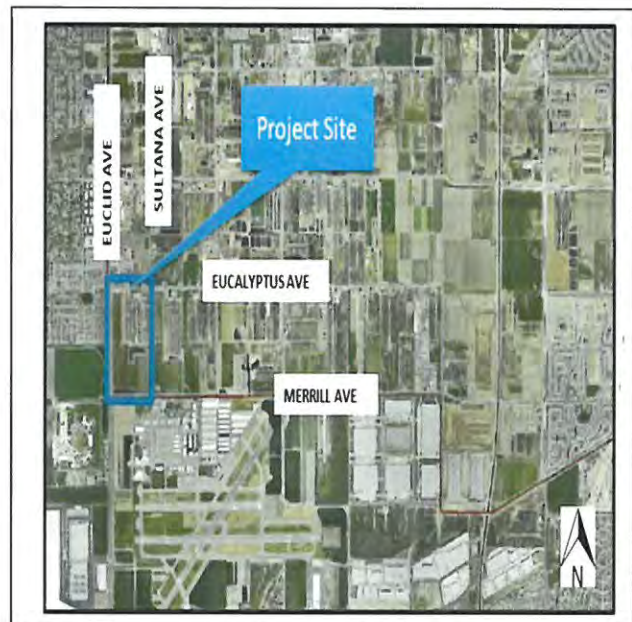



Figure 1: Project Location

Case Planner:	Derrick Womble, Administrative Officer
Planning Director Approval:	
Submittal Date:	01/16/2019

Hearing Body	Date	Decision	Action
DAB	N/A	N/A	N/A
PC	10/27/2020	Approval	Recommend
CC	11/17/2020		Final

The Ontario Ranch financial commitments required for construction of properties within a specific plan are substantial. Therefore, in order to adequately forecast these costs and gain assurance that the project may proceed under the existing policies, rules and regulations, Euclid Land Venture, LLC ("Owner") has requested that the City enter into negotiations to create a Development Agreement ("Agreement").

In accordance with California Government Code Section 65865, which in part states that that "[a]ny city... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property..." and California Government Code Section 65865.52, which in part states that "a Development Agreement shall specify the duration of the Agreement, the permitted uses of the property... and may include conditions, terms, restrictions..." the City of Ontario adopted Resolution No. 2002-100 setting forth the procedures and requirements for consideration of Development Agreements. Pursuant to these procedures and requirements, staff entered into negotiations with the Owner to create a Development Agreement for consideration by the Planning Commission and City Council.

The Agreement (File No. PDA19-001) is the first development agreement to be proposed outside of the NMC Builders' Construction Agreement development area and was established in coordination between the City Attorney and the Owner's legal counsel. The provisions of the Agreement are consistent with the commitments to assure adequate public infrastructure improvements are constructed or funded by the Owner.

(2) Staff Analysis – The Agreement proposes to include 85.6 acres of land within the Industrial and Business Park land use districts of the Specific Plan, as shown on the attached Exhibit "A". The Agreement grants the Owner a vested right to develop Tentative Parcel Map 20016 (File No. PMTT18-011), provided the Owner complies with the terms and conditions of the Specific Plan and EIR.

The Tentative Parcel Map 20016 (see Exhibit "B") is located at the northeast corner of Merrill Avenue and Euclid Avenue and proposes to subdivide 85.6 acres of land into eight (8) parcels to facilitate a Development Plan (File No. PDEV18-036) to construct three (3) Industrial buildings totaling 1,447,123 square feet, and five (5) Business Park buildings totaling 105,624 square feet.

The term of the Agreement is for ten (10) years, with a five (5) year option to renew. The main points of the agreement address funding for all new City expenses created by the project, which includes: Development Impact Fees (DIF) for construction of public improvements (i.e. streets and bridges, sewer, water, storm drain and fiber); funding a portion of Phase 2 Water Improvements; Public Service Funding to ensure adequate provisions of public services (police, fire and other public services); the creation of a Community Facilities District (CFD) for the maintenance of public facilities.

Staff finds that the Agreement is consistent with State law, The Ontario Plan, and the City's Development Agreement policies. As a result, staff is recommending approval of the

application to the Planning Commission. If the Planning Commission finds the Agreement is acceptable, a recommendation of approval to the City Council would be appropriate.

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

(1) City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner
- Focus Resources in Ontario's Commercial and Residential Neighborhoods
- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
 - Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

(2) Vision.

Distinctive Development:

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

(3) Governance.

Decision Making:

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

(4) Policy Plan (General Plan)

Land Use Element:

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

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

➤ LU1-6 Complete Community: We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario. (Refer to Complete Community Section of Community Economics Element).

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

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

Community Economics Element:

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

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

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

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

Safety Element:

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

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

Community Design Element:

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

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

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

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

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

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

- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Landscaped parkways, with sidewalks separated from the curb.

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

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

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

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

➤ CD2-11 Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

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

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

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

➤ CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.

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

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

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

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

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

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

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

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

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

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 environmental impacts of this project were previously reviewed in conjunction with the Ontario Ranch Business Park Specific Plan, for which a(n) EIR (SCH#2019050018) was adopted by the City Council on September 15, 2020. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.

Exhibit "A"
Ontario Ranch Business Park Specific Plan Land Use Map

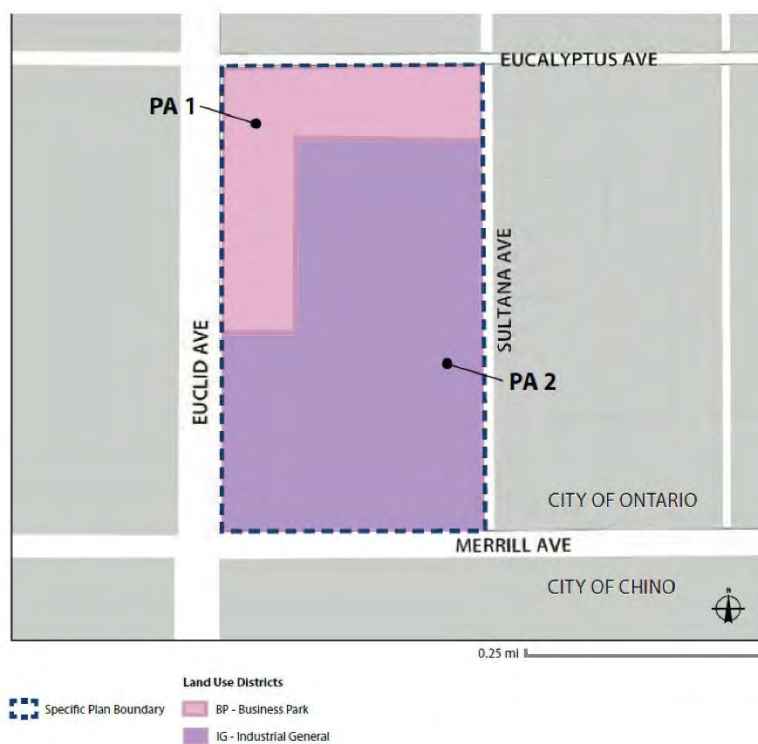


Figure 3: Land Use Plan

RESOLUTION NO. PC20-074

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVE A DEVELOPMENT AGREEMENT (FILE NO. PDA19-001), BETWEEN THE CITY OF ONTARIO AND EUCLID LAND VENTURE, LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE PARCEL MAP 20016 (FILE NO. PMTT18-011), A 85.6 ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF MERRILL AVENUE AND EUCLID AVENUE, WITHIN THE INDUSTRIAL AND BUSINESS PARK LAND USE DISTRICTS OF THE ONTARIO RANCH BUSINESS PARK SPECIFIC PLAN AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1054-011-01, 1054-011-02, 1054-011-04; 1054-021-01, 1054-021-02; 1054-271-01, 1054-271-02, 1054-271-03, 1054-281-01, 1054-281-02, AND 1054-281-03.

WHEREAS, Euclid Land Venture, LLC., ("Applicant") has filed an Application for the approval of a Development Agreement, File No. PDA19-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 85.6 acres of land generally located at the northeast corner of Merrill Avenue and Euclid Avenue, within the Industrial and Business Park land use districts of the Ontario Ranch Business Park Specific Plan, and is presently vacant; and

WHEREAS, on September 15, 2020, the City Council adopted Ordinance No. 3168, approving the Environmental Impact Report (SCH#2019050018) and Ontario Ranch Business Park Specific Plan ("Specific Plan"), which addressed the development of approximately 1,905,027 square feet of Industrial and Business Park uses; and

WHEREAS, a Tentative Parcel Map 20016 (File No. PMTT18-011) to subdivide approximately 85.6 acres of land into eight (8) parcels to facilitate a Development Plan (File No. PDEV18-036) to construct three (3) Industrial buildings totaling 1,447,123 square feet, and five (5) Business Park buildings totaling 105,624 square feet; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with the Ontario Ranch Business Park Specific Plan (File No. PSP18-002), for which an Environmental Impact Report — State Clearinghouse No. 2019050018 —

(hereinafter referred to as "Certified EIR) was adopted by the City Council on September 15, 2020, and this Application introduces no new significant environmental impacts; and

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

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

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

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

WHEREAS, 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; and

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

WHEREAS, on October 27, 2020, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

(1) The environmental impacts of this project were previously reviewed in conjunction with Ontario Ranch Business Park Specific Plan (File No. PSP18-002), for which a Certified EIR was adopted by the City Council on September 15, 2020.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. The Development Agreement applies to approximately 85.6 acres of land located at the northeast corner of Merrill Avenue and Euclid Avenue, within the Industrial and Business Park land use districts of the Ontario Ranch Business Park Specific Plan; and

b. The Development Agreement establishes parameters for the development of the proposed Industrial and Business Park land use districts of the Ontario Ranch Business Park Specific Plan. The Development Agreement also grants the Owner, the right to develop, the ability to quantify the fees; and establish the terms and conditions that apply to those projects. These terms and conditions are consistent with The Ontario Plan Policy Plan (General Plan), design guidelines and development standards for the Ontario Ranch Business Park Specific Plan; and

c. The Agreement grants the Owner a vested right to develop Tentative Parcel Map 20016 (File No. PMTT18-011) as long as the Owner, complies with the terms and conditions of the Specific Plan and EIR. Tentative Parcel Map 20016 is located at the northeast corner of Merrill Avenue and Euclid Avenue, and proposes to subdivide approximately 85.6 acres of land into eight (8) parcels to facilitate a Development Plan (File No. PDEV18-036) to construct three (3) Industrial buildings totaling 1,447,123 square feet, and five (5) Business Park buildings totaling 105,624 square feet; and

d. The Development Agreement has been prepared in conformance with the goals and policies of The Ontario Plan Policy Plan (General Plan); and

e. The Development Agreement does not conflict with the Land Use Policies of The Ontario Plan Policy Plan (General Plan) and will provide for development, within the district, in a manner consistent with the Policy Plan and with related development; and

f. This Development Agreement will promote the goals and objectives of the Land Use Element of the Policy Plan; and

g. This Development Agreement will not be materially injurious or detrimental to the adjacent properties and will have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were previously reviewed in conjunction with the Ontario Ranch Business Park Specific Plan, for which an EIR (SCH#2019050018) was adopted by the City Council on September 15, 2020. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.

SECTION 6: *Planning Commission Action.* Based upon the findings and conclusions set forth in Sections 1 through 5, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE the herein described Application, subject to the Development Agreement (File No. PDA19-001) 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 27th day of October 2020, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



Jim Willoughby
Planning Commission Chairman

ATTEST:



Rudy Zeledon
Planning Director and
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC20-074, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on October 27, 2020, by the following roll call vote, to wit:

AYES: DeDiemar, Gregorek, Reyes, Ricci, Willoughby

NOES: None

ABSENT: Gage

ABSTAIN: None



Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

File No. PDA19-001

DEVELOPMENT AGREEMENT

By and Between

**City of Ontario,
a California municipal corporation,**

and

**Euclid Land Venture, LLC,
a Delaware limited liability company**

(Development Agreement to follow this page)

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

CITY OF ONTARIO
CITY CLERK / RECORDS MANAGEMENT
303 EAST "B" STREET
ONTARIO, CA 91764-4196

Space above this line for Recorder's Use Only

Exempt from Fees Per Gov. Code § 6103

File No. PDA19-001

DEVELOPMENT AGREEMENT

By and Between

**City of Ontario,
a California municipal corporation,**

and

**Euclid Land Venture, LLC,
a Delaware limited liability company**

_____ , 2020

San Bernardino County, California

DEVELOPMENT AGREEMENT NO. PDA19-001

This Development Agreement (hereinafter "Agreement") is dated for reference purposes only as of the ____ day of _____, 2020 by and among the City of Ontario, a California municipal corporation (hereinafter "CITY"), and Euclid Land Venture, LLC, a Delaware limited liability company (hereinafter "OWNER").

RECITALS

WHEREAS, CITY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Section 65864, et seq. of the Government Code and Section 4.01.015 of the Ontario Development Code; and

WHEREAS, OWNER has requested CITY to enter into a development agreement and proceedings have been taken in accordance with the rules and regulations of CITY; and

WHEREAS, by electing to enter into this Agreement, CITY shall bind future City Councils of CITY by the obligations specified herein and limit the future exercise of certain governmental and proprietary powers of CITY; and

WHEREAS, the terms and conditions of this Agreement have undergone extensive review by CITY and the City Council and have been found to be fair, just and reasonable; and

WHEREAS, the best interests of the citizens of the CITY and the public health, safety and welfare will be served by entering into this Agreement; and

WHEREAS, all of the procedures of the California Environmental Quality Act have been met with respect to the Project and the Agreement in that Ontario Ranch Business Park Specific Plan Environmental Impact Report (State Clearinghouse No. 2019050018 (the "FEIR")). The City Council found and determined that the FEIR was prepared in accordance with the requirements of the California Environmental Quality Act and adequately describes the impacts of the Project described in the FEIR, which included consideration of this Agreement; and

WHEREAS, this Agreement and the Project are consistent with the CITY's Comprehensive General Plan and the Ontario Ranch Business Park Specific Plan; and

WHEREAS, all actions taken and approvals given by CITY have been duly taken or approved in accordance with all applicable legal requirements for notice, public hearings, findings, votes, and other procedural matters; and

WHEREAS, development of the Project Site ("Property") in accordance with this Agreement will provide substantial benefits to CITY and will further important policies and goals of CITY; and

WHEREAS, this Agreement will eliminate uncertainty in planning and provide for the orderly development of the Property, ensure progressive installation of necessary improvements, provide for public services appropriate to the development of the Project,

and generally serve the purposes for which development agreements under Sections 65864 et seq. of the Government Code are intended; and

WHEREAS, OWNER has incurred and will in the future incur substantial costs in order to assure development of the Property in accordance with this Agreement; and

WHEREAS, OWNER has incurred and will in the future incur substantial costs in excess of the generally applicable requirements in order to assure vesting of legal rights to develop the Property in accordance with this Agreement.

COVENANTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. DEFINITIONS AND EXHIBITS.

1.1 **Definitions.** The following terms when used in this Agreement shall be defined as follows:

1.1.1 "Agreement" means this Development Agreement.

1.1.2 "CITY" means the City of Ontario, California, a California municipal corporation.

1.1.3 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of public infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of buildings and structures; and the installation of landscaping. "Development" does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.1.4 "Development Approvals" means all permits and other entitlements for use subject to approval or issuance by CITY in connection with development of the Property including, but not limited to:

- (a) specific plans and specific plan amendments;
- (b) tentative and final subdivision and parcel maps;
- (c) development plan review.

1.1.5 "Development Exaction" means any requirement of CITY in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests.

1.1.6 "Development Impact Fee" means a monetary exaction, other than a tax or special assessment, whether characterized as a fee or a tax and whether established for a broad class of projects by legislation of general applicability or imposed on a specific

project on an ad hoc basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, and, for purposes of this Agreement only, includes fees collected under development agreements adopted pursuant to Article 2.5 of the Government Code (commencing with Section 65864) of Chapter 4. For purposes of this Agreement only, "Development Impact Fee" shall not include processing fees and charges imposed by CITY to cover the estimated actual costs to CITY of processing applications for Development Approvals or for monitoring compliance with any Development Approvals granted or issued, including, without limitation, fees for zoning variances; zoning changes; use permits; building inspections; building permits; filing and processing applications and petitions filed with the local agency formation commission or conducting preliminary proceedings or proceedings under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5 of the Government Code; the processing of maps under the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code; or planning services under the authority of Chapter 3 (commencing with Section 65100) of Division 1 of Title 7 of the Government Code, fees and charges as described in Sections 51287, 56383, 57004, 65104, 65456, 65863.7, 65909.5, 66013, 66014, and 66451.2 of the Government Code, Sections 17951, 19132.3, and 19852 of the Health and Safety Code, Section 41901 of the Public Resources Code, and Section 21671.5 of the Public Utilities Code, as such codes may be amended or superseded, including by amendment or replacement.

1.1.7 "Development Plan" means the Existing Development Approvals and the Existing Land Use Regulations applicable to development of the Property.

1.1.8 "Effective Date" means the date that the ordinance approving this Agreement goes into effect.

1.1.9 "Existing Development Approvals" means all Development Approvals approved or issued on or prior to the Effective Date. Existing Development Approvals includes the Approvals incorporated herein as Exhibit "C" and all other Approvals which are a matter of public record on the Effective Date.

1.1.10 "Existing Land Use Regulations" means all Land Use Regulations in effect on the date of the first reading of the ordinance adopting and approving this Agreement. Existing Land Use Regulations includes the Regulations incorporated herein as Exhibit "D" and all other Land Use Regulations that are in effect and a matter of public record on such date.

1.1.11 "General Plan" means The Ontario Plan adopted on January 26, 2010, as amended up to the date of the first reading of the ordinance adopting and approving this Agreement.

1.1.12 "Improvement" or "Improvements" means those public improvements required to support the development of the Project as described in the Parcel Map conditions for Parcel Map No. 20016 ("Parcel Map") as further described in Exhibit "E" and depicted in Exhibit "F" (the "Infrastructure Improvements Exhibits").

1.1.13 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of CITY governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use,

subdivision requirements, timing and phasing of development, the maximum height and size of buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. "Land Use Regulations" does not include any CITY ordinance, resolution, code, rule, regulation or official policy, governing:

- (a) the conduct of businesses, professions, and occupations;
- (b) taxes and assessments;
- (c) the control and abatement of nuisances;
- (d) the granting of encroachment permits and the conveyance of similar rights and interests that provide for the use of or the entry upon public property;
- (e) the exercise of the power of eminent domain.

1.1.14 "Mortgagee" means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns.

1.1.15 "OWNER" means the persons and entities listed as owner on page 1 of this Agreement and their permitted successors in interest to all or any part of the Property.

1.1.16 "Owner Affiliate" shall mean, (i) any general or limited partnership in which OWNER is the managing general partner, or (ii) any limited liability company in which OWNER is the managing member.

1.1.17 "Project" means the development of the Property contemplated by the Development Plan, as such Plan may be further defined, enhanced or modified pursuant to the provisions of this Agreement.

1.1.18 "Property" means the real property described on Exhibit "A" and shown on Exhibit "B" to this Agreement.

1.1.19 "Reservations of Authority" means the rights and authority excepted from the assurances and rights provided to OWNER under this Agreement and reserved to CITY under Section 3.4 of this Agreement.

1.1.20 "Specific Plan" means that certain specific plan adopted by the City Council, and entitled, "Ontario Ranch Business Park Specific Plan."

1.1.21 "Subsequent Development Approvals" means all discretionary Development Approvals required subsequent to the Effective Date in connection with development of the Property.

1.1.22 "Subsequent Land Use Regulations" means any discretionary Land Use Regulations adopted and effective after the Effective Date of this Agreement.

1.2 Exhibits. The following documents are attached to, and by this reference made a part of, this Agreement:

Exhibit "A" — Legal Description of the Property.

Exhibit "B" — Map showing Property and its location.

Exhibit "C" — Existing Development Approvals.

Exhibit "D" — Existing Land Use Regulations.

Exhibit "E" — Description of Required Infrastructure Improvements

Exhibit "F" — Depiction of Infrastructure Improvements Exhibits

Exhibit "G" – Form of Certificate of DIF Credit to be issued by CITY

2. GENERAL PROVISIONS.

2.1 Binding Effect of Agreement. The Property is hereby made subject to this Agreement. Development of the Property is hereby authorized and shall be carried out only in accordance with the terms of this Agreement.

2.2 Ownership of Property. OWNER represents and covenants that it is the owner of the fee simple title to the Property or a portion thereof, or has the right to acquire fee simple title to the Property or a portion thereof from the current owner(s) thereof. To the extent OWNER does not own fee simple title to the Property, OWNER shall obtain written consent from the current fee owner of the Property agreeing to the terms of this Agreement and the recordation thereof.

2.3 Term. The term of this Agreement shall commence on the Effective Date and shall continue for an initial term of ten (10) years thereafter unless this term is modified or extended pursuant to the provisions of this Agreement. The term of this Agreement may be extended for an additional five (5) years following expiration of the initial ten (10) year term, provided the following have occurred:

- (a) OWNER provides at least 180 days written notice to CITY prior to expiration of the initial term; and
- (b) OWNER is not then in uncured default of this Agreement.

2.4 Assignment.

2.4.1 Right to Assign. OWNER shall have the right to sell, transfer or assign the Property in whole or in part (provided that no such partial transfer shall violate the Subdivision Map Act, Government Code Section 66410, et seq.), to any person, partnership, limited liability company, joint venture, firm or corporation at any time during the term of this Agreement; provided, however, that any such sale, transfer or assignment shall include the assignment and assumption of the rights, duties and obligations arising under or from this Agreement with respect to the portion of the Property sold and be made in strict compliance with the following:

(a) Except as expressly provided for herein, no sale, transfer or assignment of any right or interest under this Agreement shall be made unless made together with the sale, transfer or assignment of all or a part of the Property.

(b) Concurrent with any such sale, transfer or assignment, or within fifteen (15) business days thereafter, OWNER shall notify CITY's City Manager, in writing, of such

sale, transfer or assignment and shall provide CITY with: (1) an executed agreement, in a form reasonably acceptable to CITY, by the purchaser, transferee or assignee and providing therein that the purchaser, transferee or assignee expressly and unconditionally assumes all the duties and obligations of OWNER under this Agreement with respect to the portion of the Property so sold, transferred or assigned.

(c) Any sale, transfer or assignment not made in strict compliance with the foregoing conditions shall constitute a default by OWNER under this Agreement. Notwithstanding the failure of any purchaser, transferee or assignee to execute the agreement required by Paragraph (b) of this Subsection 2.4.1, the burdens of this Agreement shall be binding upon such purchaser, transferee or assignee, but the benefits of this Agreement shall not inure to such purchaser, transferee or assignee until and unless such agreement is executed. The City Manager shall have the authority to review, consider and either approve, conditionally approve, or deny any proposed sale, transfer or assignment that is not made in compliance with this section 2.4.

(d) Notwithstanding the foregoing, OWNER shall have the right to assign this Agreement to an Owner Affiliate subject to the notice requirements to CITY as described in Paragraph (b) of this Section 2.4.1, above.

2.4.2 Release of Transferring Owner. Notwithstanding any sale, transfer or assignment, a transferring OWNER shall continue to be obligated under this Agreement unless such transferring owner is given a release in writing by CITY, which release shall be provided by CITY upon the full satisfaction by such transferring owner of the following conditions:

(a) OWNER no longer has a legal or equitable interest in all or any part of the portion of the Property sold, transferred or assigned.

(b) OWNER is not then in default under this Agreement.

(c) OWNER has provided CITY with the notice and executed an agreement as required under Paragraph (b) of Subsection 2.4.1 above.

(d) The purchaser, transferee or assignee provides CITY with security equivalent to any security previously provided by OWNER (if any) to secure performance of its obligations hereunder which are to be performed upon portion of the Property sold, transferred or assigned.

2.4.3 Effect of Assignment and Release of Obligations. In the event of a sale, transfer or assignment pursuant to the provisions of Section 2.4.2 above:

(a) The assignee shall be liable for the performance of all obligations of OWNER with respect to transferred property, but shall have no obligations with respect to the portions of the Property, if any, not transferred (the "Retained Property").

(b) The owner of the Retained Property shall be liable for the performance of all obligations of OWNER with respect to Retained Property, but shall have no further obligations with respect to the transferred property.

(c) The assignee's exercise, use and enjoyment of the Property or portion thereof shall be subject to the terms of this Agreement to the same extent as if the assignee were the OWNER.

2.4.4 Subsequent Assignment. Any subsequent sale, transfer or assignment after an initial sale, transfer or assignment shall be made only in accordance with and subject to the terms and conditions of this Section 2.4.

2.4.5 Termination of Agreement with Respect to Individual Lots Upon Sale to Public and Completion of Construction. The provisions of Subsection 2.4.1 shall not apply to the sale or lease (for a period longer than one (1) year) of any parcel which has been finally subdivided and is individually (and not in "bulk") sold or leased to a member of the public or other ultimate user of the parcel. Notwithstanding any other provisions of this Agreement, this Agreement shall terminate with respect to any lot and such lot shall be released and no longer be subject to this Agreement without the execution or recordation of any further document upon satisfaction of both of the following conditions:

(a) The lot has been finally subdivided and individually (and not in "bulk") sold or leased (for a period longer than one (1) year) to a member of the public or other ultimate user; and,

(b) A certificate of occupancy has been issued for a building on the parcel, and the fees set forth under Section 4 of this Agreement have been paid.

2.4.6 Partial Assignment and Assumption. CITY and OWNER agree OWNER may partially assign its obligations and rights under this Agreement, and all amendments hereto, to a purchaser, transferee or assignee of a lot, which has been subdivided subject to provisions of a partial assignment and assumption agreement in a form approved by CITY. Any such complete and executed partial assignment and assumption of this Agreement shall be submitted to CITY for approval pursuant to Section 2.4.1 of this Agreement. Within thirty (30) days following such complete submittal, CITY shall review, and if the above conditions are satisfied, may approve the partial assignment and release and notify the purchase, transferee or assignee in writing thereof. No such release approved pursuant to this Subsection 2.4.6 shall cause, or otherwise affect, a release of OWNER from the duties and obligations under this Agreement that are retained by OWNER and excluded from the transfer or assignment.

2.5 Amendment or Cancellation of Agreement. This Agreement may be amended or cancelled in whole or in part only in the manner provided for in Government Code Section 65868.1. Any amendment of this Agreement, which amendment has been requested by OWNER, shall be considered by the CITY only upon the payment of the applicable processing charge. This provision shall not limit any remedy of CITY or OWNER as provided by this Agreement. Either party or successor in interest, may propose an amendment to or cancellation, in whole or in part, of this Agreement. Any amendment or cancellation shall be by mutual consent of the parties or their successors in interest except as provided otherwise in this Agreement or in Government Code Section 65865.1. For purposes of this section, the term "successor in interest" shall mean any person having a legal or equitable interest in the whole of the Property, or any portion thereof as to which such person wishes to amend or cancel this Agreement. The procedure for proposing and adopting an amendment to, or cancellation of, in whole or in part, this Agreement shall be the same as the procedure for adopting and entering into this Agreement in the

first instance. Notwithstanding the foregoing sentence, if the CITY initiates the proposed amendment to, or cancellation of, in whole or in part, this Agreement, CITY shall first give notice to the OWNER of its intention to initiate such proceedings at least sixty (60) days in advance of the giving the public notice of intention to consider the amendment or cancellation.

2.6 Minor Modification. Upon the written application of OWNER, minor modifications and changes to the Development Plan including modifications to building design or footprint (not affecting minimum setbacks), parking layout and design, and landscape area design may be approved by the Director of the Planning Department without the need to amend this Development Agreement. Other changes in the Development Plan shall be processed pursuant to the City Zoning Ordinance. It is also contemplated by City and OWNER that OWNER may, from time to time, seek amendments to one or more of the Development Approvals. Any such amendments are contemplated by City and OWNER as being within the scope of this Agreement as long as they are consistent with the Land Use Regulations and shall, upon approval by City, continue to constitute the Development Approvals as referenced herein. The parties agree that any such modifications or amendments shall not constitute an amendment to this Agreement nor require an amendment to this Agreement.

2.7 Termination. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

- (a) Expiration of the stated term of this Agreement as set forth in Section 2.3.
- (b) Entry of a final judgment setting aside, voiding or annulling the adoption of the ordinance approving this Agreement.
- (c) The adoption of a referendum measure overriding or repealing the ordinance approving this Agreement.
- (d) Completion of the Project in accordance with the terms of this Agreement including issuance of all required occupancy permits and acceptance by CITY or applicable public agency of all required dedications.

Termination of this Agreement shall not constitute termination of any other land use entitlements approved for the Property. Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such termination or with respect to any default in the performance of the provisions of this Agreement which has occurred prior to such termination or with respect to any obligations which are specifically set forth as surviving this Agreement. Upon such termination, any public facilities and services mitigation fees paid pursuant to Section 4.2 of this Agreement by OWNER to CITY on which construction has not yet begun shall be refunded to OWNER by CITY within ten (10) business days.

2.8 Notices.

(a) As used in this Agreement, "notice" includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment or other communication required or permitted hereunder.

(b) All notices shall be in writing and shall be considered given either: (i) when delivered in person, including, without limitation, by courier, to the recipient named below; or (ii) on the date of delivery shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, and postage and postal charges prepaid, and addressed to the recipient named below. All notices shall be addressed as follows:

If to CITY:

Scott Ochoa, City Manager
City of Ontario
303 East "B" Street
Ontario, CA 91764

with a copy to:

Ruben Duran, City Attorney
City of Ontario
303 East "B" Street
Ontario, CA 91764

If to OWNER:

Euclid Land Venture, LLC
c/o Real Estate Development Associates, LLC
4450 MacArthur Boulevard, Suite 100
Newport Beach, CA 92660
Attn: Jason Krotts
Email: jkrotts@redallc.com
Phone: (949) 216-7300

With a copy to:

Allen Matkins Leck Gamble Mallory & Natsis LLP
1900 Main Street, Fifth Floor
Irvine, California 92614
Attn: Matthew R. Fogt, Esq.
Email: mfogt@allenmatkins.com
Phone: 949-851-5453

Either party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a party or an officer or representative of a party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by the change.

3. DEVELOPMENT OF THE PROPERTY.

3.1 Rights to Develop. Subject to the terms of this Agreement including the Reservations of Authority in Section 3.4, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the Development Plan. The Project shall remain subject to all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the

maximum height and size of proposed buildings, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan.

3.2 Effect of Agreement on Land Use Regulations. Except as otherwise provided under the terms of this Agreement including the Reservations of Authority in Section 3.4, the rules, regulations and official policies governing permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings, and the design, improvement and construction standards and specifications applicable to development of the Property shall be the Existing Land Use Regulations. In connection with any Subsequent Development Approval, CITY shall exercise discretion in accordance with the same manner as it exercises its discretion under its police powers, including the Reservations of Authority set forth herein; provided however, that such discretion shall not prevent development of the Property for the uses and to the density or intensity of development set forth in this Agreement.

3.3 Timing of Development. The parties acknowledge that OWNER cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of OWNER, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Since the California Supreme Court held in Pardee Construction Co. v. City of Camarillo (1984) 37 Cal. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that OWNER shall have the right to develop the Property in such order and at such rate and at such times as OWNER deems appropriate within the exercise of its subjective business judgment.

3.3.1 Infrastructure Improvement Exhibits. Attached hereto as Exhibits "E" and "F" are a description and a depiction, respectfully, of the Infrastructure Improvements needed for the development of the Property (the "Infrastructure Improvement Exhibits").

3.4 Reservations of Authority.

3.4.1 Limitations, Reservations and Exceptions. Notwithstanding any other provision of this Agreement, the CITY shall not be prevented from applying new rules, regulations and policies upon the OWNER, nor shall a development agreement prevent the CITY from denying or conditionally approving any subsequent development project application on the basis of such new rules, regulations and policies where the new rules, regulations and policies consist of the following:

(a) Processing fees by CITY to cover costs of processing applications for development approvals or for monitoring compliance with any development approvals;

(b) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records and any other matter of procedure;

(c) Regulations, policies and rules governing engineering and construction standards and specifications applicable to public and private improvements, including all uniform codes adopted by the CITY and any local amendments to those codes adopted by the CITY; provided however that, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the standards and specifications that

are expressly identified in the Specific Plan and the building codes in effect as of the Effective Date;

(d) Regulations that may conflict with this Agreement and the Development Plan but that are reasonably necessary to protect the occupants of the Project and/or of the immediate community from a condition perilous to their health or safety;

(e) Regulations that do not conflict with those rules, regulations and policies set forth in this Agreement or the Development Plan and which do not impose additional obligations, costs, and expenses on Owner or the Project;

(f) Regulations that may conflict with this Agreement but to which the OWNER consents.

3.4.2 Subsequent Development Approvals. This Agreement shall not prevent CITY, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations that do not conflict with the Development Plan and/or the Existing Development Approvals, nor shall this Agreement prevent CITY from denying or conditionally approving any Subsequent Development Approval on the basis of the Existing Land Use Regulations or any Subsequent Land Use Regulation not in conflict with the Development Plan and/or the Existing Development Approvals.

3.4.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date of this Agreement, prevent or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provisions impractical to enforce. In the event OWNER alleges that such State or Federal laws or regulations preclude or prevent compliance with one or more provisions of this Agreement, and the CITY does not agree, the OWNER may, at its sole cost and expense, seek declaratory relief (or other similar non-monetary remedies); provided however, that nothing contained in this Section 3.4.3 shall impose on CITY any monetary liability for contesting such declaratory relief (or other similar non-monetary relief).

3.4.4 Intent. The parties acknowledge and agree that CITY is restricted in its authority to limit its police power by contract and that the foregoing limitations, reservations and exceptions are intended to reserve to CITY all of its police power which cannot be so limited. This Agreement shall be construed, contrary to its stated terms if necessary, to reserve to CITY all such power and authority which cannot be restricted by contract.

3.5 Public Works; Utilities. If OWNER is required by this Agreement or a condition of Project approval to construct any public works facilities which will be dedicated to CITY or any other public agency upon completion, and if required by applicable laws to do so, OWNER shall perform such work in the same manner and subject to the same requirements as would be applicable to CITY or such other public agency should it have undertaken such construction. As a condition of development approval, OWNER shall connect the Project to all utilities necessary to provide adequate water, recycled water, sewer, gas, electric, and other utility services necessary for the Project. As a further

condition of development approval, OWNER shall to the extent possible contract with the CITY for CITY-owned or operated utilities for this purpose, for such price and on such terms as may be available to similarly situated customers in the CITY.

3.5.1 OWNER agrees that development of the Project shall require the construction of storm drain Improvements from the Property as described in Exhibit E and depicted in Exhibit F. OWNER shall be responsible for the construction of the storm drain Improvements, as described in Exhibit E and depicted in Exhibit F. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY, and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings prior to completion of the storm drain Improvements described in Exhibit E and depicted in Exhibit F. OWNER may request, and CITY may issue in its reasonable discretion, temporary certificates of occupancy on a building-by-building basis prior to completion of the storm drain improvements.

3.5.2 OWNER agrees that development of the Project shall require the construction of street Improvements as described in Exhibit E and depicted in Exhibit F. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY, and OWNER agrees that OWNER shall not request, and CITY shall not issue a final occupancy permit for any buildings on the Property prior to Substantial Completion of the street Improvements as described in Exhibit E and depicted in Exhibit F. For purposes of the foregoing, street Improvements shall be deemed "Substantially Complete" even if the final lift of pavement has not been completed (i.e., Owner may install the final lift after completion of all other construction). OWNER may request, and CITY may issue in its reasonable discretion, temporary certificates of occupancy on a building-by-building basis prior to completion and subject to final acceptance by CITY of the street Improvements. OWNER agrees that the street improvements shall be completed and subject to final acceptance by CITY prior to the release of any security for the construction of the street improvements. OWNER and CITY agree that a portion of the street Improvements described in Exhibit E and depicted in Exhibit F may be constructed by others, or pursuant to a cooperative agreement with others. If such street Improvements are constructed by others, or in cooperation with others, and are completed and accepted by CITY prior to OWNER's request to CITY of the required grading, building or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct those street Improvements constructed and completed by others and accepted by CITY.

3.5.3 OWNER agrees that development of the Property shall require the extension of permanent master planned potable water utility Improvements to serve the Property as described in Exhibit E and depicted in Exhibit F. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings on the Property until the completion of the potable water improvements, the Phase 2A Water Improvements, and the Interim Chino Avenue Loop described in Exhibit E, and depicted in Exhibit F. OWNER may request, and CITY may issue in its reasonable discretion, temporary certificates of occupancy on a building-by-building basis prior to completion of the Phase 2A Water Improvements, and the Interim Chino Avenue Loop, if there is available permanent potable water service from a

minimum of one (1) point of connection and sufficient redundant water is available for fire protection purposes for any buildings while under construction. If sufficient redundant water is not available for fire protection purposes for any building, OWNER shall provide an alternative solution for redundant fire protection purposes and such alternative solution shall be approved at the discretion of the CITY. OWNER and CITY agree that a portion of the water improvements described in Exhibit E and depicted in Exhibit F may be constructed by others, or pursuant to a cooperative agreement with others. If such water improvements are constructed by others, or in cooperation with others, and are completed and accepted by CITY prior to OWNER's request to CITY of the required grading, building or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct those water improvements constructed and completed by others and accepted by CITY.

3.5.4 OWNER agrees that development of the Property shall require the construction of permanent master planned sewer Improvements to serve the Property as described in Exhibit E and depicted in Exhibit F. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY, and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings prior to completion of the sewer improvements described in Exhibit E and depicted in Exhibit F. OWNER may request, and CITY may issue in its reasonable discretion, temporary certificates of occupancy on a building-by-building basis prior to the completion of the sewer improvements described in Exhibit E and depicted in Exhibit F. OWNER and CITY agree that a portion of the sewer Improvements described in Exhibit E and depicted in Exhibit F may be constructed by others, or pursuant to a cooperative agreement with others. If such sewer Improvements are constructed by others, or in cooperation with others, and are completed and accepted by CITY prior to OWNER's request to CITY of the required grading, building or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct those sewer Improvements constructed and completed by others and accepted by CITY.

3.5.5 OWNER agrees that development of the Property shall require the extension of permanent master planned recycled water utility improvements to serve the Property, as described in Exhibit E and depicted in Exhibit F. OWNER and CITY agree that the City may issue grading, and other required sitework permits for OWNER to initiate grading of the Property according to plans approved by CITY upon completion of sufficient recycled water improvements to serve the Property from at least one point of connection. OWNER agrees that OWNER shall not request, and CITY shall not issue a final occupancy permit for any buildings on the Property until the completion of the recycled water improvements described in Exhibit E and depicted in Exhibit F. CITY agrees that OWNER may request that CITY issue temporary occupancy on a building-by-building basis prior to completion of recycled water improvements if there is available a permanent recycled water service connection and sufficient recycled water is available. OWNER and CITY agree that OWNER may, in lieu of utilizing recycled water during grading and construction, utilize water from existing agricultural wells on the Property subject to the terms of a separate Well Use Agreement between CITY and OWNER. OWNER and CITY agree that all, or a portion of, the permanent master planned recycled water utility Improvements described in Exhibit E and depicted in Exhibit F may be constructed by others. If such recycled water utility Improvements are constructed by others and completed and accepted by CITY prior to OWNER'S request to CITY of the required

grading, building, or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct those permanent master planned recycled water utility Improvements.

3.5.6 OWNER agrees that development of the Property shall require the extension of permanent master planned fiber optic communications infrastructure to serve the Property, as described in the attached Exhibit E and depicted in Exhibit F. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings prior to completion of the fiber optic communications infrastructure, as described in Exhibit E and depicted in Exhibit F. OWNER may request, and CITY may issue in its reasonable discretion, temporary certificates of occupancy on a building-by-building basis prior to the completion of the fiber optic communications infrastructure, as described in Exhibit E and depicted in Exhibit F. OWNER and CITY agree that all, or a portion of, the permanent master planned fiber optic communications infrastructure described in Exhibit E and depicted in Exhibit F may be constructed by others. If such fiber optic communications infrastructure is constructed by others and completed and accepted by CITY prior to OWNER'S request to CITY of the required grading, building, or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct such permanent master planned fiber optic communications infrastructure.

3.5.7 For the improvements described in Sections 1(h), 2(a) and 2(b) of the attached Exhibit E for which OWNER pays a fee in lieu of actual construction by OWNER, such obligation shall be deemed satisfied once OWNER has paid such fee in full and the CITY shall not hold up a final occupancy permit for any buildings based on the actual completion of any such improvements.

3.6 Acquisition of Offsite Provision of Real Property Interests. In any instance where OWNER is required by any Development Approval or Land Use Regulation to construct any public improvement on land not owned by OWNER ("Offsite Improvements"), the CITY and OWNER shall cooperate in acquiring the necessary legal interest ("Offsite Property") as described below in Section 3.7. This Section 3.6 is not intended by the parties to impose upon the OWNER an enforceable duty to acquire land or construct any public improvements on land not owned by OWNER, except to the extent that the OWNER elects to proceed with the development of the Project, and then only in accordance with valid conditions imposed by the CITY upon the development of the Project under the Subdivision Map Act or other legal authority.

3.7 Real Property Interests.

3.7.1 CITY Acquisition of Offsite Property. In the event OWNER is required to construct any public improvements on land not owned by OWNER, Sections 3.7.1 and 3.7.2 shall control the acquisition of the Offsite Property. If the OWNER is unable to acquire such Offsite Property, and following the written request from the OWNER to CITY, CITY agrees to use reasonable and diligent good faith efforts to acquire the Offsite Property from the owner or owners of record by negotiation to the extent permitted by law and consistent with this Agreement. If CITY is unable to acquire the Offsite Property by negotiation within thirty (30) days after OWNER'S written request, CITY shall, initiate proceedings utilizing its power of eminent domain to acquire the Offsite Property at a

public hearing noticed and conducted in accordance with California Code of Civil Procedure Section 1245.235 for the purpose of considering the adoption of a resolution of necessity concerning the Offsite Property, subject to the conditions set forth in this Section 3.6.1. The CITY and OWNER acknowledge that the timelines set forth in this Section 3.6.1 represent the maximum time periods which CITY and OWNER reasonably believe will be necessary to complete the acquisition of any Offsite Property. CITY agrees to use reasonable good faith efforts to complete the actions described within lesser time periods, to the extent that it is reasonably able to do so, consistent with the legal constraints imposed upon CITY.

3.7.2 Owner's Option to Terminate Proceedings. CITY shall provide written notice to OWNER no later than fifteen (15) days prior to making an offer to the owner of the Offsite Property. At any time within that fifteen (15) day period, OWNER may, at its option, notify CITY that it wants CITY to cease all acquisition proceedings with respect to that Offsite Property, whereupon CITY shall cease such proceedings. CITY shall provide written notice to OWNER no later than fifteen (15) days prior to the date of the hearing on CITY's intent to consider the adoption of a resolution of necessity as to any Offsite Property. At any time within that fifteen (15) day period, OWNER may, at its option, notify CITY that it wants CITY to cease condemnation proceedings, whereupon CITY shall cease such proceedings. If OWNER does not notify CITY to cease condemnation proceedings within said fifteen (15) day period, then the CITY may proceed to consider and act upon the Offsite Property resolution of necessity. If CITY adopts such resolution of necessity, then CITY shall diligently institute condemnation proceedings and file a complaint in condemnation and seek an order of immediate possession with respect to the Offsite Property.

3.8 Regulation by Other Public Agencies. It is acknowledged by the parties that other public agencies not within the control of CITY possess authority to regulate aspects of the development of the Property separately from or jointly with CITY and this Agreement does not limit the authority of such other public agencies. CITY agrees to cooperate fully, at no cost to CITY, with OWNER in obtaining any required permits or compliance with the regulations of other public agencies provided such cooperation is not in conflict with any laws, regulations or policies of the CITY.

3.9 Tentative Parcel Maps. With respect to applications by OWNER for tentative parcel maps for portions of the Property, CITY agrees that OWNER may file and process tentative maps in accordance with Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the California Government Code and the applicable provisions of CITY's subdivision ordinance, as the same may be amended from time to time. In accordance with the provisions of Section 66452.6 of the Government Code, each tentative subdivision map or tentative parcel map, heretofore or hereafter approved in connection with development of the Property, shall be deemed to have been granted an extension of time to and until the expiration, cancellation, or termination of this Agreement.

3.10 Specific Plan Charge. Pursuant to Government Code section 65456, the City Council may consider adopting a specific plan charge upon persons seeking CITY approvals that are required to be consistent with the Specific Plan. Any such charges shall, in the aggregate, defray, but not exceed, the estimated cost of preparation, adoption, and administration of the Specific Plan, including costs incurred pursuant to the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.). As nearly

as can be estimated, the charges shall be a prorated amount in accordance with the applicant's relative benefit derived from the Specific Plan. If such charges are adopted, the CITY shall use such charges to reimburse the OWNER who originally paid the cost of preparing the Specific Plan, including costs incurred pursuant to the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) to the extent the OWNER paid more than its relative benefit from the Specific Plan. Such charges, if adopted, shall be imposed on persons seeking CITY approvals that are required to be consistent with the Specific Plan, to the extent such person(s) has/have not entered into a reimbursement agreement with, and satisfactory to, the person(s) originally responsible for the cost of preparing the Specific Plan, including costs incurred pursuant to CEQA.

4. PUBLIC BENEFITS.

4.1 Intent. The parties acknowledge and agree that development of the Property will result in public needs that will not be fully met by the Development Plan and further acknowledge and agree that this Agreement confers private benefits on OWNER that should be balanced by commensurate public benefits. Accordingly, the parties intend to provide consideration to the public to balance the private benefits conferred on OWNER by providing more fully for the satisfaction of the public needs resulting from the Project.

4.2 Development Impact Fees.

4.2.1 Amount of Development Impact Fee. Development Impact Fees (DIF) shall be paid by OWNER. The Development Impact Fee amounts to be paid by OWNER shall be the amounts that are in effect at the time such amounts are due. Nothing contained in this Agreement shall affect the ability of the CITY to impose new Development Impact Fees or amend the amounts of existing Development Impact Fees. Additionally, nothing contained in this Agreement shall affect the ability of other public agencies that are not controlled by CITY to impose and amend, from time to time, Development Impact Fees established or imposed by such other public agencies, even though such Development Impact Fees may be collected by CITY.

4.2.2 Time of Payment. The Development Impact Fees required pursuant to Subsection 4.2.1 shall be paid to CITY prior to the issuance of building permit for each applicable building (subject to the application/use of available fee deferrals or credits), except for the Species, Habitat Conservation, and Open Space Mitigation Development Impact Fee, which shall be paid by OWNER to CITY prior to the issuance of a grading permit. Notwithstanding the foregoing, OWNER is eligible to defer the payment(s) of DIF subject to a separate DIF Deferral Agreement between CITY and OWNER. CITY and OWNER agree that the DIF Deferral Agreement between CITY and OWNER shall comply with CITY's adopted policies applicable to such deferral agreements.

4.3 Responsibility for Construction of Public Improvements.

4.3.1 Timely Construction of Public Infrastructure. The phasing of the area wide infrastructure construction within the vicinity of the Project shall be as approved by the CITY. OWNER shall be responsible for the timely construction and completion of all public infrastructure required for the Project as described in Exhibit E and depicted in Exhibit F and any and all parcel map conditions. Unless otherwise specified in the Parcel Map conditions, and subject to the provisions of Section 3.5 and 3.6, all other required Improvements for each parcel map, shall be completed and operational prior to, and as a condition precedent to, OWNER requesting and CITY's granting of a final occupancy

permit for any buildings to be constructed on the Property. All Infrastructure and Improvements shall be completed as required by the Subdivision Agreement/Parcel Map conditions for Parcel Map No. 20016.

4.3.2 Construction of Public Infrastructure by Third Parties. CITY and OWNER acknowledge that a portion of the Improvements described in Exhibit E and depicted in Exhibit F are necessary for the development of surrounding properties within the Ontario Ranch and the other property owners are also obligated to construct the Improvements or portions thereof. As such, CITY agrees that OWNER's obligation to construct the Improvements may be satisfied by third party owners pursuant to separate written agreements between OWNER and said third party undertaking the construction of the Improvements. Nothing in this Agreement shall be construed to prohibit the coordination of the construction of the Improvements between private parties, including the allocation of costs for the construction of the Improvements. Notwithstanding anything to the contrary herein, any applicable DIF Credits may be transferred and assigned from one (1) party to another with respect to the construction of the Improvements and such transfer or assignment shall not require the conveyance of any real property.

4.3.3 Availability and Use of Recycled Water. OWNER agrees that recycled water shall be available and utilized by OWNER for all construction-related water uses including prior to, and during, any grading of the Property. OWNER and CITY agree that OWNER may, in-lieu of utilizing recycled water during grading and construction, utilize water from existing agricultural wells on the Property subject to the terms of a separate Well Use Agreement between the CITY and OWNER.

4.3.4 Construction of DIF Program Infrastructure. To the extent OWNER is required to construct and completes construction of public improvements that are included in CITY's Development Impact Fee Program CITY agrees that CITY shall issue DIF Credit in accordance with the provisions of a separate Fee Credit Agreement between CITY and OWNER. Limitations on the use of DIF Credit issued to OWNER to offset OWNER's DIF payment obligations shall also be subject to the provisions of a separate Fee Credit Agreement. OWNER will be eligible to receive DIF Credit from OWNER's construction of DIF Program Infrastructure. Any such DIF Credit shall be subject to a Fee Credit Agreement between CITY and OWNER. CITY and OWNER agree that the Fee Credit Agreement between CITY and OWNER shall comply with CITY's adopted policies applicable to such agreements.

4.4 Public Services Funding Fee.

4.4.1 Requirement for Payment of Public Services Funding Fee. In order to ensure that the adequate provision of public services, including without limitation, police, fire and other public safety services, are available to each Project in a timely manner, OWNER shall pay to CITY a "Public Services Funding Fee." The Public Services Funding Fee shall apply to residential and non-residential uses as set forth below.

4.4.2 Public Services Funding Fee Amount. OWNER shall pay a Public Services Funding fee in a single installment payment in the amount of Sixty-Three Cents (\$.63) per square foot of each non-residential building. The single installment for non-residential uses shall be due and payable on a building-by-building basis prior to the issuance of the building permit for a non-residential building. The amount of the Single Installment for non-residential uses shall automatically increase by percentage increase

(but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year on January 1st of each year, beginning on January 1, 2021. OWNER may exercise the option to pay any single installment amounts for the remainder of the non-residential square footage within the Project on or before December 31st, before the Single Installment amount is automatically increased

4.5 Water Availability.

4.5.1 Water Availability. The Property requires the completion of the Phase 2 Water Improvements (Phase 2A and 2B) for permanent water system capacity and supply. Until the Phase 2 Water Improvements are fully constructed and completed, OWNER acknowledges that the Project shall have sufficient water capacity and supply on an interim basis made available through the construction of the Potable Water Improvements, the Phase 2A Water Improvements, and the Interim Chino Avenue Loop described in Exhibit E and depicted in Exhibit F. OWNER acknowledges and agrees that the CITY shall not issue final certificates of occupancy for the Project until the completion of the Potable Water Improvements, the Phase 2A Water Improvements, and the Interim Chino Avenue Loop, described in Exhibit E and depicted in Exhibit F.

4.5.2 DIF Credit for Phase 2 Water Improvements. Within thirty (30) days of OWNER's payment of the Phase 2A Water Payment, described in Exhibit E, item 2(a), CITY shall issue a certificate of DIF Credit which may be used to offset OWNER's DIF obligations in the Regional Water DIF Category. The form of the Certificate of DIF Credit shall be as described in Exhibit G, attached hereto and incorporated herein. OWNER acknowledges that any Regional Water DIF Credit issued to OWNER shall not be used to satisfy a Phase 2A Water Payment and may only be used to offset OWNER's DIF obligations in the Regional Water DIF Category.

4.5.3 Additional Contributions for Phase 2 Water Improvements. The CITY acknowledges and agrees that CITY shall require new development within the Ontario Ranch area served by the Phase 2 Water Improvements to participate in the funding of the Phase 2 Water Improvements. OWNER acknowledges and agrees that the CITY has the right to conduct a review of the water demand, capacity, and supply within the Ontario Ranch area served by the Phase 2 Water Improvements to ensure the adequate provision of permanent water supply and storage, including a review of the available funding for the construction of, or continuation of the construction of, the Phase 2 Water Improvements. The CITY anticipates conducting such reviews on an annual basis but may conduct such reviews at any time. If at any time following such a review, the CITY determines that there is not sufficient funding for the construction of, or continuation of the construction of, the Phase 2 Water Improvements necessary to support current and anticipated future development within the Ontario Ranch area served by the Phase 2 Water Improvements, OWNER agrees to cooperate with the CITY in determining such additional contribution payment necessary from the OWNER to the CITY to initiate construction of, or continue construction of, the Phase 2 Water Improvements. The CITY shall determine OWNER's additional contribution amount and such amount shall be due and payable to the CITY within thirty (30) days of written notice from the CITY to OWNER, subject to Exhibit E, Section 2(c).

4.6 Compliance with Public Benefits Requirements.

4.6.1 Failure to Provide Public Benefits. In the event OWNER fails or refuses to comply with any condition referenced in Section 4.1 through 4.6, or challenges (whether administratively or through legal proceedings) the imposition of such conditions, OWNER shall be deemed in default of this Agreement pursuant to Section 8 hereof, thereby entitling the City to any and all remedies available to it, including, without limitation, the right of the City to withhold OWNER's Project-related building permits, certificates of occupancy, or discretionary approvals, without liability. Nothing herein shall waive Owner's right to assert a default (or failure to perform) by the City has excused Owner's performance under this Agreement.

5. FINANCING OF PUBLIC IMPROVEMENTS.

5.1 Financing Mechanism(s). OWNER agrees that, prior to the recordation of any Parcel Map, the property subject to such Parcel Map shall be included in a CFD to finance City services through annual special taxes that will initially be Thirty-One Cents (\$.31) per square foot for non-residential buildings. These amounts shall be subject to an automatic increase at a rate not to exceed four (4%) percent per year. Depending on the fiscal year that the CFD is formed and the CFD tax is levied, the annual special taxes may be higher. CITY shall be the sole and exclusive lead agency in the formation of any CFD, assessment district or other public financing mechanism within the Property; provided however, that the proceeds of any such CFD, assessment district, or financing mechanism may be used, subject to restrictions that may be imposed by applicable law, for the purposes of acquiring, constructing or maintaining public facilities to be owned or operated by other public agencies, including, without limitation those facilities owned or operated by a school district. In addition to the rights of the CITY pursuant to section 5.1 hereof, CITY shall have the right, but not the obligation, to condition the formation of any CFD, assessment district or other public financing mechanism within the Property on the OWNER mitigating all Project-related impacts to the applicable school district(s) as required by such school district(s). Written evidence by such school district(s) may be required by the CITY as the condition to the formation of any CFD, assessment district or other public financing mechanism within the Property, or any steps preliminary thereto, including, without limitation, the adoption of any resolution of intention to form such CFD, assessment district or other public financing mechanism within the Property. It is not the intent of the parties hereto, by this provision, to prohibit or otherwise limit the City's ability to take any and all necessary steps requisite to the formation of the CFD to finance City services through annual special taxes as set forth in this Section 5.1. Formation of any CFD, assessment district or other public financing mechanism within the Property, shall be subject to CITY's ability to make all findings required by applicable law and complying with all applicable legal procedures and requirements including, without limitation, CITY's public financing district policies as such policies may be amended from time to time. Notwithstanding the foregoing, it is acknowledged and agreed by the parties that nothing contained in this Agreement shall be construed as requiring CITY or the City Council to form any such district.

6. REVIEW FOR COMPLIANCE.

6.1 Periodic and Special Reviews.

6.1.1 Time for and Initiation of Periodic Review. The CITY shall review this Agreement every twelve (12) months from the Effective Date in order to ascertain the good faith compliance by the OWNER with the terms of this Agreement. The OWNER shall submit an Annual Monitoring Report to CITY, in a form acceptable to the City Manager, along with any applicable processing charge within ten (10) days after each anniversary date of the Effective Date of this Agreement. Within fifteen (15) days after the receipt of the Annual Monitoring Report, CITY shall review the Annual Monitoring Report. Prior to the expiration of the fifteen (15) day review period, CITY shall either issue a notice of continuing compliance or a notice of non-compliance and a notice of CITY's intent to conduct a Special Review pursuant to Sections 6.1.2 through 6.1.6. Issuance of a notice of continuing compliance may be issued by the City Manager or his designee.

6.1.2 Initiation of Special Review. A special review may be called either by agreement between the parties or by initiation in one or more of the following ways:

- (a) Recommendation of the Planning staff;
- (b) Affirmative vote of at least four (4) members of the Planning Commission; or
- (c) Affirmative vote of at least three (3) members of the City Council.

6.1.3 Notice of Special Review. The City Manager shall begin the special review proceeding by giving notice that the CITY intends to undertake a special review of this Agreement to the OWNER. Such notice shall be given at least ten (10) days in advance of the time at which the matter will be considered by the Planning Commission.

6.1.4 Public Hearing. The Planning Commission shall conduct a hearing at which the OWNER must demonstrate good faith compliance with the terms of this Agreement. The burden of proof on this issue is upon the OWNER.

6.1.5 Findings Upon Public Hearing. The Planning Commission shall determine upon the basis of substantial evidence whether or not the OWNER has, for the period under review, complied in good faith with the terms and conditions of this Agreement.

6.1.6 Procedure Upon Findings.

(a) If the Planning Commission finds and determines on the basis of substantial evidence that the OWNER has complied in good faith with the terms and conditions of this Agreement during the period under review, the review for that period is concluded.

(b) If the Planning Commission finds and determines on the basis of substantial evidence that the OWNER has not complied in good faith with the terms and conditions of this Agreement during the period under review, the Planning Commission may recommend to the City Council to modify or terminate this Agreement.

(c) The OWNER may appeal a determination pursuant to paragraph (b) to the City Council in accordance with the CITY's rule for consideration of appeals in zoning matters generally.

6.2 Proceedings Upon Modification or Termination. If, upon a finding under Section 6.1.6(b), the CITY determines to proceed with modification or termination of this Agreement, the CITY shall give notice to the property OWNER of its intention so to do. The notice shall contain:

- (a) The time and place of the hearing;
- (b) A statement as to whether or not the CITY proposes to terminate or to modify this Agreement; and
- (c) Other information that the CITY considers necessary to inform the OWNER of the nature of the proceeding.

6.3 Hearing on Modification or Termination. At the time and place set for the hearing on modification or termination, the OWNER shall be given an opportunity to be heard. The OWNER shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. The burden of proof on this issue shall be on the OWNER. If the City Council finds, based upon substantial evidence in the administrative record, that the OWNER has not complied in good faith with the terms and conditions of the agreement, the City Council may terminate this Agreement or modify this Agreement and impose those conditions to the action it takes as it considers necessary to protect the interests of the CITY. The decision of the City Council shall be final, subject only to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

6.4 Certificate of Agreement Compliance. If, at the conclusion of a Periodic or Special Review, OWNER is found to be in compliance with this Agreement, CITY shall, upon written request by OWNER, issue a Certificate of Agreement Compliance ("Certificate") to OWNER stating that after the most recent Periodic or Special Review and based upon the information known or made known to the Planning Director and City Council that (1) this Agreement remains in effect and (2) OWNER is not in default. The Certificate shall be in recordable form, shall contain information necessary to communicate constructive record notice of the finding of compliance, shall state whether the Certificate is issued after a Periodic or Special Review and shall state the anticipated date of commencement of the next Periodic Review. OWNER may record the Certificate with the County Recorder. Whether or not the Certificate is relied upon by assignees or other transferees or OWNER, CITY shall not be bound by a Certificate if a default existed at the time of the Periodic or Special Review, but was concealed from or otherwise not known to the Planning Director or City Council.

7. [OMITTED]

8. DEFAULT AND REMEDIES.

8.1 Remedies in General. It is acknowledged by the parties that CITY would not have entered into this Agreement if it were to be liable in damages under this Agreement, or with respect to this Agreement or the application thereof. In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement, except that CITY shall not be liable in damages to OWNER, or to any successor in interest of OWNER, or to any other person, and OWNER covenants not to sue for damages or claim any damages:

- (a) For any breach of this Agreement or for any cause of action which arises out of this Agreement; or
- (b) For the taking, impairment or restriction of any right or interest conveyed or provided under or pursuant to this Agreement; or
- (c) Arising out of or connected with any dispute, controversy or issue regarding the application or interpretation or effect of the provisions of this Agreement.

8.2 Specific Performance. The parties acknowledge that money damages and remedies at law generally are inadequate and specific performance and other non-monetary relief are particularly appropriate remedies for the enforcement of this Agreement and should be available to all parties for the following reasons:

- (a) Money damages are unavailable against CITY as provided in Section 8.1 above.
- (b) Due to the size, nature and scope of the Project, it may not be practical or possible to restore the Property to its natural condition once implementation of this Agreement has begun. After such implementation, OWNER may be foreclosed from other choices it may have had to utilize the Property or portions thereof. OWNER has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate OWNER for such efforts.

8.3 Release. Except for non-damage remedies, including the remedy of specific performance and judicial review as provided for in Section 6.5, OWNER, for itself, its successors and assignees, hereby releases the CITY, its officers, agents and employees from any and all claims, demands, actions, or suits of any kind or nature arising out of any liability, known or unknown, present or future, including, but not limited to, any claim or liability, based or asserted, pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution, or any other law or ordinance which seeks to impose any other liability or damage, whatsoever, upon the CITY because it entered into this Agreement or because of the terms of this Agreement.

8.4 Termination or Modification of Agreement for Default of OWNER. Subject to the provisions contained in Subsection 6.3 herein, CITY may terminate or modify this Agreement for any failure of OWNER to perform any material duty or obligation of OWNER under this Agreement, or to comply in good faith with the terms of this Agreement (hereinafter referred to as "default"); provided, however, CITY may terminate or modify this Agreement pursuant to this Section only after providing written notice to OWNER of default setting forth the nature of the default and the actions, if any, required by OWNER to cure such default and, where the default can be cured, OWNER has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

8.5 Termination of Agreement for Default of CITY. OWNER may terminate this Agreement only in the event of a default by CITY in the performance of a material term of this Agreement and only after providing written notice to CITY of default setting forth the nature of the default and the actions, if any, required by CITY to cure such default and, where the default can be cured, CITY has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

9. THIRD PARTY LITIGATION.

9.1 General Plan Litigation. CITY has determined that this Agreement is consistent with the General Plan, as such General Plan exists as of the Effective Date ("General Plan"), and that the General Plan meets all requirements of law. OWNER has reviewed the General Plan and concurs with CITY's determination. CITY shall have no liability in damages under this Agreement for any failure of CITY to perform under this Agreement or the inability of OWNER to develop the Property as contemplated by the Development Plan or this Agreement as the result of a judicial determination that on the Effective Date, or at any time thereafter, the General Plan, or portions thereof, are invalid or inadequate or not in compliance with law.

9.2 Third Party Litigation Concerning Agreement. OWNER shall defend, at its expense, including attorneys' fees, indemnify, and hold harmless CITY, its agents, officers and employees from any claim, action or proceeding against CITY, its agents, officers, or employees to attack, set aside, void, or annul the approval of this Agreement or the approval of any permit granted pursuant to this Agreement. CITY shall promptly notify OWNER of any such claim, action or proceeding, and CITY shall cooperate in the defense. If CITY fails to promptly notify OWNER of any such claim, action or proceeding, or if CITY fails to cooperate in the defense, OWNER shall not thereafter be responsible to defend, indemnify, or hold harmless CITY. CITY may in its discretion participate in the defense of any such claim, action or proceeding.

9.3 Indemnity. In addition to the provisions of Section 10.2 above, OWNER shall indemnify and hold CITY, its officers, agents, employees and independent contractors free and harmless from any liability whatsoever, based or asserted upon any act or omission of OWNER, its officers, agents, employees, subcontractors and independent contractors, for property damage, bodily injury, or death (OWNER's employees included) or any other element of damage of any kind or nature, to the extent relating to or in any way connected with or arising from the activities contemplated hereunder, including, but not limited to, the study, design, engineering, construction, completion, failure and conveyance of the public improvements, save and except claims for damages arising through the sole active negligence or sole willful misconduct of CITY. OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents, employees and independent contractors in any legal action based upon such alleged acts or omissions. CITY may in its discretion participate in the defense of any such legal action.

9.4 Environment Assurances. OWNER shall indemnify and hold CITY, its officers, agents, and employees free and harmless from any liability, to the extent based or asserted, upon any act or omission of OWNER, its officers, agents, employees, subcontractors, predecessors in interest, successors, assigns and independent

contractors for any violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under or about the Property during OWNER'S period of ownership of the Property, including, but not limited to, soil and groundwater conditions caused by OWNER, and OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents and employees in any action based or asserted upon any such alleged act or omission. CITY may in its discretion participate in the defense of any such action.

9.5 Reservation of Rights. With respect to Sections 9.2, 9.3 and 9.4 herein, CITY reserves the right to either (1) approve the attorney(s) which OWNER selects, hires or otherwise engages to defend CITY hereunder, which approval shall not be unreasonably withheld, or (2) conduct its own defense, provided, however, that OWNER shall reimburse CITY forthwith for any and all reasonable expenses incurred for such defense, including attorneys' fees, upon billing and accounting therefor.

9.6 Survival. The provisions of this Sections 9.1 through 9.6, inclusive, shall survive the termination of this Agreement.

10. MORTGAGEE PROTECTION.

10.1 Mortgagee Protection. The parties hereto agree that this Agreement shall not prevent or limit OWNER, in any manner, at OWNER's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. CITY acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with OWNER and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. CITY will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Any Mortgagee of the Property shall be entitled to the following rights and privileges:

(a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Property made in good faith and for value, unless otherwise required by law.

(b) The Mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, which Mortgagee, has submitted a request in writing to the CITY in the manner specified herein for giving notices, shall be entitled to receive written notification from CITY of any default by OWNER in the performance of OWNER's obligations under this Agreement.

(c) If CITY timely receives a request from a Mortgagee requesting a copy of any notice of default given to OWNER under the terms of this Agreement, CITY shall provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default to OWNER. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

(d) Any Mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. Notwithstanding any other provision of this Agreement to the contrary, no Mortgagee shall

have an obligation or duty under this Agreement to perform any of OWNER's obligations or other affirmative covenants of OWNER hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by OWNER is a condition precedent to the performance of a covenant by CITY, the performance thereof shall continue to be a condition precedent to CITY's performance hereunder, and further provided that any sale, transfer or assignment by any Mortgagee in possession shall be subject to the provisions of Section 2.4 of this Agreement

(e) In the event of a default by Owner, any Mortgagee shall have the right to remedy, or cause to be remedied, such default within sixty (60) days following the later to occur of (i) the date of Mortgagee's receipt of the notice referred to in Section 10.1(b) above, or (ii) the expiration of the period provided herein for Owner to remedy or cure such default, and City shall accept such performance by or at the insistence of the Mortgagee as if the same had been timely made by Owner; provided, however, that (i) if such default is not capable of being cured within the timeframes set forth in this Section and Mortgagee commences to cure the default within such timeframes, then Mortgagee shall have such additional time as is required to cure the default so long as Mortgagee diligently prosecutes the cure to completion and (ii) if possession of the Property (or portion thereof) is required to effectuate such cure or remedy, the Mortgagee shall be deemed to have timely cured or remedied if it commences the proceedings necessary to obtain possession thereof within sixty (60) days after receipt of the copy of the notice, diligently pursues such proceedings to completion, and, after obtaining possession, diligently completes such cure or remedy.

11. MISCELLANEOUS PROVISIONS.

11.1 Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the San Bernardino County Recorder by the City Clerk within the ten (10) days after the CITY executes this Agreement, as required by Section 65868.5 of the Government Code. If the parties to this Agreement or their successors in interest amend or cancel this Agreement as provided for herein and in Government Code Section 65868, or if the CITY terminates or modifies the agreement as provided for herein and in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of this Agreement, the City Clerk shall have notice of such action recorded with the San Bernardino County Recorder.

11.2 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the parties, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

11.3 Severability. If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provision of the Public Benefits set forth in Section 4 of this Agreement, including the payment of the fees set forth therein, are essential elements of this Agreement and CITY would not have entered into this Agreement but for such provisions, and therefore in the event such provisions are determined to be invalid, void or

unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

11.4 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

11.5 Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

11.6 Singular and Plural. As used herein, the singular of any word includes the plural.

11.7 Joint and Several Obligations. Subject to Section 2.4, if at any time during the term of this Agreement the Property is owned, in whole or in part, by more than one owner, all obligations of such owners under this Agreement shall be joint and several, and the default of any such owner shall be the default of all such owners. Notwithstanding the foregoing, no owner of a single lot which has been finally subdivided and sold to such owner as a member of the general public or otherwise as an ultimate user shall have any obligation under this Agreement except as provided under Section 4 hereof.

11.8 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

11.9 Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

11.10 No Third-Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

11.11 Force Majeure. Neither party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by floods, earthquakes, other Acts of God, fires, wars, riots or similar hostilities, strikes and other labor difficulties beyond the party's control, (including the party's employment force), government regulations, court actions (such as restraining orders or injunctions), or other causes beyond the party's control. If any such events shall occur, the term of this Agreement and the time for performance by either party of any of its obligations hereunder may be extended by the written agreement of the parties for the period of time that such events prevented such performance, provided that the term of this Agreement shall not be extended under any circumstances for more than five (5) years.

11.12 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

11.13 Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon every portion of the Property; (b) runs with the Property and each portion thereof; and, (c) is binding upon each party and each successor in interest during ownership of the Property or any portion thereof.

11.14 Counterparts. This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.

11.15 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of San Bernardino, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

11.16 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between CITY and OWNER is that of a government entity regulating the development of private property and the owner of such property.

11.17 Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement. The City Manager may delegate his powers and duties under this Agreement to an Assistant City Manager or other management level employee of the CITY.

11.18 Eminent Domain. No provision of this Agreement shall be construed to limit or restrict the exercise by CITY of its power of eminent domain.

11.19 Agent for Service of Process. In the event OWNER is not a resident of the State of California or it is an association, partnership or joint venture without a member, partner or joint venturer resident of the State of California, or it is a foreign corporation, then in any such event, OWNER shall file with the Planning Director, upon its execution of this Agreement, a designation of a natural person residing in the State of California, giving his or her name, residence and business addresses, as its agent for the purpose of service of process in any court action arising out of or based upon this Agreement, and the delivery to such agent of a copy of any process in any such action shall constitute valid

service upon OWNER. If for any reason service of such process upon such agent is not feasible, then in such event OWNER may be personally served with such process out of this County and such service shall constitute valid service upon OWNER. OWNER is amenable to the process so served, submits to the jurisdiction of the Court so obtained and waives any and all objections and protests thereto.

11.20 Estoppel Certificate. Within thirty (30) business days following a written request by any of the parties, the other party shall execute and deliver to the requesting party a statement certifying that (i) either this Agreement is unmodified and in full force and effect or there have been specified (date and nature) modifications to the Agreement, but it remains in full force and effect as modified; and (ii) either there are no known current uncured defaults under this Agreement or that the responding party alleges that specified (date and nature) defaults exist. The statement shall also provide any other reasonable information requested. The failure to timely deliver this statement shall constitute a conclusive presumption that this Agreement is in full force and effect without modification except as may be represented by the requesting party and that there are no uncured defaults in the performance of the requesting party, except as may be represented by the requesting party. OWNER shall pay to CITY all costs incurred by CITY in connection with the issuance of estoppel certificates requested by Owner under this Section 11.20 prior to CITY's issuance of such certificates.

11.21 Authority to Execute. The person or persons executing this Agreement on behalf of OWNER warrants and represents that he or she/they have the authority to execute this Agreement on behalf of his or her/their corporation, partnership or business entity and warrants and represents that he or she/they has/have the authority to bind OWNER to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth below.

[SIGNATURES CONTAINED ON FOLLOWING PAGE]

**SIGNATURE PAGE
TO DEVELOPMENT AGREEMENT
(FILE NO. PDA19-001)**

"OWNER"

EUCLID LAND VENTURE, LLC,
a Delaware limited liability company

By: RBV Euclid, LLC, a Delaware limited liability
company, its Manager

By: REDA Bascom Ventures, LLC, a Delaware
limited partnership, its Administrative Member

By: Real Estate Development Associates, LLC,
a California limited liability company, its
Administrative Member

By: Waters Edge Property Group, LLC, a
California limited liability company, its
Member

By: _____
Name: Jason Krotts
Title: Authorized Signatory

"CITY"

CITY OF ONTARIO

By: _____
Scott Ochoa
City Manager

Date: _____

ATTEST:

City Clerk, Ontario

APPROVED AS TO FORM:
COLE HUBER, LLP

Legal Counsel

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, 20____, before me, _____,
Date *Insert Name and Title of the Officer*

personally appeared _____
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, 20____, before me _____,
Date *Insert Name and Title of the Officer*

personally appeared _____
Name(s) of Signer(s)

_____ ,
who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

EXHIBIT "A"
TO DEVELOPMENT AGREEMENT

Legal Description of Property

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

LOTS 1, 2, 3, 16, 17, 18, 19, 20, 21, 34, 35 AND 36 IN SECTION 19, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO MAP OF SUBDIVISION OF PART OF THE RANCHO SANTA ANA DEL CHINO, RECORDED IN BOOK 6 OF MAPS, PAGE 15, RECORDS OF SAID COUNTY.

APNs: 1054-011-01, 1054-011-02, 1054-011-04, 1054-021-01, 1054-021-02, 1054-271-01, 1054-271-02, 1054-271-03, 1054-281-01, 1054-281-02 and 1054-281-03

**EXHIBIT "B"
TO DEVELOPMENT AGREEMENT**

Map showing Property and its location

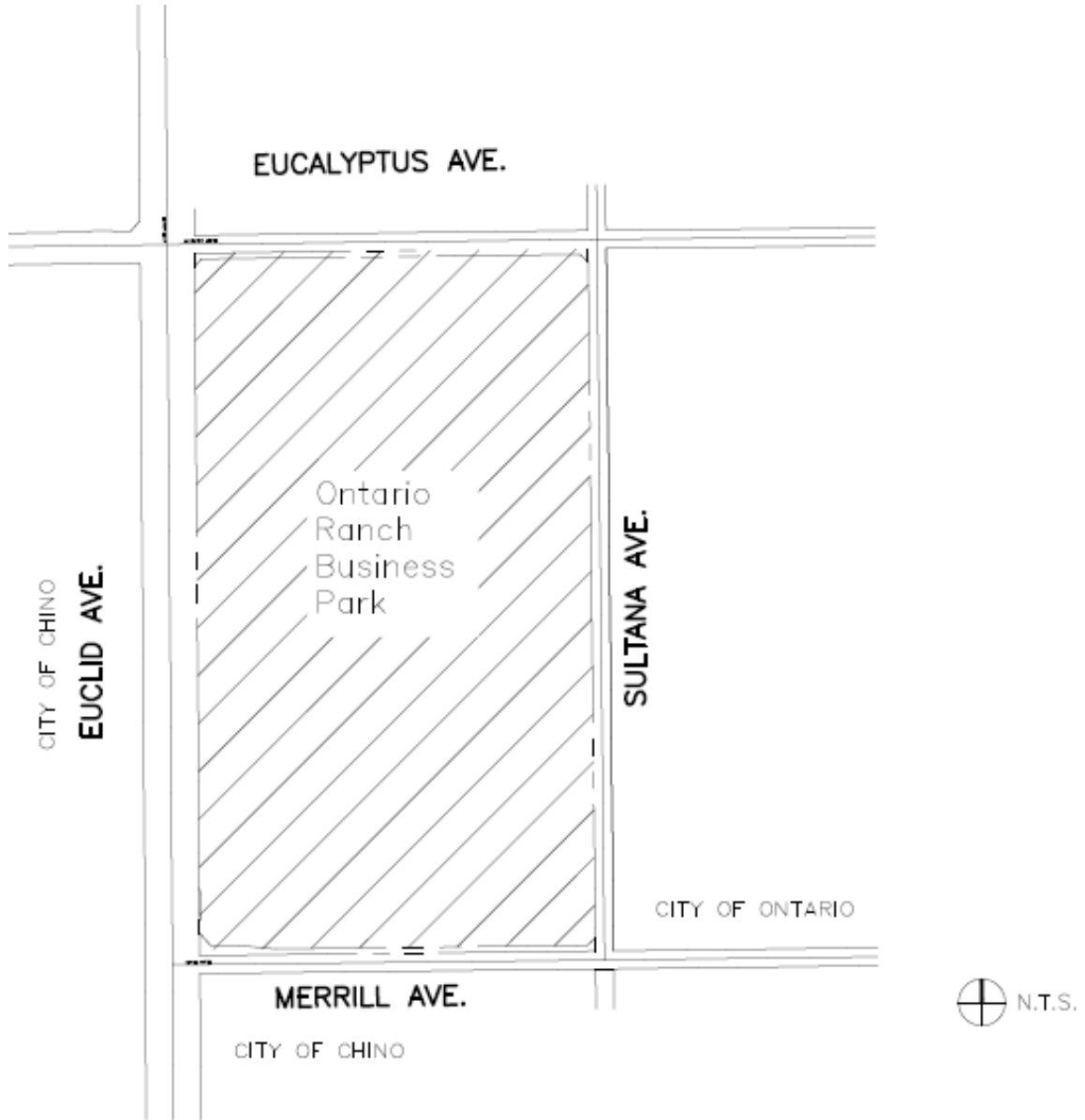


EXHIBIT "C"
TO DEVELOPMENT AGREEMENT

Existing Development Approvals

On July 28, 2020, the Planning Commission:

- a) Approved Resolution No. PC20-048, recommending the City Council certify the Environmental Impact Report (SCH #2019050018) for the Ontario Ranch Business Park Specific Plan (File No. PSP18-002).
- b) Approved Resolution No. PC20-049, recommending the City Council approve the General Plan Amendment (File No. PGPA18-008).
- c) Approved Resolution No. PC20-050, recommending the City Council approve the Ontario Ranch Business Park Specific Plan (File No. PSP18-002).

On September 15, 2020, the City Council:

- a) Adopted Resolution No. 2020-159, certifying the Environmental Impact Report (SCH #2019050018) for the Ontario Ranch Business Park Specific Plan (File No. PSP18-002).
- b) Adopted Resolution No. 2020-160, approving the General Plan Amendment (File No. PGPA18-008).

On October 6, 2020, the City Council:

- c) Adopted Ordinance No. 3168, approving the Ontario Ranch Business Park Specific Plan.

EXHIBIT "D"
TO DEVELOPMENT AGREEMENT

Existing Land Use Regulations

These documents are listed for reference only:

1. General Plan Amendment (File No. PGPA18-008)
2. Ontario Ranch Business Park Specific Plan (File No. PSP18-002),
Ordinance No. 3168
3. Ontario Ranch Business Park Environmental Impact Report
(SCH#2019050018)
4. City of Ontario Municipal Code
 - a. Six – Sanitation & Health
 - b. Seven – Public Works
 - c. Eight – Building Regulations
 - d. Nine – Development Code
 - e. Ten – Parks & Recreation

**EXHIBIT “E”
TO THE DEVELOPMENT AGREEMENT**

DESCRIPTION OF REQUIRED IMPROVEMENTS

1. OWNER shall design, construct, and complete the following Improvements, Potable Water (WT), Storm Drain (SD), Streets (ST), Sewer (SW), Recycled Water (RW), and Fiber Optics (FO), as described, prior to OWNER’s request for final occupancy of the first building:
 - a. WT on Euclid Avenue between Eucalyptus Avenue and Merrill Avenue (Local Water DIF Project WT-011).
 - b. WT on Sultana Avenue between Eucalyptus Avenue and Merrill Avenue.
 - c. WT on Eucalyptus Avenue between Euclid Avenue and Grove Avenue (Local Water DIF Project WT-011).
 - d. WT on Eucalyptus Avenue between Grove Avenue and Carpenter Avenue (*Regional Water DIF Project, portion of Phase 2A Water*).
 - e. WT on Merrill Avenue between Euclid Avenue and Walker Avenue (Local Water DIF Project WT-011).
 - f. WT on Walker Avenue between Eucalyptus Avenue and Merrill Avenue (Local Water DIF Project WT-011).
 - g. SD onsite detention shall be designed, constructed, and completed by OWNER prior to issuance of the first building permit. However, OWNER is eligible to request from CITY a grading permit prior to the completion of the SD onsite detention.
 - h. OWNER shall contribute to the construction of the ultimate Euclid Avenue SD connection, south of Merrill Avenue. OWNER shall participate in funding the construction of the ultimate Euclid Avenue SD connection, south of Merrill Avenue. OWNER shall pay the CITY within thirty (30) days of the execution of the Agreement, in the amount of Two Million Four Hundred Forty Six Thousand One Hundred Ninety One Dollars (\$2,446,191) in recognition of OWNER’s contribution to the ultimate Euclid Avenue SD connection south of Merrill Avenue. Upon OWNER’s full and complete payment to CITY, the CITY shall issue a Certificate of DIF Credit in the Regional Storm Drain Category equal to the contribution amount

paid to the CITY. Such Regional Storm Drain Certificate shall be issued by CITY within thirty (30) days of the receipt of such required payment. OWNER shall also mitigate flooding of existing storm drain facilities downstream of the Project site, in the City of Chino, caused by the Project, to the satisfaction and approval of the City of Chino and the City Engineer.

- i. SD on Euclid Avenue from Eucalyptus Avenue to Merrill Avenue.
- j. SD on Eucalyptus Avenue between Euclid Avenue and Sultana Avenue.
- k. SD on Sultana Avenue between Eucalyptus Avenue and Merrill Avenue.
- l. SD on Merrill Avenue between Euclid Avenue and Sultana Avenue.
- m. As part of the SD improvements the OWNER shall be responsible for the Plan and Profile drawings of the ultimate SD improvements downstream on Euclid Avenue from Merrill Avenue to the ultimate point of connection south to Pine Avenue, in the City of Chino, to the satisfaction of the City Engineer.
- n. SD bleeder line or alternative interim connection at the discretion of the City on Euclid Ave south of Merrill Ave. This shall connect to the SD on Merrill Ave between Euclid Ave and Sultana Avenue.
- o. Two (2) Debris Separation Baffle Boxes at the intersections of Euclid Avenue and Merrill Avenue.
- p. Full half ST improvements on the south half and circulation lane improvements on the north half of Eucalyptus Avenue from Euclid Avenue to Sultana Avenue.
- q. Full half ST improvements on both sides of Merrill Avenue between Euclid Avenue and Sultana Avenue.
- r. Full half ST improvements on Euclid Avenue between Eucalyptus Avenue and Merrill Avenue.
- s. Full half ST improvements on the west side and circulation lane improvements on the east side of Sultana Avenue between Eucalyptus Avenue and Merrill Avenue.

- t. Modifications to existing traffic signals at intersections of Euclid/Eucalyptus Avenues and Euclid/Merrill Avenues.
 - u. Bus rapid transit (BRT) improvements along Euclid Avenue.
 - v. Traffic Signal at Sultana/Eucalyptus Avenues.
 - w. Traffic Signal at Sultana/Merrill Avenues.
 - x. SW (Western Trunk Sewer) in Euclid Avenue (or through the Chino Airport) between Kimball Avenue and Merrill Avenue (Regional Sewer DIF Project SW-002).
 - y. SW (Western Trunk Sewer) on Merrill Avenue between Euclid Avenue and Sultana Avenue (Regional Sewer DIF Project SW-002).
 - z. SW in Euclid Avenue between Merrill Avenue and Eucalyptus Avenue (Local Sewer DIF Project SW-011).
 - aa. SW in Sultana Avenue between Merrill Avenue and Eucalyptus Avenue.
 - bb. RW in Euclid Avenue between IEUA point of connection on Eucalyptus Avenue and Merrill Avenue.
 - cc. RW in Merrill Avenue between Euclid Avenue and Sultana Avenue.
 - dd. RW in Sultana Avenue between Merrill Avenue and IEUA point of connection on Eucalyptus Avenue.
 - ee. FO on Eucalyptus Avenue between Euclid Avenue and Sultana Avenue.
 - ff. FO on Euclid Avenue between Eucalyptus Avenue and Merrill Avenue.
 - gg. FO on Merrill Avenue between Euclid Avenue and Sultana Avenue.
2. CITY shall design, construct, and complete the Phase 2 Water (WT) Improvements and Interim Chino Avenue Loop. The Phase 2 Water Improvements will be constructed by the CITY in phases, with the initial improvements, designated as Phase 2A Water Improvements, Interim Chino Avenue Loop, and Phase 2B Water Improvements as described below.

- a. Phase 2A Water Improvements shall consist of the following:
 - i. WT on Grove Avenue between Eucalyptus Avenue and Chino Avenue (Regional Water DIF Project WT-010).
- b. Interim Chino Avenue Loop shall consist of the following:
 - i. WT on Chino Avenue between Cucamonga Channel and Grove Avenue, which will provide the second point of connection from the 1010 Pressure Zone (Local Water DIF Project WT-009).
 - ii. Pressure Reducing Station at Grove Avenue and Chino Avenue, which will provide the second point of connection from 1010 Pressure Zone (Future Local Water DIF Project WT-009).

OWNER shall pay one hundred percent (100%) of the costs to construct the Phase 2A Improvements and the Interim Chino Avenue Loop, within forty-five (45) days prior to the CITY's award of contract, and such payment shall be the "Phase 2A Water Payment". The costs in the foregoing sentence shall equal the actual bid amount of the awarded contracts for the work, plus fifteen percent (15%). Upon OWNER's full and complete payment to CITY, the CITY shall issue a Certificate of DIF Credit in the Regional Water Category and/or the Local Adjacent Water Category, as appropriate. Each DIF Water Certificate shall be issued by CITY within thirty (30) days of the receipt of such required payment.

- c. Phase 2B Water Improvements shall consist of the following:
 - i. WT on Francis Street between Grove Avenue and Bon View Avenue (Regional Water DIF Project WT-010).
 - ii. WT on Bon View Avenue between Francis Street and the Bon View Reservoir Site (Regional Water DIF Project WT-010).
 - iii. WT – Nine (9) Million Gallon reservoir at Bon View Reservoir Site (Regional Water DIF Project WT-014).
 - iv. WT – Two (2) Groundwater Production Wells in vicinity of Bon View Reservoir Site (Regional Water DIF Project WT-007).

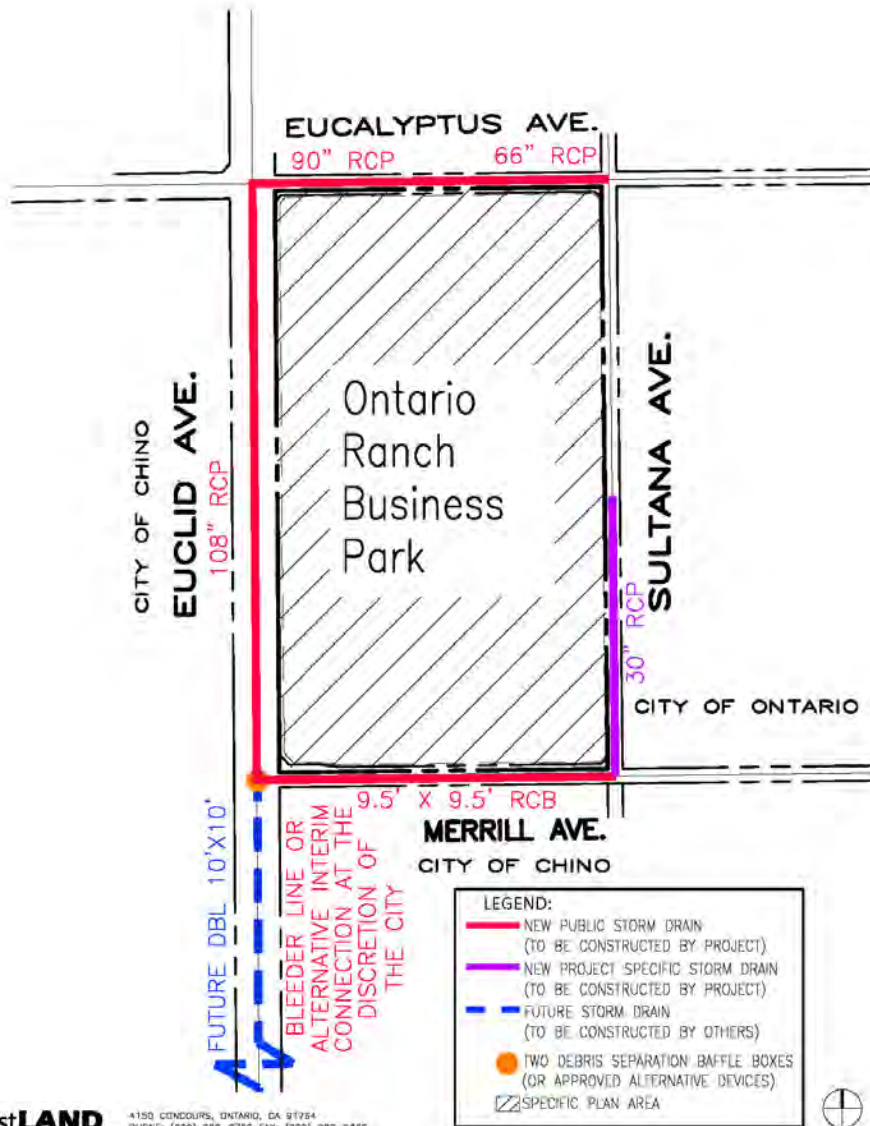
- v. WT on Grove Avenue between Chino Avenue and Francis Street (Regional Water DIF Project WT-010). The final design and alignment north of Riverside Drive is subject to change at the reasonable discretion of the CITY.

The Phase 2B Water Improvements will be constructed by the CITY and funded by future developers. In recognition of OWNER's payment towards funding one hundred percent (100%) of the Phase 2A Water Improvements and Interim Chino Avenue Loop, the OWNER's obligation to participate in the funding of the Phase 2B Water Improvements shall not be required for the Property. CITY and OWNER mutually agree and understand, that with completion of Phase 2A and the Interim Chino Avenue Loop, the project will be utilizing interim water supply and storage capacity from the 1010' Pressure Zone and that other developers will be required to participate in the funding of future Phase 2 Water Improvements to support the permanent water supply and storage needs of future development within Ontario Ranch.

EXHIBIT "F"
TO DEVELOPMENT AGREEMENT
Required Infrastructure Improvements

[SEE ATTACHMENTS]

EXHIBIT F-1
STORM DRAIN IMPROVEMENTS



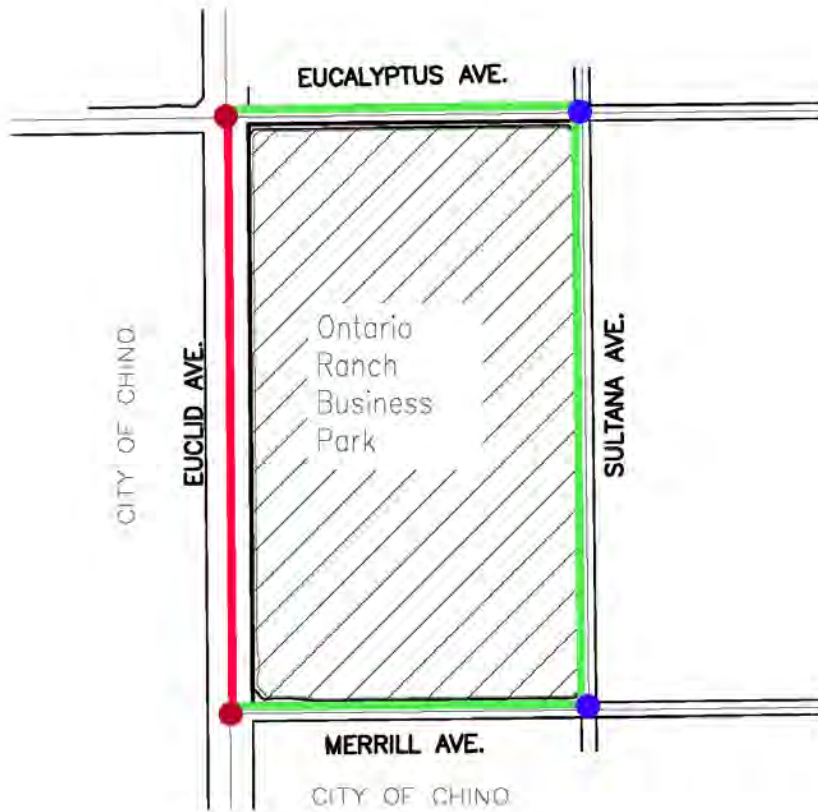
WestLAND Group, Inc. 4150 CENDOURS, ONTARIO, CA 91754
PHONE: (909) 989-9789 FAX: (909) 989-9550
Land Surveyors • Civil Engineers • GIS

N.T.S.

Ontario Ranch Business Park Specific Plan • Development Agreement

DATE: 09/23/2020

EXHIBIT F-2
STREET IMPROVEMENTS



NOTES:
BUS RAPID TRANSIT IMPROVEMENT
ALONG EUCLID AVENUE

PCC PAVEMENT REQUIRED AT
ALL SIGNALIZED INTERSECTIONS
ALONG TRUCK ROUTES

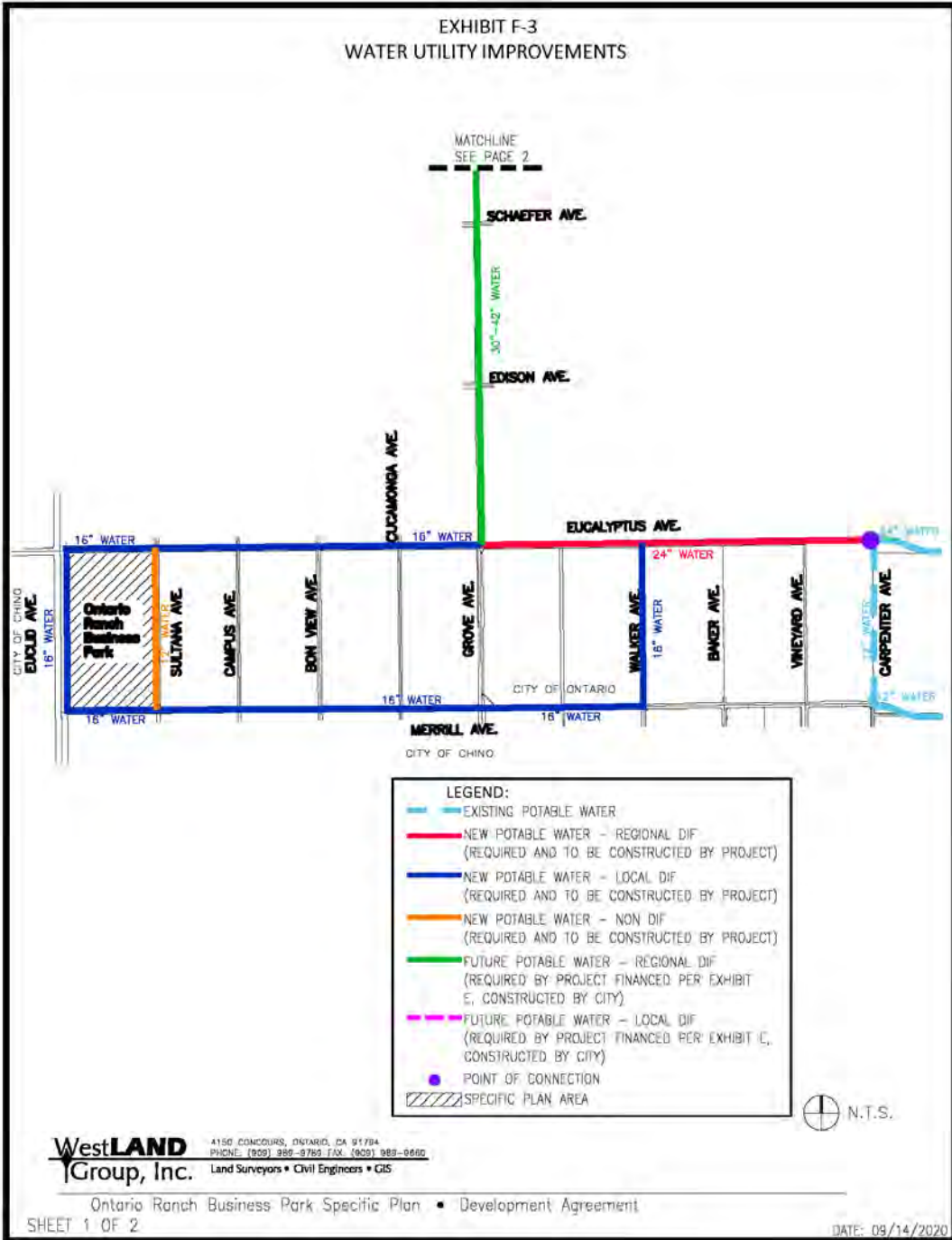
LEGEND:	
	PRINCIPAL ARTERIAL
	LOCAL COLLECTOR
	NEW SIGNALIZED INTERSECTION
	EXISTING TRAFFIC SIGNAL TO BE MODIFIED
	SPECIFIC PLAN AREA

WestLAND Group, Inc. 4150 CSMACOURS, DOWNEY, CA 91784
PHONE: (909) 969-9769 FAX: (909) 969-9660
Land Surveyors • Civil Engineers • GIS

Ontario Ranch Business Park Specific Plan • Development Agreement

DATE: 08/13/2020

EXHIBIT F-3
WATER UTILITY IMPROVEMENTS



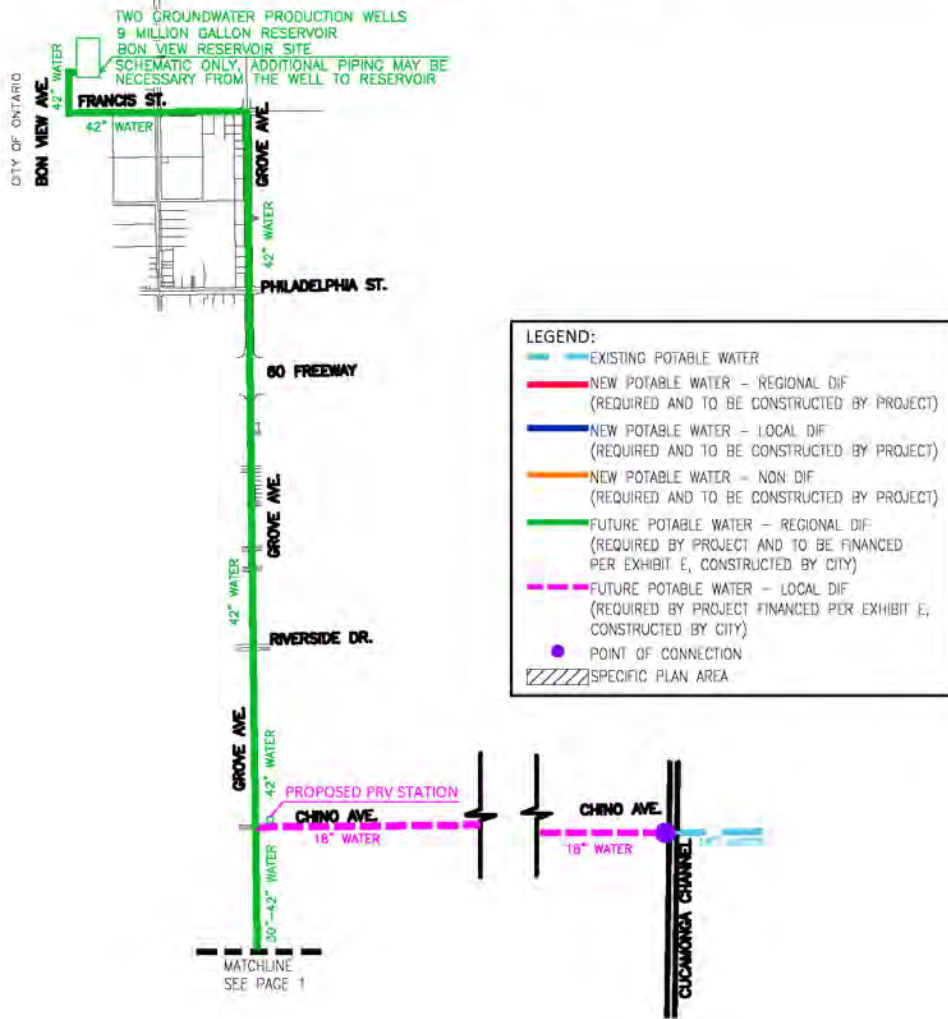
WestLAND Group, Inc.
4150 CONCOURS, ONTARIO, CA 91794
PHONE: (909) 989-8763 FAX: (909) 989-8660
Land Surveyors • Civil Engineers • GIS

Ontario Ranch Business Park Specific Plan • Development Agreement

SHEET 1 OF 2

DATE: 09/14/2020

EXHIBIT F-3
WATER UTILITY IMPROVEMENTS



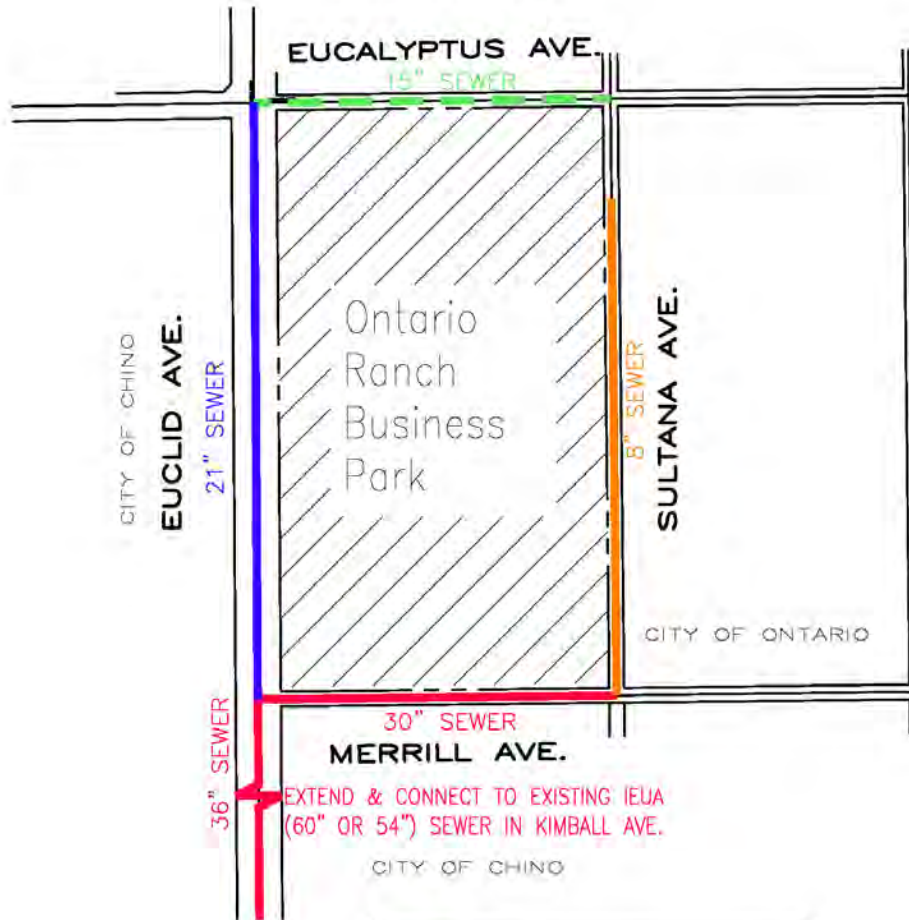
WestLAND Group, Inc.
4150 CONCOURS, ONTARIO, CA 91784
PHONE: (909) 989-8763 FAX: (909) 989-8660
Land Surveyors • Civil Engineers • GIS

N.T.S.

Ontario Ranch Business Park Specific Plan • Development Agreement
SHEET 2 OF 2

DATE: 09/14/2020

EXHIBIT F-4
SEWER IMPROVEMENTS



LEGEND:

- NEW SEWER – LOCAL DIF
(REQUIRED AND TO BE CONSTRUCTED BY PROJECT)
- NEW SEWER – REGIONAL DIF
(REQUIRED AND TO BE CONSTRUCTED BY PROJECT)
- NEW SEWER – NON DIF
(REQUIRED AND TO BE CONSTRUCTED BY PROJECT)
- FUTURE SEWER (TO BE CONSTRUCTED BY OTHERS;
OR, CONSTRUCTED BY PROJECT IF UNDER PROJECT
REQUIRED STREET IMPROVEMENTS)
- SPECIFIC PLAN AREA

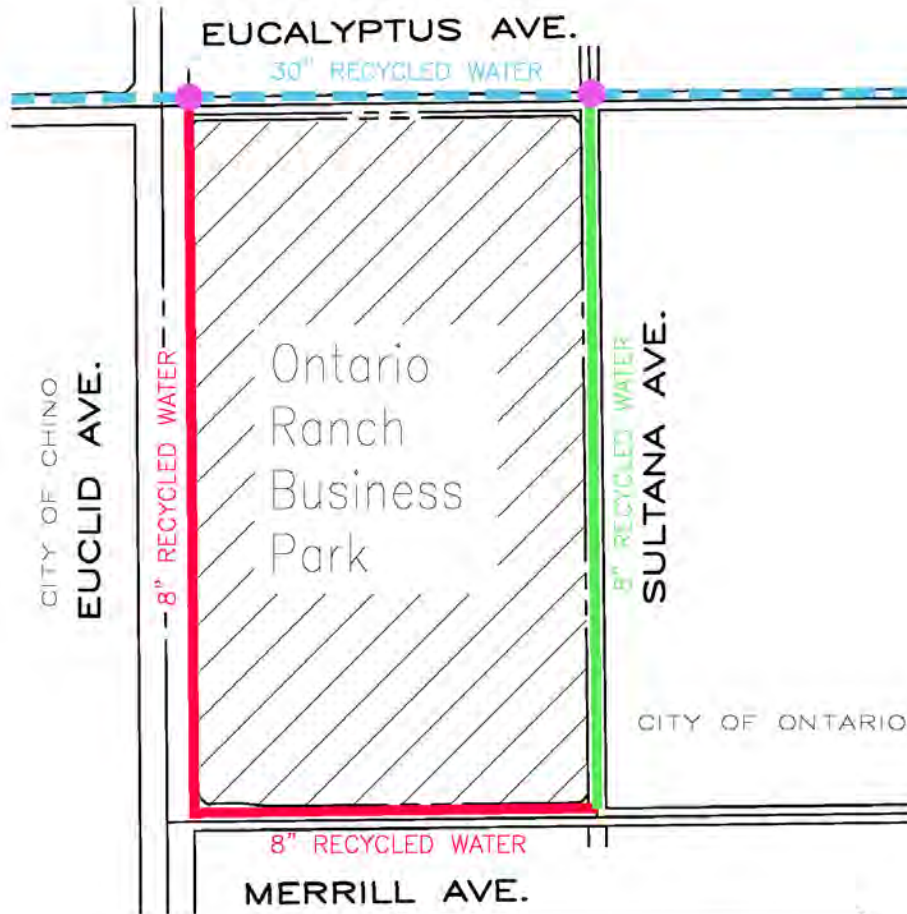
WestLAND 4150 CONCOURS, ONTARIO, CA 91784
Group, Inc. PHONE: (909) 281-5789 FAX: (909) 983-9660
 Land Surveyors • Civil Engineers • GIS



Ontario Ranch Business Park Specific Plan • Development Agreement

DATE: 09/12/2020

EXHIBIT F-5
 RECYCLED WATER UTILITY IMPROVEMENTS



LEGEND:

	EXISTING IEUA 30" RECYCLED WATER (MAY NEED TO BE RELOCATED BY PROJECT IN ORDER TO MEET MINIMUM DIVISION OF DRINKING WATER (DDW) SEPARATIONS AND/OR CITY OF ONTARIO/IEAU STANDARDS & REQUIREMENTS)
	NEW RECYCLED WATER — LOCAL DIF (REQUIRED AND TO BE CONSTRUCTED BY PROJECT)
	NEW RECYCLED WATER — NON DIF (REQUIRED AND TO BE CONSTRUCTED BY PROJECT)
	POINT OF CONNECTION
	SPECIFIC PLAN AREA

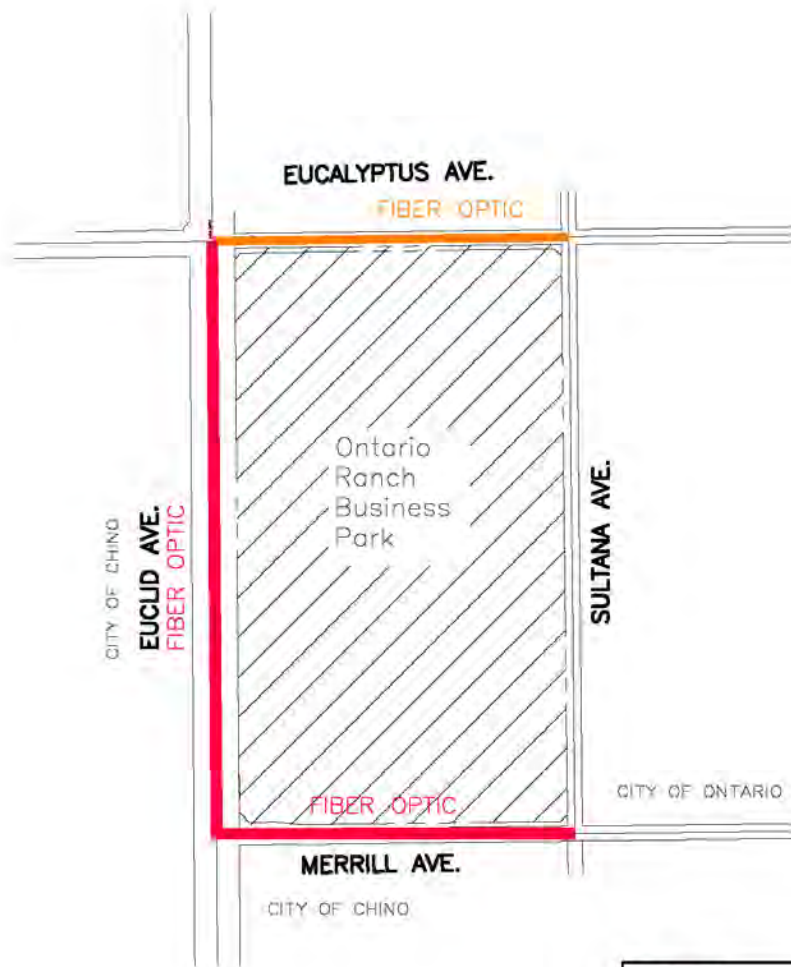
WestLAND Group, Inc.
 4150 CONCOURS, ONTARIO, CA 91764
 PHONE: (951) 281-5789 FAX: (951) 961-9860
 Land Surveyors • Civil Engineers • GIS

N.T.S.

Ontario Ranch Business Park Specific Plan • Development Agreement

DATE: 09/12/2020

EXHIBIT F-6
FIBER OPTIC IMPROVEMENTS



LEGEND:

- NEW PRIMARY RING FIBER OPTIC
(TO BE CONSTRUCTED BY PROJECT)
- NEW LATERAL FIBER OPTIC
(TO BE CONSTRUCTED BY PROJECT)
- / / / / SPECIFIC PLAN AREA

WestLAND Group, Inc. 4150 CONCOURSE, ONTARIO, CA 91784
PHONE: (951) 960-8763 FAX: (951) 969-9660
Land Surveyors • Civil Engineers • GIS

Ontario Ranch Business Park Specific Plan • Development Agreement

DATE: 08/13/2020

Exhibit "G"

FORM OF CERTIFICATE OF REGIONAL DIF CREDIT

Pursuant to Section 4.5.2 of this Agreement by and between the City of Ontario and _____, dated _____, 20__, the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called the "Development Agreement", the City of Ontario hereby certifies that OWNER is entitled to the following amount and nature of DIF Credits in the Regional Water DIF Infrastructure Category:

Amount of Credit: \$ _____

Scott Ochoa, City Manager

Dated: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA19-001, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND EUCLID LAND VENTURE, LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE PARCEL MAP 20016 (FILE NO. PMTT18-011), A 85.6-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF MERRILL AVENUE AND EUCLID AVENUE, WITHIN THE INDUSTRIAL AND BUSINESS PARK LAND USE DISTRICTS OF THE ONTARIO RANCH BUSINESS PARK SPECIFIC PLAN AND MAKING FINDINGS IN SUPPORT THEREOF - APNS: 1054-011-01, 1054-011-02, 1054-011-04, 1054-021-01, 1054-021-02, 1054-271-01, 1054-271-02, 1054-271-03, 1054-281-01, 1054-281-02 AND 1054-281-03.

WHEREAS, Euclid Land Venture, LLC., ("Applicant") has filed an Application for the approval of a Development Agreement, File No. PDA19-001, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 85.6 acres of land generally located at the northeast corner of Merrill Avenue and Euclid Avenue, within the Industrial and Business Park land use districts of the Ontario Ranch Business Park Specific Plan, and is presently vacant; and

WHEREAS, on September 15, 2020, the City Council adopted Ordinance No. 3168, approving the Environmental Impact Report (SCH#2019050018) and Ontario Ranch Business Park Specific Plan ("Specific Plan"), which addressed the development of up to 1,905,027 square feet of Industrial and Business Park uses; and

WHEREAS, a Tentative Parcel Map 20016 (File No. PMTT18-011) to subdivide approximately 85.6 acres of land into eight (8) parcels to facilitate a Development Plan (File No. PDEV18-036) to construct three (3) Industrial buildings totaling 1,447,123 square feet, and five (5) Business Park buildings totaling 105,624 square feet; 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 the Ontario Ranch Business Park Specific Plan (File No. PSP18-002), for which an Environmental Impact Report — State Clearinghouse No. 2019050018 — (hereinafter referred to as "Certified EIR") was adopted by the City Council on September 15, 2020, 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 City Council the responsibility and authority to review and act on the subject Application; and

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

WHEREAS, 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; and

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

WHEREAS, on October 27, 2020, the Planning Commission of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date, voting to issue Resolution No. PC20-074, recommending the City Council approve the Application; and

WHEREAS, on November 17, 2020, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

(1) The environmental impacts of this project were previously reviewed in conjunction with Ontario Ranch Business Park Specific Plan (File No. PSP18-002), for which a Certified EIR was adopted by the City Council on September 15, 2020; 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 City Council; 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 City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

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

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

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

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

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

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

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

SECTION 3. *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending authority for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, 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 City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP. 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.

SECTION 5. *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 3, above, the City Council hereby concludes as follows:

a. The Development Agreement applies to approximately 85.6 acres of land located at the northeast corner of Merrill Avenue and Euclid Avenue, within the Industrial and Business Park land use districts of the Ontario Ranch Business Park Specific Plan; and

b. The Development Agreement establishes parameters for the development of the proposed Industrial and Business Park land use districts of the Ontario Ranch Business Park Specific Plan. The Development Agreement also grants the Owner, the right to develop, the ability to quantify the fees; and establish the terms

and conditions that apply to those projects. These terms and conditions are consistent with The Ontario Plan Policy Plan (General Plan), design guidelines and development standards for the Ontario Ranch Business Park Specific Plan; and

c. The Agreement grants the Owner a vested right to develop Tentative Parcel Map 20016 (File No. PMTT18-011) as long as the Owner, complies with the terms and conditions of the Specific Plan and EIR. Tentative Parcel Map 20016 is located at the northeast corner of Merrill Avenue and Euclid Avenue, and proposes to subdivide approximately 85.6 acres of land into eight (8) parcels to facilitate a Development Plan (File No. PDEV18-036) to construct three (3) Industrial buildings totaling 1,447,123 square feet, and five (5) Business Park buildings totaling 105,624 square feet; and

d. The Development Agreement has been prepared in conformance with the goals and policies of The Ontario Plan Policy Plan (General Plan); and

e. The Development Agreement does not conflict with the Land Use Policies of The Ontario Plan Policy Plan (General Plan) and will provide for development, within the district, in a manner consistent with the Policy Plan and with related development; and

f. This Development Agreement will promote the goals and objectives of the Land Use Element of the Policy Plan; and

g. This Development Agreement will not be materially injurious or detrimental to the adjacent properties and will have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were previously reviewed in conjunction with the Ontario Ranch Business Park Specific Plan, for which an EIR (SCH#2019050018) was adopted by the City Council on September 15, 2020. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.

SECTION 6. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described Development Agreement (File No. PDA19-001), 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. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

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

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

PASSED, APPROVED, AND ADOPTED this 1st day of December 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3173 was duly introduced at a regular meeting of the City Council of the City of Ontario held November 17, 2020 and adopted at the regular meeting held December 1, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3173 duly passed and adopted by the Ontario City Council at their regular meeting held December 1, 2020 and that Summaries of the Ordinance were published on November 24, 2020 and December 8, 2020, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

File No. PDA19-001

DEVELOPMENT AGREEMENT

By and Between

**City of Ontario,
a California municipal corporation,**

and

**Euclid Land Venture, LLC,
a Delaware limited liability company**

(Development Agreement to follow this page)

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

CITY OF ONTARIO
CITY CLERK / RECORDS MANAGEMENT
303 EAST "B" STREET
ONTARIO, CA 91764-4196

Space above this line for Recorder's Use Only

Exempt from Fees Per Gov. Code § 6103

File No. PDA19-001

DEVELOPMENT AGREEMENT

By and Between

**City of Ontario,
a California municipal corporation,**

and

**Euclid Land Venture, LLC,
a Delaware limited liability company**

_____ , 2020

San Bernardino County, California

DEVELOPMENT AGREEMENT NO. PDA19-001

This Development Agreement (hereinafter "Agreement") is dated for reference purposes only as of the ____ day of _____, 2020 by and among the City of Ontario, a California municipal corporation (hereinafter "CITY"), and Euclid Land Venture, LLC, a Delaware limited liability company (hereinafter "OWNER").

RECITALS

WHEREAS, CITY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Section 65864, et seq. of the Government Code and Section 4.01.015 of the Ontario Development Code; and

WHEREAS, OWNER has requested CITY to enter into a development agreement and proceedings have been taken in accordance with the rules and regulations of CITY; and

WHEREAS, by electing to enter into this Agreement, CITY shall bind future City Councils of CITY by the obligations specified herein and limit the future exercise of certain governmental and proprietary powers of CITY; and

WHEREAS, the terms and conditions of this Agreement have undergone extensive review by CITY and the City Council and have been found to be fair, just and reasonable; and

WHEREAS, the best interests of the citizens of the CITY and the public health, safety and welfare will be served by entering into this Agreement; and

WHEREAS, all of the procedures of the California Environmental Quality Act have been met with respect to the Project and the Agreement in that Ontario Ranch Business Park Specific Plan Environmental Impact Report (State Clearinghouse No. 2019050018 (the "FEIR")). The City Council found and determined that the FEIR was prepared in accordance with the requirements of the California Environmental Quality Act and adequately describes the impacts of the Project described in the FEIR, which included consideration of this Agreement; and

WHEREAS, this Agreement and the Project are consistent with the CITY's Comprehensive General Plan and the Ontario Ranch Business Park Specific Plan; and

WHEREAS, all actions taken and approvals given by CITY have been duly taken or approved in accordance with all applicable legal requirements for notice, public hearings, findings, votes, and other procedural matters; and

WHEREAS, development of the Project Site ("Property") in accordance with this Agreement will provide substantial benefits to CITY and will further important policies and goals of CITY; and

WHEREAS, this Agreement will eliminate uncertainty in planning and provide for the orderly development of the Property, ensure progressive installation of necessary improvements, provide for public services appropriate to the development of the Project,

and generally serve the purposes for which development agreements under Sections 65864 et seq. of the Government Code are intended; and

WHEREAS, OWNER has incurred and will in the future incur substantial costs in order to assure development of the Property in accordance with this Agreement; and

WHEREAS, OWNER has incurred and will in the future incur substantial costs in excess of the generally applicable requirements in order to assure vesting of legal rights to develop the Property in accordance with this Agreement.

COVENANTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. DEFINITIONS AND EXHIBITS.

1.1 **Definitions.** The following terms when used in this Agreement shall be defined as follows:

1.1.1 "Agreement" means this Development Agreement.

1.1.2 "CITY" means the City of Ontario, California, a California municipal corporation.

1.1.3 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of public infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of buildings and structures; and the installation of landscaping. "Development" does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.1.4 "Development Approvals" means all permits and other entitlements for use subject to approval or issuance by CITY in connection with development of the Property including, but not limited to:

- (a) specific plans and specific plan amendments;
- (b) tentative and final subdivision and parcel maps;
- (c) development plan review.

1.1.5 "Development Exaction" means any requirement of CITY in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests.

1.1.6 "Development Impact Fee" means a monetary exaction, other than a tax or special assessment, whether characterized as a fee or a tax and whether established for a broad class of projects by legislation of general applicability or imposed on a specific

project on an ad hoc basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, and, for purposes of this Agreement only, includes fees collected under development agreements adopted pursuant to Article 2.5 of the Government Code (commencing with Section 65864) of Chapter 4. For purposes of this Agreement only, "Development Impact Fee" shall not include processing fees and charges imposed by CITY to cover the estimated actual costs to CITY of processing applications for Development Approvals or for monitoring compliance with any Development Approvals granted or issued, including, without limitation, fees for zoning variances; zoning changes; use permits; building inspections; building permits; filing and processing applications and petitions filed with the local agency formation commission or conducting preliminary proceedings or proceedings under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5 of the Government Code; the processing of maps under the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code; or planning services under the authority of Chapter 3 (commencing with Section 65100) of Division 1 of Title 7 of the Government Code, fees and charges as described in Sections 51287, 56383, 57004, 65104, 65456, 65863.7, 65909.5, 66013, 66014, and 66451.2 of the Government Code, Sections 17951, 19132.3, and 19852 of the Health and Safety Code, Section 41901 of the Public Resources Code, and Section 21671.5 of the Public Utilities Code, as such codes may be amended or superseded, including by amendment or replacement.

1.1.7 "Development Plan" means the Existing Development Approvals and the Existing Land Use Regulations applicable to development of the Property.

1.1.8 "Effective Date" means the date that the ordinance approving this Agreement goes into effect.

1.1.9 "Existing Development Approvals" means all Development Approvals approved or issued on or prior to the Effective Date. Existing Development Approvals includes the Approvals incorporated herein as Exhibit "C" and all other Approvals which are a matter of public record on the Effective Date.

1.1.10 "Existing Land Use Regulations" means all Land Use Regulations in effect on the date of the first reading of the ordinance adopting and approving this Agreement. Existing Land Use Regulations includes the Regulations incorporated herein as Exhibit "D" and all other Land Use Regulations that are in effect and a matter of public record on such date.

1.1.11 "General Plan" means The Ontario Plan adopted on January 26, 2010, as amended up to the date of the first reading of the ordinance adopting and approving this Agreement.

1.1.12 "Improvement" or "Improvements" means those public improvements required to support the development of the Project as described in the Parcel Map conditions for Parcel Map No. 20016 ("Parcel Map") as further described in Exhibit "E" and depicted in Exhibit "F" (the "Infrastructure Improvements Exhibits").

1.1.13 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of CITY governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use,

subdivision requirements, timing and phasing of development, the maximum height and size of buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. "Land Use Regulations" does not include any CITY ordinance, resolution, code, rule, regulation or official policy, governing:

- (a) the conduct of businesses, professions, and occupations;
- (b) taxes and assessments;
- (c) the control and abatement of nuisances;
- (d) the granting of encroachment permits and the conveyance of similar rights and interests that provide for the use of or the entry upon public property;
- (e) the exercise of the power of eminent domain.

1.1.14 "Mortgagee" means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns.

1.1.15 "OWNER" means the persons and entities listed as owner on page 1 of this Agreement and their permitted successors in interest to all or any part of the Property.

1.1.16 "Owner Affiliate" shall mean, (i) any general or limited partnership in which OWNER is the managing general partner, or (ii) any limited liability company in which OWNER is the managing member.

1.1.17 "Project" means the development of the Property contemplated by the Development Plan, as such Plan may be further defined, enhanced or modified pursuant to the provisions of this Agreement.

1.1.18 "Property" means the real property described on Exhibit "A" and shown on Exhibit "B" to this Agreement.

1.1.19 "Reservations of Authority" means the rights and authority excepted from the assurances and rights provided to OWNER under this Agreement and reserved to CITY under Section 3.4 of this Agreement.

1.1.20 "Specific Plan" means that certain specific plan adopted by the City Council, and entitled, "Ontario Ranch Business Park Specific Plan."

1.1.21 "Subsequent Development Approvals" means all discretionary Development Approvals required subsequent to the Effective Date in connection with development of the Property.

1.1.22 "Subsequent Land Use Regulations" means any discretionary Land Use Regulations adopted and effective after the Effective Date of this Agreement.

1.2 Exhibits. The following documents are attached to, and by this reference made a part of, this Agreement:

Exhibit "A" — Legal Description of the Property.

Exhibit "B" — Map showing Property and its location.

Exhibit "C" — Existing Development Approvals.

Exhibit "D" — Existing Land Use Regulations.

Exhibit "E" — Description of Required Infrastructure Improvements

Exhibit "F" — Depiction of Infrastructure Improvements Exhibits

Exhibit "G" – Form of Certificate of DIF Credit to be issued by CITY

2. GENERAL PROVISIONS.

2.1 Binding Effect of Agreement. The Property is hereby made subject to this Agreement. Development of the Property is hereby authorized and shall be carried out only in accordance with the terms of this Agreement.

2.2 Ownership of Property. OWNER represents and covenants that it is the owner of the fee simple title to the Property or a portion thereof, or has the right to acquire fee simple title to the Property or a portion thereof from the current owner(s) thereof. To the extent OWNER does not own fee simple title to the Property, OWNER shall obtain written consent from the current fee owner of the Property agreeing to the terms of this Agreement and the recordation thereof.

2.3 Term. The term of this Agreement shall commence on the Effective Date and shall continue for an initial term of ten (10) years thereafter unless this term is modified or extended pursuant to the provisions of this Agreement. The term of this Agreement may be extended for an additional five (5) years following expiration of the initial ten (10) year term, provided the following have occurred:

- (a) OWNER provides at least 180 days written notice to CITY prior to expiration of the initial term; and
- (b) OWNER is not then in uncured default of this Agreement.

2.4 Assignment.

2.4.1 Right to Assign. OWNER shall have the right to sell, transfer or assign the Property in whole or in part (provided that no such partial transfer shall violate the Subdivision Map Act, Government Code Section 66410, et seq.), to any person, partnership, limited liability company, joint venture, firm or corporation at any time during the term of this Agreement; provided, however, that any such sale, transfer or assignment shall include the assignment and assumption of the rights, duties and obligations arising under or from this Agreement with respect to the portion of the Property sold and be made in strict compliance with the following:

(a) Except as expressly provided for herein, no sale, transfer or assignment of any right or interest under this Agreement shall be made unless made together with the sale, transfer or assignment of all or a part of the Property.

(b) Concurrent with any such sale, transfer or assignment, or within fifteen (15) business days thereafter, OWNER shall notify CITY's City Manager, in writing, of such

sale, transfer or assignment and shall provide CITY with: (1) an executed agreement, in a form reasonably acceptable to CITY, by the purchaser, transferee or assignee and providing therein that the purchaser, transferee or assignee expressly and unconditionally assumes all the duties and obligations of OWNER under this Agreement with respect to the portion of the Property so sold, transferred or assigned.

(c) Any sale, transfer or assignment not made in strict compliance with the foregoing conditions shall constitute a default by OWNER under this Agreement. Notwithstanding the failure of any purchaser, transferee or assignee to execute the agreement required by Paragraph (b) of this Subsection 2.4.1, the burdens of this Agreement shall be binding upon such purchaser, transferee or assignee, but the benefits of this Agreement shall not inure to such purchaser, transferee or assignee until and unless such agreement is executed. The City Manager shall have the authority to review, consider and either approve, conditionally approve, or deny any proposed sale, transfer or assignment that is not made in compliance with this section 2.4.

(d) Notwithstanding the foregoing, OWNER shall have the right to assign this Agreement to an Owner Affiliate subject to the notice requirements to CITY as described in Paragraph (b) of this Section 2.4.1, above.

2.4.2 Release of Transferring Owner. Notwithstanding any sale, transfer or assignment, a transferring OWNER shall continue to be obligated under this Agreement unless such transferring owner is given a release in writing by CITY, which release shall be provided by CITY upon the full satisfaction by such transferring owner of the following conditions:

(a) OWNER no longer has a legal or equitable interest in all or any part of the portion of the Property sold, transferred or assigned.

(b) OWNER is not then in default under this Agreement.

(c) OWNER has provided CITY with the notice and executed an agreement as required under Paragraph (b) of Subsection 2.4.1 above.

(d) The purchaser, transferee or assignee provides CITY with security equivalent to any security previously provided by OWNER (if any) to secure performance of its obligations hereunder which are to be performed upon portion of the Property sold, transferred or assigned.

2.4.3 Effect of Assignment and Release of Obligations. In the event of a sale, transfer or assignment pursuant to the provisions of Section 2.4.2 above:

(a) The assignee shall be liable for the performance of all obligations of OWNER with respect to transferred property, but shall have no obligations with respect to the portions of the Property, if any, not transferred (the "Retained Property").

(b) The owner of the Retained Property shall be liable for the performance of all obligations of OWNER with respect to Retained Property, but shall have no further obligations with respect to the transferred property.

(c) The assignee's exercise, use and enjoyment of the Property or portion thereof shall be subject to the terms of this Agreement to the same extent as if the assignee were the OWNER.

2.4.4 Subsequent Assignment. Any subsequent sale, transfer or assignment after an initial sale, transfer or assignment shall be made only in accordance with and subject to the terms and conditions of this Section 2.4.

2.4.5 Termination of Agreement with Respect to Individual Lots Upon Sale to Public and Completion of Construction. The provisions of Subsection 2.4.1 shall not apply to the sale or lease (for a period longer than one (1) year) of any parcel which has been finally subdivided and is individually (and not in "bulk") sold or leased to a member of the public or other ultimate user of the parcel. Notwithstanding any other provisions of this Agreement, this Agreement shall terminate with respect to any lot and such lot shall be released and no longer be subject to this Agreement without the execution or recordation of any further document upon satisfaction of both of the following conditions:

(a) The lot has been finally subdivided and individually (and not in "bulk") sold or leased (for a period longer than one (1) year) to a member of the public or other ultimate user; and,

(b) A certificate of occupancy has been issued for a building on the parcel, and the fees set forth under Section 4 of this Agreement have been paid.

2.4.6 Partial Assignment and Assumption. CITY and OWNER agree OWNER may partially assign its obligations and rights under this Agreement, and all amendments hereto, to a purchaser, transferee or assignee of a lot, which has been subdivided subject to provisions of a partial assignment and assumption agreement in a form approved by CITY. Any such complete and executed partial assignment and assumption of this Agreement shall be submitted to CITY for approval pursuant to Section 2.4.1 of this Agreement. Within thirty (30) days following such complete submittal, CITY shall review, and if the above conditions are satisfied, may approve the partial assignment and release and notify the purchase, transferee or assignee in writing thereof. No such release approved pursuant to this Subsection 2.4.6 shall cause, or otherwise affect, a release of OWNER from the duties and obligations under this Agreement that are retained by OWNER and excluded from the transfer or assignment.

2.5 Amendment or Cancellation of Agreement. This Agreement may be amended or cancelled in whole or in part only in the manner provided for in Government Code Section 65868.1. Any amendment of this Agreement, which amendment has been requested by OWNER, shall be considered by the CITY only upon the payment of the applicable processing charge. This provision shall not limit any remedy of CITY or OWNER as provided by this Agreement. Either party or successor in interest, may propose an amendment to or cancellation, in whole or in part, of this Agreement. Any amendment or cancellation shall be by mutual consent of the parties or their successors in interest except as provided otherwise in this Agreement or in Government Code Section 65865.1. For purposes of this section, the term "successor in interest" shall mean any person having a legal or equitable interest in the whole of the Property, or any portion thereof as to which such person wishes to amend or cancel this Agreement. The procedure for proposing and adopting an amendment to, or cancellation of, in whole or in part, this Agreement shall be the same as the procedure for adopting and entering into this Agreement in the

first instance. Notwithstanding the foregoing sentence, if the CITY initiates the proposed amendment to, or cancellation of, in whole or in part, this Agreement, CITY shall first give notice to the OWNER of its intention to initiate such proceedings at least sixty (60) days in advance of the giving the public notice of intention to consider the amendment or cancellation.

2.6 Minor Modification. Upon the written application of OWNER, minor modifications and changes to the Development Plan including modifications to building design or footprint (not affecting minimum setbacks), parking layout and design, and landscape area design may be approved by the Director of the Planning Department without the need to amend this Development Agreement. Other changes in the Development Plan shall be processed pursuant to the City Zoning Ordinance. It is also contemplated by City and OWNER that OWNER may, from time to time, seek amendments to one or more of the Development Approvals. Any such amendments are contemplated by City and OWNER as being within the scope of this Agreement as long as they are consistent with the Land Use Regulations and shall, upon approval by City, continue to constitute the Development Approvals as referenced herein. The parties agree that any such modifications or amendments shall not constitute an amendment to this Agreement nor require an amendment to this Agreement.

2.7 Termination. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

- (a) Expiration of the stated term of this Agreement as set forth in Section 2.3.
- (b) Entry of a final judgment setting aside, voiding or annulling the adoption of the ordinance approving this Agreement.
- (c) The adoption of a referendum measure overriding or repealing the ordinance approving this Agreement.
- (d) Completion of the Project in accordance with the terms of this Agreement including issuance of all required occupancy permits and acceptance by CITY or applicable public agency of all required dedications.

Termination of this Agreement shall not constitute termination of any other land use entitlements approved for the Property. Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such termination or with respect to any default in the performance of the provisions of this Agreement which has occurred prior to such termination or with respect to any obligations which are specifically set forth as surviving this Agreement. Upon such termination, any public facilities and services mitigation fees paid pursuant to Section 4.2 of this Agreement by OWNER to CITY on which construction has not yet begun shall be refunded to OWNER by CITY within ten (10) business days.

2.8 Notices.

(a) As used in this Agreement, "notice" includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment or other communication required or permitted hereunder.

(b) All notices shall be in writing and shall be considered given either: (i) when delivered in person, including, without limitation, by courier, to the recipient named below; or (ii) on the date of delivery shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, and postage and postal charges prepaid, and addressed to the recipient named below. All notices shall be addressed as follows:

If to CITY:

Scott Ochoa, City Manager
City of Ontario
303 East "B" Street
Ontario, CA 91764

with a copy to:

Ruben Duran, City Attorney
City of Ontario
303 East "B" Street
Ontario, CA 91764

If to OWNER:

Euclid Land Venture, LLC
c/o Real Estate Development Associates, LLC
4450 MacArthur Boulevard, Suite 100
Newport Beach, CA 92660
Attn: Jason Krotts
Email: jkrotts@redallc.com
Phone: (949) 216-7300

With a copy to:

Allen Matkins Leck Gamble Mallory & Natsis LLP
1900 Main Street, Fifth Floor
Irvine, California 92614
Attn: Matthew R. Fogt, Esq.
Email: mfogt@allenmatkins.com
Phone: 949-851-5453

Either party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a party or an officer or representative of a party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by the change.

3. DEVELOPMENT OF THE PROPERTY.

3.1 Rights to Develop. Subject to the terms of this Agreement including the Reservations of Authority in Section 3.4, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the Development Plan. The Project shall remain subject to all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the

maximum height and size of proposed buildings, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan.

3.2 Effect of Agreement on Land Use Regulations. Except as otherwise provided under the terms of this Agreement including the Reservations of Authority in Section 3.4, the rules, regulations and official policies governing permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings, and the design, improvement and construction standards and specifications applicable to development of the Property shall be the Existing Land Use Regulations. In connection with any Subsequent Development Approval, CITY shall exercise discretion in accordance with the same manner as it exercises its discretion under its police powers, including the Reservations of Authority set forth herein; provided however, that such discretion shall not prevent development of the Property for the uses and to the density or intensity of development set forth in this Agreement.

3.3 Timing of Development. The parties acknowledge that OWNER cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of OWNER, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Since the California Supreme Court held in Pardee Construction Co. v. City of Camarillo (1984) 37 Cal. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that OWNER shall have the right to develop the Property in such order and at such rate and at such times as OWNER deems appropriate within the exercise of its subjective business judgment.

3.3.1 Infrastructure Improvement Exhibits. Attached hereto as Exhibits "E" and "F" are a description and a depiction, respectfully, of the Infrastructure Improvements needed for the development of the Property (the "Infrastructure Improvement Exhibits").

3.4 Reservations of Authority.

3.4.1 Limitations, Reservations and Exceptions. Notwithstanding any other provision of this Agreement, the CITY shall not be prevented from applying new rules, regulations and policies upon the OWNER, nor shall a development agreement prevent the CITY from denying or conditionally approving any subsequent development project application on the basis of such new rules, regulations and policies where the new rules, regulations and policies consist of the following:

(a) Processing fees by CITY to cover costs of processing applications for development approvals or for monitoring compliance with any development approvals;

(b) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records and any other matter of procedure;

(c) Regulations, policies and rules governing engineering and construction standards and specifications applicable to public and private improvements, including all uniform codes adopted by the CITY and any local amendments to those codes adopted by the CITY; provided however that, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the standards and specifications that

are expressly identified in the Specific Plan and the building codes in effect as of the Effective Date;

(d) Regulations that may conflict with this Agreement and the Development Plan but that are reasonably necessary to protect the occupants of the Project and/or of the immediate community from a condition perilous to their health or safety;

(e) Regulations that do not conflict with those rules, regulations and policies set forth in this Agreement or the Development Plan and which do not impose additional obligations, costs, and expenses on Owner or the Project;

(f) Regulations that may conflict with this Agreement but to which the OWNER consents.

3.4.2 Subsequent Development Approvals. This Agreement shall not prevent CITY, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations that do not conflict with the Development Plan and/or the Existing Development Approvals, nor shall this Agreement prevent CITY from denying or conditionally approving any Subsequent Development Approval on the basis of the Existing Land Use Regulations or any Subsequent Land Use Regulation not in conflict with the Development Plan and/or the Existing Development Approvals.

3.4.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date of this Agreement, prevent or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provisions impractical to enforce. In the event OWNER alleges that such State or Federal laws or regulations preclude or prevent compliance with one or more provisions of this Agreement, and the CITY does not agree, the OWNER may, at its sole cost and expense, seek declaratory relief (or other similar non-monetary remedies); provided however, that nothing contained in this Section 3.4.3 shall impose on CITY any monetary liability for contesting such declaratory relief (or other similar non-monetary relief).

3.4.4 Intent. The parties acknowledge and agree that CITY is restricted in its authority to limit its police power by contract and that the foregoing limitations, reservations and exceptions are intended to reserve to CITY all of its police power which cannot be so limited. This Agreement shall be construed, contrary to its stated terms if necessary, to reserve to CITY all such power and authority which cannot be restricted by contract.

3.5 Public Works; Utilities. If OWNER is required by this Agreement or a condition of Project approval to construct any public works facilities which will be dedicated to CITY or any other public agency upon completion, and if required by applicable laws to do so, OWNER shall perform such work in the same manner and subject to the same requirements as would be applicable to CITY or such other public agency should it have undertaken such construction. As a condition of development approval, OWNER shall connect the Project to all utilities necessary to provide adequate water, recycled water, sewer, gas, electric, and other utility services necessary for the Project. As a further

condition of development approval, OWNER shall to the extent possible contract with the CITY for CITY-owned or operated utilities for this purpose, for such price and on such terms as may be available to similarly situated customers in the CITY.

3.5.1 OWNER agrees that development of the Project shall require the construction of storm drain Improvements from the Property as described in Exhibit E and depicted in Exhibit F. OWNER shall be responsible for the construction of the storm drain Improvements, as described in Exhibit E and depicted in Exhibit F. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY, and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings prior to completion of the storm drain Improvements described in Exhibit E and depicted in Exhibit F. OWNER may request, and CITY may issue in its reasonable discretion, temporary certificates of occupancy on a building-by-building basis prior to completion of the storm drain improvements.

3.5.2 OWNER agrees that development of the Project shall require the construction of street Improvements as described in Exhibit E and depicted in Exhibit F. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY, and OWNER agrees that OWNER shall not request, and CITY shall not issue a final occupancy permit for any buildings on the Property prior to Substantial Completion of the street Improvements as described in Exhibit E and depicted in Exhibit F. For purposes of the foregoing, street Improvements shall be deemed "Substantially Complete" even if the final lift of pavement has not been completed (i.e., Owner may install the final lift after completion of all other construction). OWNER may request, and CITY may issue in its reasonable discretion, temporary certificates of occupancy on a building-by-building basis prior to completion and subject to final acceptance by CITY of the street Improvements. OWNER agrees that the street improvements shall be completed and subject to final acceptance by CITY prior to the release of any security for the construction of the street improvements. OWNER and CITY agree that a portion of the street Improvements described in Exhibit E and depicted in Exhibit F may be constructed by others, or pursuant to a cooperative agreement with others. If such street Improvements are constructed by others, or in cooperation with others, and are completed and accepted by CITY prior to OWNER's request to CITY of the required grading, building or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct those street Improvements constructed and completed by others and accepted by CITY.

3.5.3 OWNER agrees that development of the Property shall require the extension of permanent master planned potable water utility Improvements to serve the Property as described in Exhibit E and depicted in Exhibit F. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings on the Property until the completion of the potable water improvements, the Phase 2A Water Improvements, and the Interim Chino Avenue Loop described in Exhibit E, and depicted in Exhibit F. OWNER may request, and CITY may issue in its reasonable discretion, temporary certificates of occupancy on a building-by-building basis prior to completion of the Phase 2A Water Improvements, and the Interim Chino Avenue Loop, if there is available permanent potable water service from a

minimum of one (1) point of connection and sufficient redundant water is available for fire protection purposes for any buildings while under construction. If sufficient redundant water is not available for fire protection purposes for any building, OWNER shall provide an alternative solution for redundant fire protection purposes and such alternative solution shall be approved at the discretion of the CITY. OWNER and CITY agree that a portion of the water improvements described in Exhibit E and depicted in Exhibit F may be constructed by others, or pursuant to a cooperative agreement with others. If such water improvements are constructed by others, or in cooperation with others, and are completed and accepted by CITY prior to OWNER's request to CITY of the required grading, building or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct those water improvements constructed and completed by others and accepted by CITY.

3.5.4 OWNER agrees that development of the Property shall require the construction of permanent master planned sewer Improvements to serve the Property as described in Exhibit E and depicted in Exhibit F. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY, and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings prior to completion of the sewer improvements described in Exhibit E and depicted in Exhibit F. OWNER may request, and CITY may issue in its reasonable discretion, temporary certificates of occupancy on a building-by-building basis prior to the completion of the sewer improvements described in Exhibit E and depicted in Exhibit F. OWNER and CITY agree that a portion of the sewer Improvements described in Exhibit E and depicted in Exhibit F may be constructed by others, or pursuant to a cooperative agreement with others. If such sewer Improvements are constructed by others, or in cooperation with others, and are completed and accepted by CITY prior to OWNER's request to CITY of the required grading, building or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct those sewer Improvements constructed and completed by others and accepted by CITY.

3.5.5 OWNER agrees that development of the Property shall require the extension of permanent master planned recycled water utility improvements to serve the Property, as described in Exhibit E and depicted in Exhibit F. OWNER and CITY agree that the City may issue grading, and other required sitework permits for OWNER to initiate grading of the Property according to plans approved by CITY upon completion of sufficient recycled water improvements to serve the Property from at least one point of connection. OWNER agrees that OWNER shall not request, and CITY shall not issue a final occupancy permit for any buildings on the Property until the completion of the recycled water improvements described in Exhibit E and depicted in Exhibit F. CITY agrees that OWNER may request that CITY issue temporary occupancy on a building-by-building basis prior to completion of recycled water improvements if there is available a permanent recycled water service connection and sufficient recycled water is available. OWNER and CITY agree that OWNER may, in lieu of utilizing recycled water during grading and construction, utilize water from existing agricultural wells on the Property subject to the terms of a separate Well Use Agreement between CITY and OWNER. OWNER and CITY agree that all, or a portion of, the permanent master planned recycled water utility Improvements described in Exhibit E and depicted in Exhibit F may be constructed by others. If such recycled water utility Improvements are constructed by others and completed and accepted by CITY prior to OWNER'S request to CITY of the required

grading, building, or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct those permanent master planned recycled water utility Improvements.

3.5.6 OWNER agrees that development of the Property shall require the extension of permanent master planned fiber optic communications infrastructure to serve the Property, as described in the attached Exhibit E and depicted in Exhibit F. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings prior to completion of the fiber optic communications infrastructure, as described in Exhibit E and depicted in Exhibit F. OWNER may request, and CITY may issue in its reasonable discretion, temporary certificates of occupancy on a building-by-building basis prior to the completion of the fiber optic communications infrastructure, as described in Exhibit E and depicted in Exhibit F. OWNER and CITY agree that all, or a portion of, the permanent master planned fiber optic communications infrastructure described in Exhibit E and depicted in Exhibit F may be constructed by others. If such fiber optic communications infrastructure is constructed by others and completed and accepted by CITY prior to OWNER'S request to CITY of the required grading, building, or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct such permanent master planned fiber optic communications infrastructure.

3.5.7 For the improvements described in Sections 1(h), 2(a) and 2(b) of the attached Exhibit E for which OWNER pays a fee in lieu of actual construction by OWNER, such obligation shall be deemed satisfied once OWNER has paid such fee in full and the CITY shall not hold up a final occupancy permit for any buildings based on the actual completion of any such improvements.

3.6 Acquisition of Offsite Provision of Real Property Interests. In any instance where OWNER is required by any Development Approval or Land Use Regulation to construct any public improvement on land not owned by OWNER ("Offsite Improvements"), the CITY and OWNER shall cooperate in acquiring the necessary legal interest ("Offsite Property") as described below in Section 3.7. This Section 3.6 is not intended by the parties to impose upon the OWNER an enforceable duty to acquire land or construct any public improvements on land not owned by OWNER, except to the extent that the OWNER elects to proceed with the development of the Project, and then only in accordance with valid conditions imposed by the CITY upon the development of the Project under the Subdivision Map Act or other legal authority.

3.7 Real Property Interests.

3.7.1 CITY Acquisition of Offsite Property. In the event OWNER is required to construct any public improvements on land not owned by OWNER, Sections 3.7.1 and 3.7.2 shall control the acquisition of the Offsite Property. If the OWNER is unable to acquire such Offsite Property, and following the written request from the OWNER to CITY, CITY agrees to use reasonable and diligent good faith efforts to acquire the Offsite Property from the owner or owners of record by negotiation to the extent permitted by law and consistent with this Agreement. If CITY is unable to acquire the Offsite Property by negotiation within thirty (30) days after OWNER'S written request, CITY shall, initiate proceedings utilizing its power of eminent domain to acquire the Offsite Property at a

public hearing noticed and conducted in accordance with California Code of Civil Procedure Section 1245.235 for the purpose of considering the adoption of a resolution of necessity concerning the Offsite Property, subject to the conditions set forth in this Section 3.6.1 The CITY and OWNER acknowledge that the timelines set forth in this Section 3.6.1 represent the maximum time periods which CITY and OWNER reasonably believe will be necessary to complete the acquisition of any Offsite Property. CITY agrees to use reasonable good faith efforts to complete the actions described within lesser time periods, to the extent that it is reasonably able to do so, consistent with the legal constraints imposed upon CITY.

3.7.2 Owner's Option to Terminate Proceedings. CITY shall provide written notice to OWNER no later than fifteen (15) days prior to making an offer to the owner of the Offsite Property. At any time within that fifteen (15) day period, OWNER may, at its option, notify CITY that it wants CITY to cease all acquisition proceedings with respect to that Offsite Property, whereupon CITY shall cease such proceedings. CITY shall provide written notice to OWNER no later than fifteen (15) days prior to the date of the hearing on CITY's intent to consider the adoption of a resolution of necessity as to any Offsite Property. At any time within that fifteen (15) day period, OWNER may, at its option, notify CITY that it wants CITY to cease condemnation proceedings, whereupon CITY shall cease such proceedings. If OWNER does not notify CITY to cease condemnation proceedings within said fifteen (15) day period, then the CITY may proceed to consider and act upon the Offsite Property resolution of necessity. If CITY adopts such resolution of necessity, then CITY shall diligently institute condemnation proceedings and file a complaint in condemnation and seek an order of immediate possession with respect to the Offsite Property.

3.8 Regulation by Other Public Agencies. It is acknowledged by the parties that other public agencies not within the control of CITY possess authority to regulate aspects of the development of the Property separately from or jointly with CITY and this Agreement does not limit the authority of such other public agencies. CITY agrees to cooperate fully, at no cost to CITY, with OWNER in obtaining any required permits or compliance with the regulations of other public agencies provided such cooperation is not in conflict with any laws, regulations or policies of the CITY.

3.9 Tentative Parcel Maps. With respect to applications by OWNER for tentative parcel maps for portions of the Property, CITY agrees that OWNER may file and process tentative maps in accordance with Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the California Government Code and the applicable provisions of CITY's subdivision ordinance, as the same may be amended from time to time. In accordance with the provisions of Section 66452.6 of the Government Code, each tentative subdivision map or tentative parcel map, heretofore or hereafter approved in connection with development of the Property, shall be deemed to have been granted an extension of time to and until the expiration, cancellation, or termination of this Agreement.

3.10 Specific Plan Charge. Pursuant to Government Code section 65456, the City Council may consider adopting a specific plan charge upon persons seeking CITY approvals that are required to be consistent with the Specific Plan. Any such charges shall, in the aggregate, defray, but not exceed, the estimated cost of preparation, adoption, and administration of the Specific Plan, including costs incurred pursuant to the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.). As nearly

as can be estimated, the charges shall be a prorated amount in accordance with the applicant's relative benefit derived from the Specific Plan. If such charges are adopted, the CITY shall use such charges to reimburse the OWNER who originally paid the cost of preparing the Specific Plan, including costs incurred pursuant to the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) to the extent the OWNER paid more than its relative benefit from the Specific Plan. Such charges, if adopted, shall be imposed on persons seeking CITY approvals that are required to be consistent with the Specific Plan, to the extent such person(s) has/have not entered into a reimbursement agreement with, and satisfactory to, the person(s) originally responsible for the cost of preparing the Specific Plan, including costs incurred pursuant to CEQA.

4. PUBLIC BENEFITS.

4.1 Intent. The parties acknowledge and agree that development of the Property will result in public needs that will not be fully met by the Development Plan and further acknowledge and agree that this Agreement confers private benefits on OWNER that should be balanced by commensurate public benefits. Accordingly, the parties intend to provide consideration to the public to balance the private benefits conferred on OWNER by providing more fully for the satisfaction of the public needs resulting from the Project.

4.2 Development Impact Fees.

4.2.1 Amount of Development Impact Fee. Development Impact Fees (DIF) shall be paid by OWNER. The Development Impact Fee amounts to be paid by OWNER shall be the amounts that are in effect at the time such amounts are due. Nothing contained in this Agreement shall affect the ability of the CITY to impose new Development Impact Fees or amend the amounts of existing Development Impact Fees. Additionally, nothing contained in this Agreement shall affect the ability of other public agencies that are not controlled by CITY to impose and amend, from time to time, Development Impact Fees established or imposed by such other public agencies, even though such Development Impact Fees may be collected by CITY.

4.2.2 Time of Payment. The Development Impact Fees required pursuant to Subsection 4.2.1 shall be paid to CITY prior to the issuance of building permit for each applicable building (subject to the application/use of available fee deferrals or credits), except for the Species, Habitat Conservation, and Open Space Mitigation Development Impact Fee, which shall be paid by OWNER to CITY prior to the issuance of a grading permit. Notwithstanding the foregoing, OWNER is eligible to defer the payment(s) of DIF subject to a separate DIF Deferral Agreement between CITY and OWNER. CITY and OWNER agree that the DIF Deferral Agreement between CITY and OWNER shall comply with CITY's adopted policies applicable to such deferral agreements.

4.3 Responsibility for Construction of Public Improvements.

4.3.1 Timely Construction of Public Infrastructure. The phasing of the area wide infrastructure construction within the vicinity of the Project shall be as approved by the CITY. OWNER shall be responsible for the timely construction and completion of all public infrastructure required for the Project as described in Exhibit E and depicted in Exhibit F and any and all parcel map conditions. Unless otherwise specified in the Parcel Map conditions, and subject to the provisions of Section 3.5 and 3.6, all other required Improvements for each parcel map, shall be completed and operational prior to, and as a condition precedent to, OWNER requesting and CITY's granting of a final occupancy

permit for any buildings to be constructed on the Property. All Infrastructure and Improvements shall be completed as required by the Subdivision Agreement/Parcel Map conditions for Parcel Map No. 20016.

4.3.2 Construction of Public Infrastructure by Third Parties. CITY and OWNER acknowledge that a portion of the Improvements described in Exhibit E and depicted in Exhibit F are necessary for the development of surrounding properties within the Ontario Ranch and the other property owners are also obligated to construct the Improvements or portions thereof. As such, CITY agrees that OWNER's obligation to construct the Improvements may be satisfied by third party owners pursuant to separate written agreements between OWNER and said third party undertaking the construction of the Improvements. Nothing in this Agreement shall be construed to prohibit the coordination of the construction of the Improvements between private parties, including the allocation of costs for the construction of the Improvements. Notwithstanding anything to the contrary herein, any applicable DIF Credits may be transferred and assigned from one (1) party to another with respect to the construction of the Improvements and such transfer or assignment shall not require the conveyance of any real property.

4.3.3 Availability and Use of Recycled Water. OWNER agrees that recycled water shall be available and utilized by OWNER for all construction-related water uses including prior to, and during, any grading of the Property. OWNER and CITY agree that OWNER may, in-lieu of utilizing recycled water during grading and construction, utilize water from existing agricultural wells on the Property subject to the terms of a separate Well Use Agreement between the CITY and OWNER.

4.3.4 Construction of DIF Program Infrastructure. To the extent OWNER is required to construct and completes construction of public improvements that are included in CITY's Development Impact Fee Program CITY agrees that CITY shall issue DIF Credit in accordance with the provisions of a separate Fee Credit Agreement between CITY and OWNER. Limitations on the use of DIF Credit issued to OWNER to offset OWNER's DIF payment obligations shall also be subject to the provisions of a separate Fee Credit Agreement. OWNER will be eligible to receive DIF Credit from OWNER's construction of DIF Program Infrastructure. Any such DIF Credit shall be subject to a Fee Credit Agreement between CITY and OWNER. CITY and OWNER agree that the Fee Credit Agreement between CITY and OWNER shall comply with CITY's adopted policies applicable to such agreements.

4.4 Public Services Funding Fee.

4.4.1 Requirement for Payment of Public Services Funding Fee. In order to ensure that the adequate provision of public services, including without limitation, police, fire and other public safety services, are available to each Project in a timely manner, OWNER shall pay to CITY a "Public Services Funding Fee." The Public Services Funding Fee shall apply to residential and non-residential uses as set forth below.

4.4.2 Public Services Funding Fee Amount. OWNER shall pay a Public Services Funding fee in a single installment payment in the amount of Sixty-Three Cents (\$.63) per square foot of each non-residential building. The single installment for non-residential uses shall be due and payable on a building-by-building basis prior to the issuance of the building permit for a non-residential building. The amount of the Single Installment for non-residential uses shall automatically increase by percentage increase

(but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year on January 1st of each year, beginning on January 1, 2021. OWNER may exercise the option to pay any single installment amounts for the remainder of the non-residential square footage within the Project on or before December 31st, before the Single Installment amount is automatically increased

4.5 Water Availability.

4.5.1 Water Availability. The Property requires the completion of the Phase 2 Water Improvements (Phase 2A and 2B) for permanent water system capacity and supply. Until the Phase 2 Water Improvements are fully constructed and completed, OWNER acknowledges that the Project shall have sufficient water capacity and supply on an interim basis made available through the construction of the Potable Water Improvements, the Phase 2A Water Improvements, and the Interim Chino Avenue Loop described in Exhibit E and depicted in Exhibit F. OWNER acknowledges and agrees that the CITY shall not issue final certificates of occupancy for the Project until the completion of the Potable Water Improvements, the Phase 2A Water Improvements, and the Interim Chino Avenue Loop, described in Exhibit E and depicted in Exhibit F.

4.5.2 DIF Credit for Phase 2 Water Improvements. Within thirty (30) days of OWNER's payment of the Phase 2A Water Payment, described in Exhibit E, item 2(a), CITY shall issue a certificate of DIF Credit which may be used to offset OWNER's DIF obligations in the Regional Water DIF Category. The form of the Certificate of DIF Credit shall be as described in Exhibit G, attached hereto and incorporated herein. OWNER acknowledges that any Regional Water DIF Credit issued to OWNER shall not be used to satisfy a Phase 2A Water Payment and may only be used to offset OWNER's DIF obligations in the Regional Water DIF Category.

4.5.3 Additional Contributions for Phase 2 Water Improvements. The CITY acknowledges and agrees that CITY shall require new development within the Ontario Ranch area served by the Phase 2 Water Improvements to participate in the funding of the Phase 2 Water Improvements. OWNER acknowledges and agrees that the CITY has the right to conduct a review of the water demand, capacity, and supply within the Ontario Ranch area served by the Phase 2 Water Improvements to ensure the adequate provision of permanent water supply and storage, including a review of the available funding for the construction of, or continuation of the construction of, the Phase 2 Water Improvements. The CITY anticipates conducting such reviews on an annual basis but may conduct such reviews at any time. If at any time following such a review, the CITY determines that there is not sufficient funding for the construction of, or continuation of the construction of, the Phase 2 Water Improvements necessary to support current and anticipated future development within the Ontario Ranch area served by the Phase 2 Water Improvements, OWNER agrees to cooperate with the CITY in determining such additional contribution payment necessary from the OWNER to the CITY to initiate construction of, or continue construction of, the Phase 2 Water Improvements. The CITY shall determine OWNER's additional contribution amount and such amount shall be due and payable to the CITY within thirty (30) days of written notice from the CITY to OWNER, subject to Exhibit E, Section 2(c).

4.6 Compliance with Public Benefits Requirements.

4.6.1 Failure to Provide Public Benefits. In the event OWNER fails or refuses to comply with any condition referenced in Section 4.1 through 4.6, or challenges (whether administratively or through legal proceedings) the imposition of such conditions, OWNER shall be deemed in default of this Agreement pursuant to Section 8 hereof, thereby entitling the City to any and all remedies available to it, including, without limitation, the right of the City to withhold OWNER's Project-related building permits, certificates of occupancy, or discretionary approvals, without liability. Nothing herein shall waive Owner's right to assert a default (or failure to perform) by the City has excused Owner's performance under this Agreement.

5. FINANCING OF PUBLIC IMPROVEMENTS.

5.1 Financing Mechanism(s). OWNER agrees that, prior to the recordation of any Parcel Map, the property subject to such Parcel Map shall be included in a CFD to finance City services through annual special taxes that will initially be Thirty-One Cents (\$.31) per square foot for non-residential buildings. These amounts shall be subject to an automatic increase at a rate not to exceed four (4%) percent per year. Depending on the fiscal year that the CFD is formed and the CFD tax is levied, the annual special taxes may be higher. CITY shall be the sole and exclusive lead agency in the formation of any CFD, assessment district or other public financing mechanism within the Property; provided however, that the proceeds of any such CFD, assessment district, or financing mechanism may be used, subject to restrictions that may be imposed by applicable law, for the purposes of acquiring, constructing or maintaining public facilities to be owned or operated by other public agencies, including, without limitation those facilities owned or operated by a school district. In addition to the rights of the CITY pursuant to section 5.1 hereof, CITY shall have the right, but not the obligation, to condition the formation of any CFD, assessment district or other public financing mechanism within the Property on the OWNER mitigating all Project-related impacts to the applicable school district(s) as required by such school district(s). Written evidence by such school district(s) may be required by the CITY as the condition to the formation of any CFD, assessment district or other public financing mechanism within the Property, or any steps preliminary thereto, including, without limitation, the adoption of any resolution of intention to form such CFD, assessment district or other public financing mechanism within the Property. It is not the intent of the parties hereto, by this provision, to prohibit or otherwise limit the City's ability to take any and all necessary steps requisite to the formation of the CFD to finance City services through annual special taxes as set forth in this Section 5.1. Formation of any CFD, assessment district or other public financing mechanism within the Property, shall be subject to CITY's ability to make all findings required by applicable law and complying with all applicable legal procedures and requirements including, without limitation, CITY's public financing district policies as such policies may be amended from time to time. Notwithstanding the foregoing, it is acknowledged and agreed by the parties that nothing contained in this Agreement shall be construed as requiring CITY or the City Council to form any such district.

6. REVIEW FOR COMPLIANCE.

6.1 Periodic and Special Reviews.

6.1.1 Time for and Initiation of Periodic Review. The CITY shall review this Agreement every twelve (12) months from the Effective Date in order to ascertain the good faith compliance by the OWNER with the terms of this Agreement. The OWNER shall submit an Annual Monitoring Report to CITY, in a form acceptable to the City Manager, along with any applicable processing charge within ten (10) days after each anniversary date of the Effective Date of this Agreement. Within fifteen (15) days after the receipt of the Annual Monitoring Report, CITY shall review the Annual Monitoring Report. Prior to the expiration of the fifteen (15) day review period, CITY shall either issue a notice of continuing compliance or a notice of non-compliance and a notice of CITY's intent to conduct a Special Review pursuant to Sections 6.1.2 through 6.1.6. Issuance of a notice of continuing compliance may be issued by the City Manager or his designee.

6.1.2 Initiation of Special Review. A special review may be called either by agreement between the parties or by initiation in one or more of the following ways:

- (a) Recommendation of the Planning staff;
- (b) Affirmative vote of at least four (4) members of the Planning Commission; or
- (c) Affirmative vote of at least three (3) members of the City Council.

6.1.3 Notice of Special Review. The City Manager shall begin the special review proceeding by giving notice that the CITY intends to undertake a special review of this Agreement to the OWNER. Such notice shall be given at least ten (10) days in advance of the time at which the matter will be considered by the Planning Commission.

6.1.4 Public Hearing. The Planning Commission shall conduct a hearing at which the OWNER must demonstrate good faith compliance with the terms of this Agreement. The burden of proof on this issue is upon the OWNER.

6.1.5 Findings Upon Public Hearing. The Planning Commission shall determine upon the basis of substantial evidence whether or not the OWNER has, for the period under review, complied in good faith with the terms and conditions of this Agreement.

6.1.6 Procedure Upon Findings.

(a) If the Planning Commission finds and determines on the basis of substantial evidence that the OWNER has complied in good faith with the terms and conditions of this Agreement during the period under review, the review for that period is concluded.

(b) If the Planning Commission finds and determines on the basis of substantial evidence that the OWNER has not complied in good faith with the terms and conditions of this Agreement during the period under review, the Planning Commission may recommend to the City Council to modify or terminate this Agreement.

(c) The OWNER may appeal a determination pursuant to paragraph (b) to the City Council in accordance with the CITY's rule for consideration of appeals in zoning matters generally.

6.2 Proceedings Upon Modification or Termination. If, upon a finding under Section 6.1.6(b), the CITY determines to proceed with modification or termination of this Agreement, the CITY shall give notice to the property OWNER of its intention so to do. The notice shall contain:

- (a) The time and place of the hearing;
- (b) A statement as to whether or not the CITY proposes to terminate or to modify this Agreement; and
- (c) Other information that the CITY considers necessary to inform the OWNER of the nature of the proceeding.

6.3 Hearing on Modification or Termination. At the time and place set for the hearing on modification or termination, the OWNER shall be given an opportunity to be heard. The OWNER shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. The burden of proof on this issue shall be on the OWNER. If the City Council finds, based upon substantial evidence in the administrative record, that the OWNER has not complied in good faith with the terms and conditions of the agreement, the City Council may terminate this Agreement or modify this Agreement and impose those conditions to the action it takes as it considers necessary to protect the interests of the CITY. The decision of the City Council shall be final, subject only to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

6.4 Certificate of Agreement Compliance. If, at the conclusion of a Periodic or Special Review, OWNER is found to be in compliance with this Agreement, CITY shall, upon written request by OWNER, issue a Certificate of Agreement Compliance ("Certificate") to OWNER stating that after the most recent Periodic or Special Review and based upon the information known or made known to the Planning Director and City Council that (1) this Agreement remains in effect and (2) OWNER is not in default. The Certificate shall be in recordable form, shall contain information necessary to communicate constructive record notice of the finding of compliance, shall state whether the Certificate is issued after a Periodic or Special Review and shall state the anticipated date of commencement of the next Periodic Review. OWNER may record the Certificate with the County Recorder. Whether or not the Certificate is relied upon by assignees or other transferees or OWNER, CITY shall not be bound by a Certificate if a default existed at the time of the Periodic or Special Review, but was concealed from or otherwise not known to the Planning Director or City Council.

7. [OMITTED]

8. DEFAULT AND REMEDIES.

8.1 Remedies in General. It is acknowledged by the parties that CITY would not have entered into this Agreement if it were to be liable in damages under this Agreement, or with respect to this Agreement or the application thereof. In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement, except that CITY shall not be liable in damages to OWNER, or to any successor in interest of OWNER, or to any other person, and OWNER covenants not to sue for damages or claim any damages:

- (a) For any breach of this Agreement or for any cause of action which arises out of this Agreement; or
- (b) For the taking, impairment or restriction of any right or interest conveyed or provided under or pursuant to this Agreement; or
- (c) Arising out of or connected with any dispute, controversy or issue regarding the application or interpretation or effect of the provisions of this Agreement.

8.2 Specific Performance. The parties acknowledge that money damages and remedies at law generally are inadequate and specific performance and other non-monetary relief are particularly appropriate remedies for the enforcement of this Agreement and should be available to all parties for the following reasons:

- (a) Money damages are unavailable against CITY as provided in Section 8.1 above.
- (b) Due to the size, nature and scope of the Project, it may not be practical or possible to restore the Property to its natural condition once implementation of this Agreement has begun. After such implementation, OWNER may be foreclosed from other choices it may have had to utilize the Property or portions thereof. OWNER has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate OWNER for such efforts.

8.3 Release. Except for non-damage remedies, including the remedy of specific performance and judicial review as provided for in Section 6.5, OWNER, for itself, its successors and assignees, hereby releases the CITY, its officers, agents and employees from any and all claims, demands, actions, or suits of any kind or nature arising out of any liability, known or unknown, present or future, including, but not limited to, any claim or liability, based or asserted, pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution, or any other law or ordinance which seeks to impose any other liability or damage, whatsoever, upon the CITY because it entered into this Agreement or because of the terms of this Agreement.

8.4 Termination or Modification of Agreement for Default of OWNER. Subject to the provisions contained in Subsection 6.3 herein, CITY may terminate or modify this Agreement for any failure of OWNER to perform any material duty or obligation of OWNER under this Agreement, or to comply in good faith with the terms of this Agreement (hereinafter referred to as "default"); provided, however, CITY may terminate or modify this Agreement pursuant to this Section only after providing written notice to OWNER of default setting forth the nature of the default and the actions, if any, required by OWNER to cure such default and, where the default can be cured, OWNER has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

8.5 Termination of Agreement for Default of CITY. OWNER may terminate this Agreement only in the event of a default by CITY in the performance of a material term of this Agreement and only after providing written notice to CITY of default setting forth the nature of the default and the actions, if any, required by CITY to cure such default and, where the default can be cured, CITY has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

9. THIRD PARTY LITIGATION.

9.1 General Plan Litigation. CITY has determined that this Agreement is consistent with the General Plan, as such General Plan exists as of the Effective Date ("General Plan"), and that the General Plan meets all requirements of law. OWNER has reviewed the General Plan and concurs with CITY's determination. CITY shall have no liability in damages under this Agreement for any failure of CITY to perform under this Agreement or the inability of OWNER to develop the Property as contemplated by the Development Plan or this Agreement as the result of a judicial determination that on the Effective Date, or at any time thereafter, the General Plan, or portions thereof, are invalid or inadequate or not in compliance with law.

9.2 Third Party Litigation Concerning Agreement. OWNER shall defend, at its expense, including attorneys' fees, indemnify, and hold harmless CITY, its agents, officers and employees from any claim, action or proceeding against CITY, its agents, officers, or employees to attack, set aside, void, or annul the approval of this Agreement or the approval of any permit granted pursuant to this Agreement. CITY shall promptly notify OWNER of any such claim, action or proceeding, and CITY shall cooperate in the defense. If CITY fails to promptly notify OWNER of any such claim, action or proceeding, or if CITY fails to cooperate in the defense, OWNER shall not thereafter be responsible to defend, indemnify, or hold harmless CITY. CITY may in its discretion participate in the defense of any such claim, action or proceeding.

9.3 Indemnity. In addition to the provisions of Section 10.2 above, OWNER shall indemnify and hold CITY, its officers, agents, employees and independent contractors free and harmless from any liability whatsoever, based or asserted upon any act or omission of OWNER, its officers, agents, employees, subcontractors and independent contractors, for property damage, bodily injury, or death (OWNER's employees included) or any other element of damage of any kind or nature, to the extent relating to or in any way connected with or arising from the activities contemplated hereunder, including, but not limited to, the study, design, engineering, construction, completion, failure and conveyance of the public improvements, save and except claims for damages arising through the sole active negligence or sole willful misconduct of CITY. OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents, employees and independent contractors in any legal action based upon such alleged acts or omissions. CITY may in its discretion participate in the defense of any such legal action.

9.4 Environment Assurances. OWNER shall indemnify and hold CITY, its officers, agents, and employees free and harmless from any liability, to the extent based or asserted, upon any act or omission of OWNER, its officers, agents, employees, subcontractors, predecessors in interest, successors, assigns and independent

contractors for any violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under or about the Property during OWNER'S period of ownership of the Property, including, but not limited to, soil and groundwater conditions caused by OWNER, and OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents and employees in any action based or asserted upon any such alleged act or omission. CITY may in its discretion participate in the defense of any such action.

9.5 Reservation of Rights. With respect to Sections 9.2, 9.3 and 9.4 herein, CITY reserves the right to either (1) approve the attorney(s) which OWNER selects, hires or otherwise engages to defend CITY hereunder, which approval shall not be unreasonably withheld, or (2) conduct its own defense, provided, however, that OWNER shall reimburse CITY forthwith for any and all reasonable expenses incurred for such defense, including attorneys' fees, upon billing and accounting therefor.

9.6 Survival. The provisions of this Sections 9.1 through 9.6, inclusive, shall survive the termination of this Agreement.

10. MORTGAGEE PROTECTION.

10.1 Mortgagee Protection. The parties hereto agree that this Agreement shall not prevent or limit OWNER, in any manner, at OWNER's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. CITY acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with OWNER and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. CITY will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Any Mortgagee of the Property shall be entitled to the following rights and privileges:

(a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Property made in good faith and for value, unless otherwise required by law.

(b) The Mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, which Mortgagee, has submitted a request in writing to the CITY in the manner specified herein for giving notices, shall be entitled to receive written notification from CITY of any default by OWNER in the performance of OWNER's obligations under this Agreement.

(c) If CITY timely receives a request from a Mortgagee requesting a copy of any notice of default given to OWNER under the terms of this Agreement, CITY shall provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default to OWNER. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

(d) Any Mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. Notwithstanding any other provision of this Agreement to the contrary, no Mortgagee shall

have an obligation or duty under this Agreement to perform any of OWNER's obligations or other affirmative covenants of OWNER hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by OWNER is a condition precedent to the performance of a covenant by CITY, the performance thereof shall continue to be a condition precedent to CITY's performance hereunder, and further provided that any sale, transfer or assignment by any Mortgagee in possession shall be subject to the provisions of Section 2.4 of this Agreement

(e) In the event of a default by Owner, any Mortgagee shall have the right to remedy, or cause to be remedied, such default within sixty (60) days following the later to occur of (i) the date of Mortgagee's receipt of the notice referred to in Section 10.1(b) above, or (ii) the expiration of the period provided herein for Owner to remedy or cure such default, and City shall accept such performance by or at the insistence of the Mortgagee as if the same had been timely made by Owner; provided, however, that (i) if such default is not capable of being cured within the timeframes set forth in this Section and Mortgagee commences to cure the default within such timeframes, then Mortgagee shall have such additional time as is required to cure the default so long as Mortgagee diligently prosecutes the cure to completion and (ii) if possession of the Property (or portion thereof) is required to effectuate such cure or remedy, the Mortgagee shall be deemed to have timely cured or remedied if it commences the proceedings necessary to obtain possession thereof within sixty (60) days after receipt of the copy of the notice, diligently pursues such proceedings to completion, and, after obtaining possession, diligently completes such cure or remedy.

11. MISCELLANEOUS PROVISIONS.

11.1 Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the San Bernardino County Recorder by the City Clerk within the ten (10) days after the CITY executes this Agreement, as required by Section 65868.5 of the Government Code. If the parties to this Agreement or their successors in interest amend or cancel this Agreement as provided for herein and in Government Code Section 65868, or if the CITY terminates or modifies the agreement as provided for herein and in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of this Agreement, the City Clerk shall have notice of such action recorded with the San Bernardino County Recorder.

11.2 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the parties, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

11.3 Severability. If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provision of the Public Benefits set forth in Section 4 of this Agreement, including the payment of the fees set forth therein, are essential elements of this Agreement and CITY would not have entered into this Agreement but for such provisions, and therefore in the event such provisions are determined to be invalid, void or

unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

11.4 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

11.5 Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

11.6 Singular and Plural. As used herein, the singular of any word includes the plural.

11.7 Joint and Several Obligations. Subject to Section 2.4, if at any time during the term of this Agreement the Property is owned, in whole or in part, by more than one owner, all obligations of such owners under this Agreement shall be joint and several, and the default of any such owner shall be the default of all such owners. Notwithstanding the foregoing, no owner of a single lot which has been finally subdivided and sold to such owner as a member of the general public or otherwise as an ultimate user shall have any obligation under this Agreement except as provided under Section 4 hereof.

11.8 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

11.9 Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

11.10 No Third-Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

11.11 Force Majeure. Neither party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by floods, earthquakes, other Acts of God, fires, wars, riots or similar hostilities, strikes and other labor difficulties beyond the party's control, (including the party's employment force), government regulations, court actions (such as restraining orders or injunctions), or other causes beyond the party's control. If any such events shall occur, the term of this Agreement and the time for performance by either party of any of its obligations hereunder may be extended by the written agreement of the parties for the period of time that such events prevented such performance, provided that the term of this Agreement shall not be extended under any circumstances for more than five (5) years.

11.12 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

11.13 Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon every portion of the Property; (b) runs with the Property and each portion thereof; and, (c) is binding upon each party and each successor in interest during ownership of the Property or any portion thereof.

11.14 Counterparts. This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.

11.15 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of San Bernardino, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

11.16 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between CITY and OWNER is that of a government entity regulating the development of private property and the owner of such property.

11.17 Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement. The City Manager may delegate his powers and duties under this Agreement to an Assistant City Manager or other management level employee of the CITY.

11.18 Eminent Domain. No provision of this Agreement shall be construed to limit or restrict the exercise by CITY of its power of eminent domain.

11.19 Agent for Service of Process. In the event OWNER is not a resident of the State of California or it is an association, partnership or joint venture without a member, partner or joint venturer resident of the State of California, or it is a foreign corporation, then in any such event, OWNER shall file with the Planning Director, upon its execution of this Agreement, a designation of a natural person residing in the State of California, giving his or her name, residence and business addresses, as its agent for the purpose of service of process in any court action arising out of or based upon this Agreement, and the delivery to such agent of a copy of any process in any such action shall constitute valid

service upon OWNER. If for any reason service of such process upon such agent is not feasible, then in such event OWNER may be personally served with such process out of this County and such service shall constitute valid service upon OWNER. OWNER is amenable to the process so served, submits to the jurisdiction of the Court so obtained and waives any and all objections and protests thereto.

11.20 Estoppel Certificate. Within thirty (30) business days following a written request by any of the parties, the other party shall execute and deliver to the requesting party a statement certifying that (i) either this Agreement is unmodified and in full force and effect or there have been specified (date and nature) modifications to the Agreement, but it remains in full force and effect as modified; and (ii) either there are no known current uncured defaults under this Agreement or that the responding party alleges that specified (date and nature) defaults exist. The statement shall also provide any other reasonable information requested. The failure to timely deliver this statement shall constitute a conclusive presumption that this Agreement is in full force and effect without modification except as may be represented by the requesting party and that there are no uncured defaults in the performance of the requesting party, except as may be represented by the requesting party. OWNER shall pay to CITY all costs incurred by CITY in connection with the issuance of estoppel certificates requested by Owner under this Section 11.20 prior to CITY's issuance of such certificates.

11.21 Authority to Execute. The person or persons executing this Agreement on behalf of OWNER warrants and represents that he or she/they have the authority to execute this Agreement on behalf of his or her/their corporation, partnership or business entity and warrants and represents that he or she/they has/have the authority to bind OWNER to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth below.

[SIGNATURES CONTAINED ON FOLLOWING PAGE]

**SIGNATURE PAGE
TO DEVELOPMENT AGREEMENT
(FILE NO. PDA19-001)**

"OWNER"

EUCLID LAND VENTURE, LLC,
a Delaware limited liability company

By: RBV Euclid, LLC, a Delaware limited liability
company, its Manager

By: REDA Bascom Ventures, LLC, a Delaware
limited partnership, its Administrative Member

By: Real Estate Development Associates, LLC,
a California limited liability company, its
Administrative Member

By: Waters Edge Property Group, LLC, a
California limited liability company, its
Member

By: _____
Name: Jason Krotts
Title: Authorized Signatory

"CITY"

CITY OF ONTARIO

By: _____
Scott Ochoa
City Manager

Date: _____

ATTEST:

City Clerk, Ontario

APPROVED AS TO FORM:
COLE HUBER, LLP

Legal Counsel

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, 20____, before me, _____,
Date *Insert Name and Title of the Officer*

personally appeared _____
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, 20____, before me _____,
Date *Insert Name and Title of the Officer*

personally appeared _____
Name(s) of Signer(s)

_____ ,
who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

EXHIBIT "A"
TO DEVELOPMENT AGREEMENT

Legal Description of Property

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

LOTS 1, 2, 3, 16, 17, 18, 19, 20, 21, 34, 35 AND 36 IN SECTION 19, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO MAP OF SUBDIVISION OF PART OF THE RANCHO SANTA ANA DEL CHINO, RECORDED IN BOOK 6 OF MAPS, PAGE 15, RECORDS OF SAID COUNTY.

APNs: 1054-011-01, 1054-011-02, 1054-011-04, 1054-021-01, 1054-021-02, 1054-271-01, 1054-271-02, 1054-271-03, 1054-281-01, 1054-281-02 and 1054-281-03

EXHIBIT "B"
TO DEVELOPMENT AGREEMENT

Map showing Property and its location

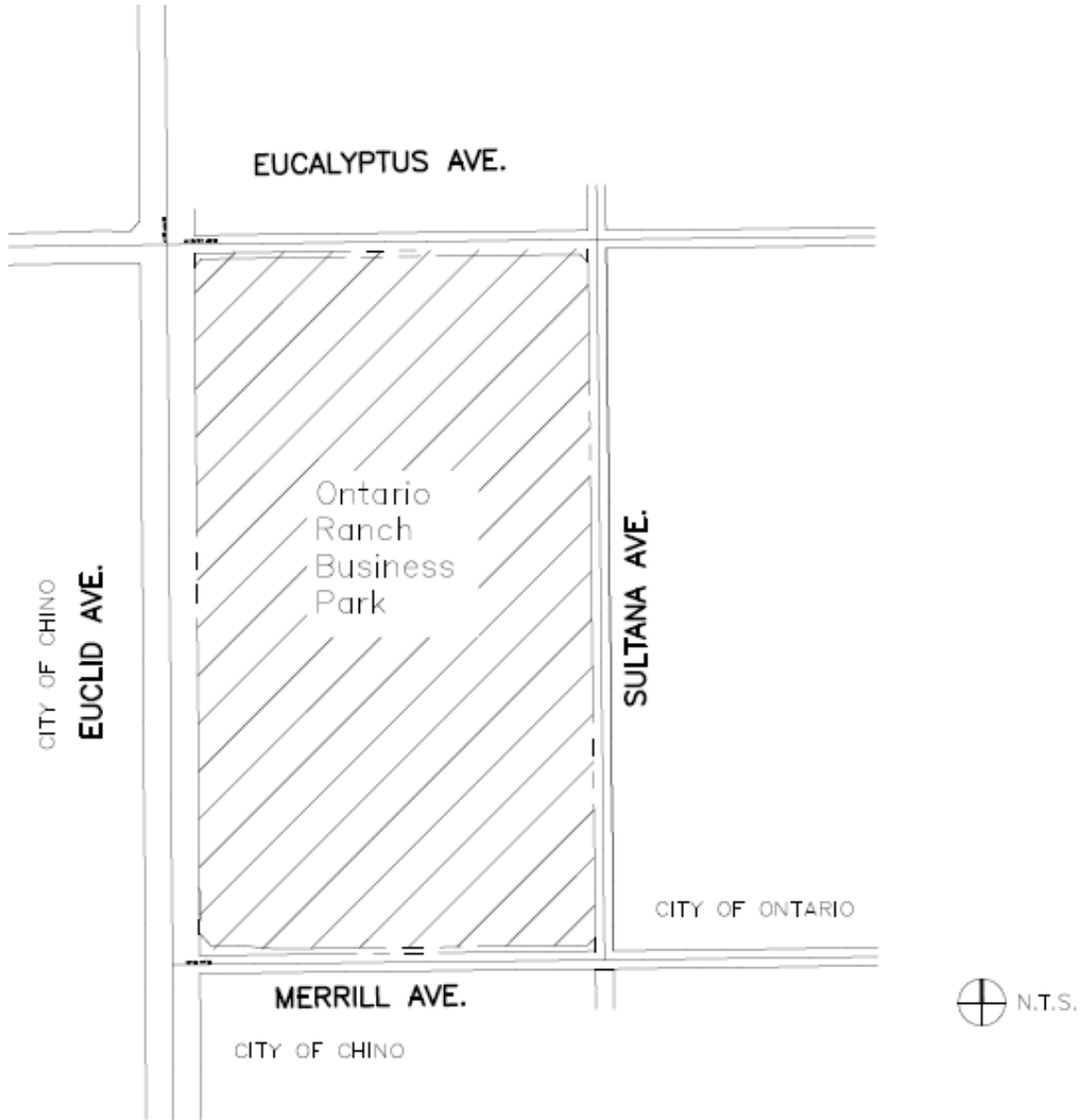


EXHIBIT "C"
TO DEVELOPMENT AGREEMENT

Existing Development Approvals

On July 28, 2020, the Planning Commission:

- a) Approved Resolution No. PC20-048, recommending the City Council certify the Environmental Impact Report (SCH #2019050018) for the Ontario Ranch Business Park Specific Plan (File No. PSP18-002).
- b) Approved Resolution No. PC20-049, recommending the City Council approve the General Plan Amendment (File No. PGPA18-008).
- c) Approved Resolution No. PC20-050, recommending the City Council approve the Ontario Ranch Business Park Specific Plan (File No. PSP18-002).

On September 15, 2020, the City Council:

- a) Adopted Resolution No. 2020-159, certifying the Environmental Impact Report (SCH #2019050018) for the Ontario Ranch Business Park Specific Plan (File No. PSP18-002).
- b) Adopted Resolution No. 2020-160, approving the General Plan Amendment (File No. PGPA18-008).

On October 6, 2020, the City Council:

- c) Adopted Ordinance No. 3168, approving the Ontario Ranch Business Park Specific Plan.

EXHIBIT "D"
TO DEVELOPMENT AGREEMENT

Existing Land Use Regulations

These documents are listed for reference only:

1. General Plan Amendment (File No. PGPA18-008)
2. Ontario Ranch Business Park Specific Plan (File No. PSP18-002),
Ordinance No. 3168
3. Ontario Ranch Business Park Environmental Impact Report
(SCH#2019050018)
4. City of Ontario Municipal Code
 - a. Six – Sanitation & Health
 - b. Seven – Public Works
 - c. Eight – Building Regulations
 - d. Nine – Development Code
 - e. Ten – Parks & Recreation

**EXHIBIT “E”
TO THE DEVELOPMENT AGREEMENT**

DESCRIPTION OF REQUIRED IMPROVEMENTS

1. OWNER shall design, construct, and complete the following Improvements, Potable Water (WT), Storm Drain (SD), Streets (ST), Sewer (SW), Recycled Water (RW), and Fiber Optics (FO), as described, prior to OWNER’s request for final occupancy of the first building:
 - a. WT on Euclid Avenue between Eucalyptus Avenue and Merrill Avenue (Local Water DIF Project WT-011).
 - b. WT on Sultana Avenue between Eucalyptus Avenue and Merrill Avenue.
 - c. WT on Eucalyptus Avenue between Euclid Avenue and Grove Avenue (Local Water DIF Project WT-011).
 - d. WT on Eucalyptus Avenue between Grove Avenue and Carpenter Avenue (*Regional Water DIF Project, portion of Phase 2A Water*).
 - e. WT on Merrill Avenue between Euclid Avenue and Walker Avenue (Local Water DIF Project WT-011).
 - f. WT on Walker Avenue between Eucalyptus Avenue and Merrill Avenue (Local Water DIF Project WT-011).
 - g. SD onsite detention shall be designed, constructed, and completed by OWNER prior to issuance of the first building permit. However, OWNER is eligible to request from CITY a grading permit prior to the completion of the SD onsite detention.
 - h. OWNER shall contribute to the construction of the ultimate Euclid Avenue SD connection, south of Merrill Avenue. OWNER shall participate in funding the construction of the ultimate Euclid Avenue SD connection, south of Merrill Avenue. OWNER shall pay the CITY within thirty (30) days of the execution of the Agreement, in the amount of Two Million Four Hundred Forty Six Thousand One Hundred Ninety One Dollars (\$2,446,191) in recognition of OWNER’s contribution to the ultimate Euclid Avenue SD connection south of Merrill Avenue. Upon OWNER’s full and complete payment to CITY, the CITY shall issue a Certificate of DIF Credit in the Regional Storm Drain Category equal to the contribution amount

paid to the CITY. Such Regional Storm Drain Certificate shall be issued by CITY within thirty (30) days of the receipt of such required payment. OWNER shall also mitigate flooding of existing storm drain facilities downstream of the Project site, in the City of Chino, caused by the Project, to the satisfaction and approval of the City of Chino and the City Engineer.

- i. SD on Euclid Avenue from Eucalyptus Avenue to Merrill Avenue.
- j. SD on Eucalyptus Avenue between Euclid Avenue and Sultana Avenue.
- k. SD on Sultana Avenue between Eucalyptus Avenue and Merrill Avenue.
- l. SD on Merrill Avenue between Euclid Avenue and Sultana Avenue.
- m. As part of the SD improvements the OWNER shall be responsible for the Plan and Profile drawings of the ultimate SD improvements downstream on Euclid Avenue from Merrill Avenue to the ultimate point of connection south to Pine Avenue, in the City of Chino, to the satisfaction of the City Engineer.
- n. SD bleeder line or alternative interim connection at the discretion of the City on Euclid Ave south of Merrill Ave. This shall connect to the SD on Merrill Ave between Euclid Ave and Sultana Avenue.
- o. Two (2) Debris Separation Baffle Boxes at the intersections of Euclid Avenue and Merrill Avenue.
- p. Full half ST improvements on the south half and circulation lane improvements on the north half of Eucalyptus Avenue from Euclid Avenue to Sultana Avenue.
- q. Full half ST improvements on both sides of Merrill Avenue between Euclid Avenue and Sultana Avenue.
- r. Full half ST improvements on Euclid Avenue between Eucalyptus Avenue and Merrill Avenue.
- s. Full half ST improvements on the west side and circulation lane improvements on the east side of Sultana Avenue between Eucalyptus Avenue and Merrill Avenue.

- t. Modifications to existing traffic signals at intersections of Euclid/Eucalyptus Avenues and Euclid/Merrill Avenues.
 - u. Bus rapid transit (BRT) improvements along Euclid Avenue.
 - v. Traffic Signal at Sultana/Eucalyptus Avenues.
 - w. Traffic Signal at Sultana/Merrill Avenues.
 - x. SW (Western Trunk Sewer) in Euclid Avenue (or through the Chino Airport) between Kimball Avenue and Merrill Avenue (Regional Sewer DIF Project SW-002).
 - y. SW (Western Trunk Sewer) on Merrill Avenue between Euclid Avenue and Sultana Avenue (Regional Sewer DIF Project SW-002).
 - z. SW in Euclid Avenue between Merrill Avenue and Eucalyptus Avenue (Local Sewer DIF Project SW-011).
 - aa. SW in Sultana Avenue between Merrill Avenue and Eucalyptus Avenue.
 - bb. RW in Euclid Avenue between IEUA point of connection on Eucalyptus Avenue and Merrill Avenue.
 - cc. RW in Merrill Avenue between Euclid Avenue and Sultana Avenue.
 - dd. RW in Sultana Avenue between Merrill Avenue and IEUA point of connection on Eucalyptus Avenue.
 - ee. FO on Eucalyptus Avenue between Euclid Avenue and Sultana Avenue.
 - ff. FO on Euclid Avenue between Eucalyptus Avenue and Merrill Avenue.
 - gg. FO on Merrill Avenue between Euclid Avenue and Sultana Avenue.
2. CITY shall design, construct, and complete the Phase 2 Water (WT) Improvements and Interim Chino Avenue Loop. The Phase 2 Water Improvements will be constructed by the CITY in phases, with the initial improvements, designated as Phase 2A Water Improvements, Interim Chino Avenue Loop, and Phase 2B Water Improvements as described below.

- a. Phase 2A Water Improvements shall consist of the following:
 - i. WT on Grove Avenue between Eucalyptus Avenue and Chino Avenue (Regional Water DIF Project WT-010).
- b. Interim Chino Avenue Loop shall consist of the following:
 - i. WT on Chino Avenue between Cucamonga Channel and Grove Avenue, which will provide the second point of connection from the 1010 Pressure Zone (Local Water DIF Project WT-009).
 - ii. Pressure Reducing Station at Grove Avenue and Chino Avenue, which will provide the second point of connection from 1010 Pressure Zone (Future Local Water DIF Project WT-009).

OWNER shall pay one hundred percent (100%) of the costs to construct the Phase 2A Improvements and the Interim Chino Avenue Loop, within forty-five (45) days prior to the CITY's award of contract, and such payment shall be the "Phase 2A Water Payment". The costs in the foregoing sentence shall equal the actual bid amount of the awarded contracts for the work, plus fifteen percent (15%). Upon OWNER's full and complete payment to CITY, the CITY shall issue a Certificate of DIF Credit in the Regional Water Category and/or the Local Adjacent Water Category, as appropriate. Each DIF Water Certificate shall be issued by CITY within thirty (30) days of the receipt of such required payment.

- c. Phase 2B Water Improvements shall consist of the following:
 - i. WT on Francis Street between Grove Avenue and Bon View Avenue (Regional Water DIF Project WT-010).
 - ii. WT on Bon View Avenue between Francis Street and the Bon View Reservoir Site (Regional Water DIF Project WT-010).
 - iii. WT – Nine (9) Million Gallon reservoir at Bon View Reservoir Site (Regional Water DIF Project WT-014).
 - iv. WT – Two (2) Groundwater Production Wells in vicinity of Bon View Reservoir Site (Regional Water DIF Project WT-007).

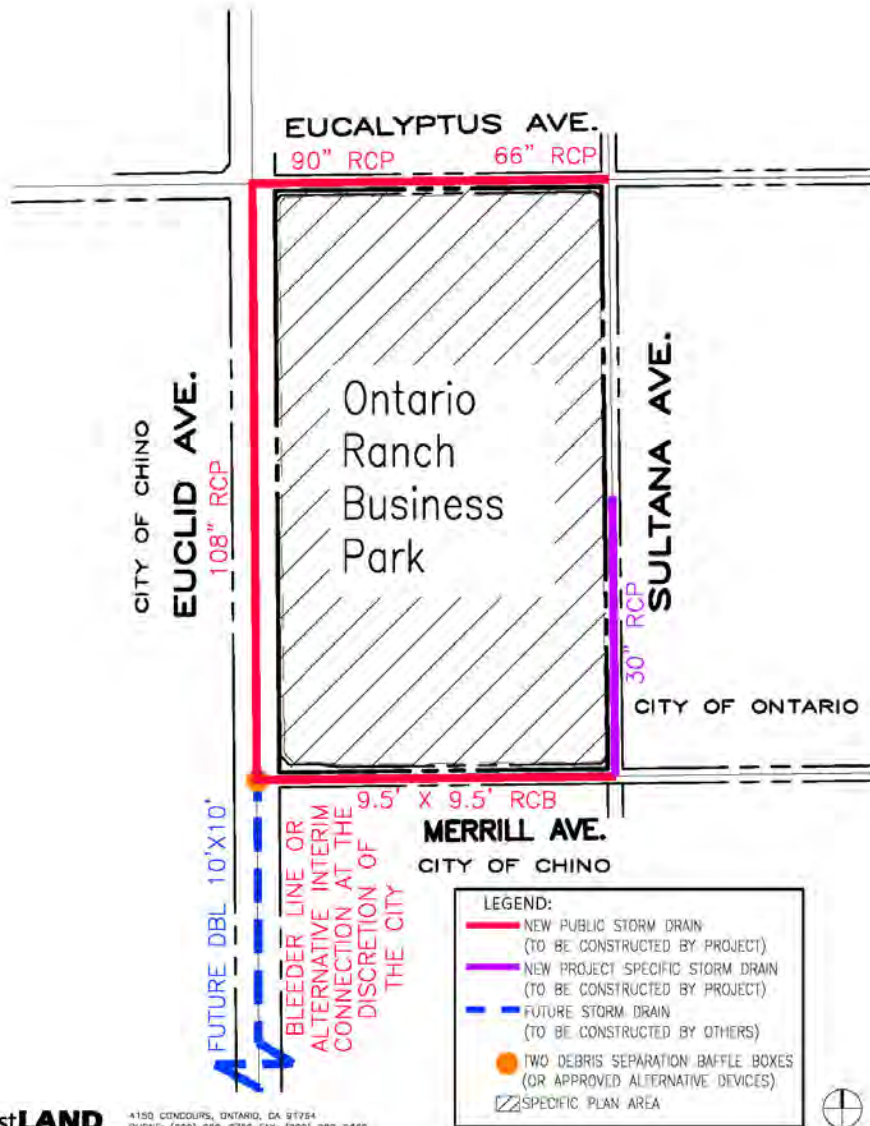
- v. WT on Grove Avenue between Chino Avenue and Francis Street (Regional Water DIF Project WT-010). The final design and alignment north of Riverside Drive is subject to change at the reasonable discretion of the CITY.

The Phase 2B Water Improvements will be constructed by the CITY and funded by future developers. In recognition of OWNER's payment towards funding one hundred percent (100%) of the Phase 2A Water Improvements and Interim Chino Avenue Loop, the OWNER's obligation to participate in the funding of the Phase 2B Water Improvements shall not be required for the Property. CITY and OWNER mutually agree and understand, that with completion of Phase 2A and the Interim Chino Avenue Loop, the project will be utilizing interim water supply and storage capacity from the 1010' Pressure Zone and that other developers will be required to participate in the funding of future Phase 2 Water Improvements to support the permanent water supply and storage needs of future development within Ontario Ranch.

EXHIBIT "F"
TO DEVELOPMENT AGREEMENT
Required Infrastructure Improvements

[SEE ATTACHMENTS]

EXHIBIT F-1
STORM DRAIN IMPROVEMENTS



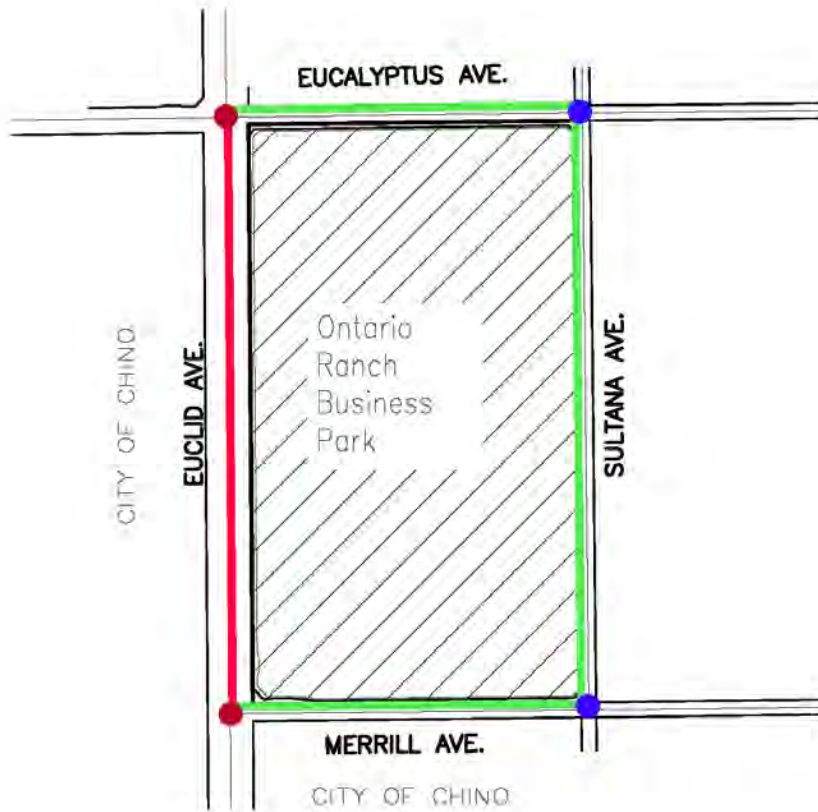
WestLAND Group, Inc. 4150 CONDOURS, ONTARIO, CA 91754
PHONE: (909) 989-9789 FAX: (909) 989-9550
Land Surveyors • Civil Engineers • GIS

N.T.S.

Ontario Ranch Business Park Specific Plan • Development Agreement

DATE: 09/23/2020

EXHIBIT F-2
STREET IMPROVEMENTS



NOTES:
BUS RAPID TRANSIT IMPROVEMENT
ALONG EUCLID AVENUE

PCC PAVEMENT REQUIRED AT
ALL SIGNALIZED INTERSECTIONS
ALONG TRUCK ROUTES

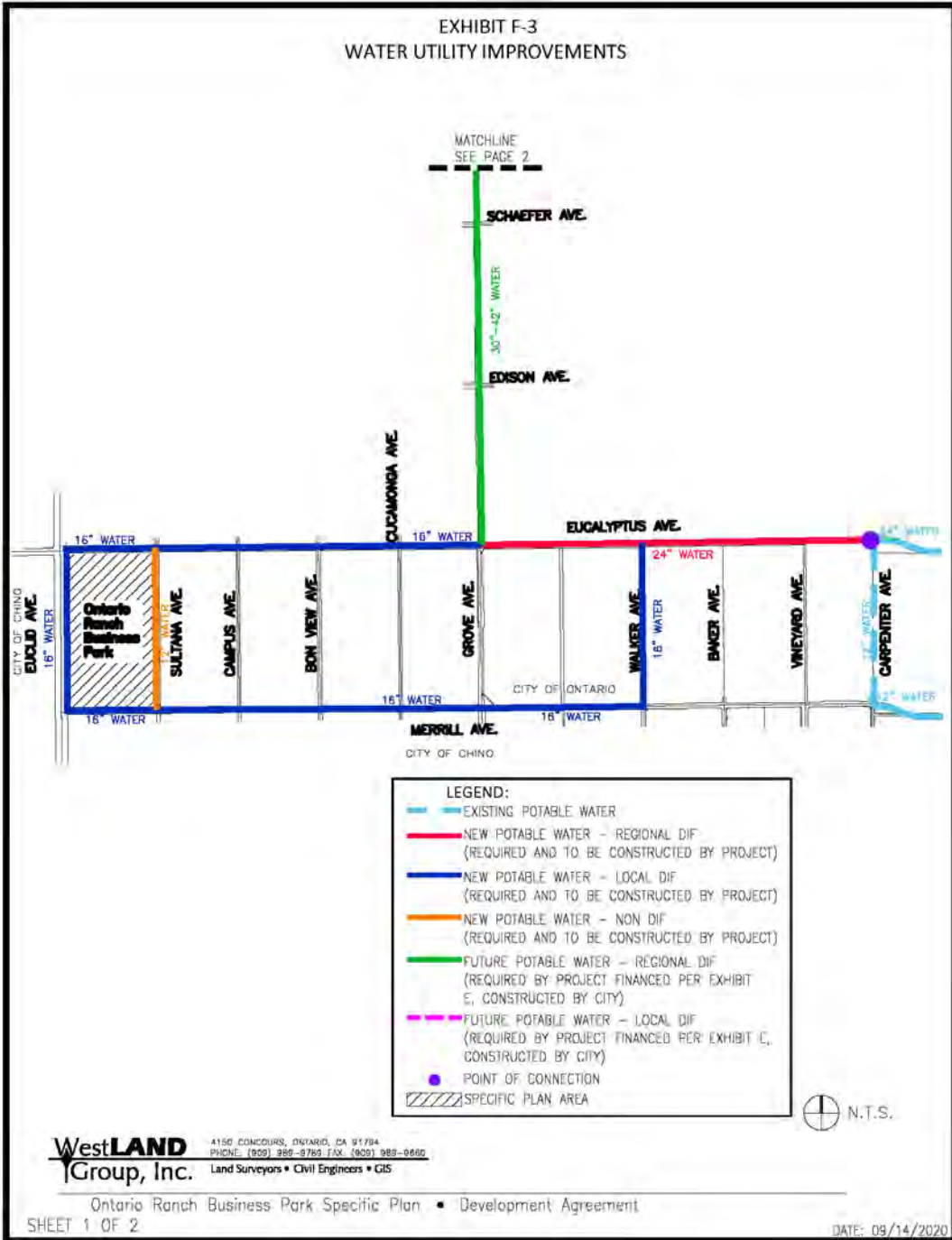
LEGEND:	
	PRINCIPAL ARTERIAL
	LOCAL COLLECTOR
	NEW SIGNALIZED INTERSECTION
	EXISTING TRAFFIC SIGNAL TO BE MODIFIED
	SPECIFIC PLAN AREA

WestLAND Group, Inc. 4150 CSMACOURS, OAKLAND, CA 94704
PHONE: (925) 960-9700 FAX: (925) 960-9600
Land Surveyors • Civil Engineers • GIS

Ontario Ranch Business Park Specific Plan • Development Agreement

DATE: 08/13/2020

EXHIBIT F-3
WATER UTILITY IMPROVEMENTS



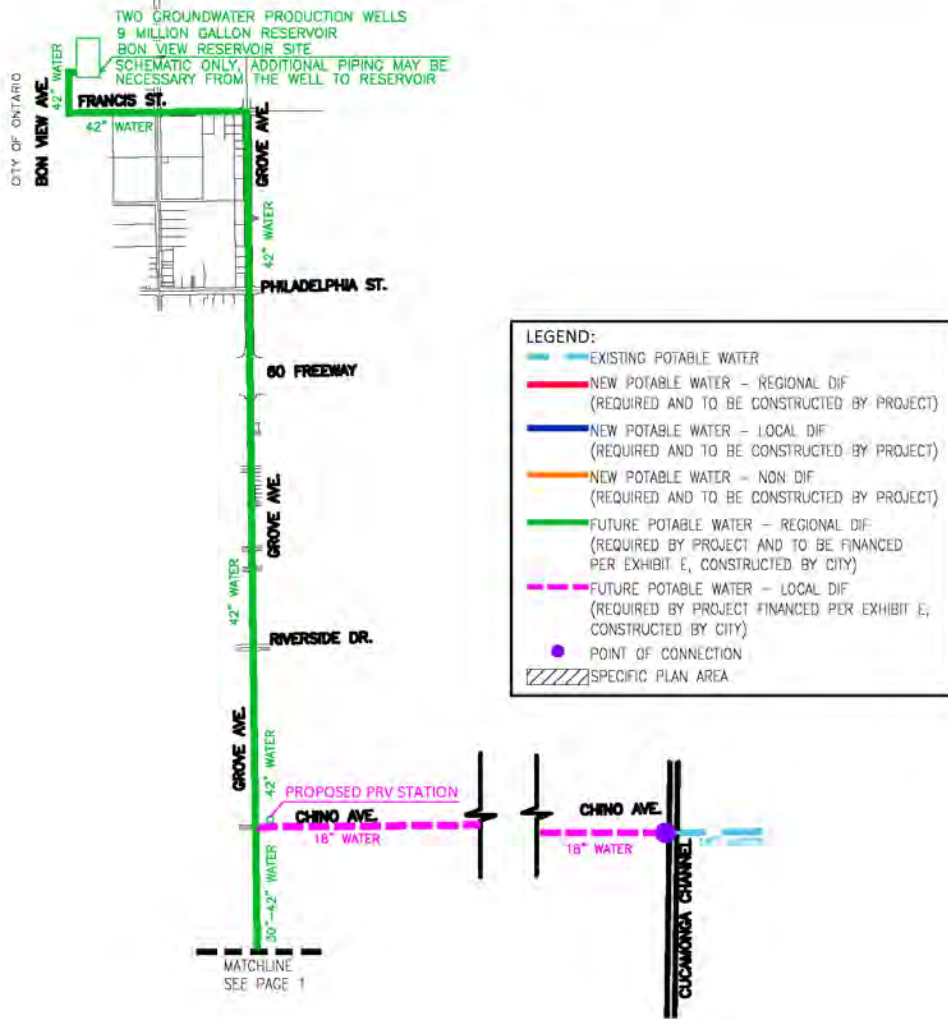
WestLAND Group, Inc.
4150 CONCOURS, ONTARIO, CA 91794
PHONE: (909) 989-8763 FAX: (909) 989-8660
Land Surveyors • Civil Engineers • GIS

Ontario Ranch Business Park Specific Plan • Development Agreement

SHEET 1 OF 2

DATE: 09/14/2020

EXHIBIT F-3
WATER UTILITY IMPROVEMENTS



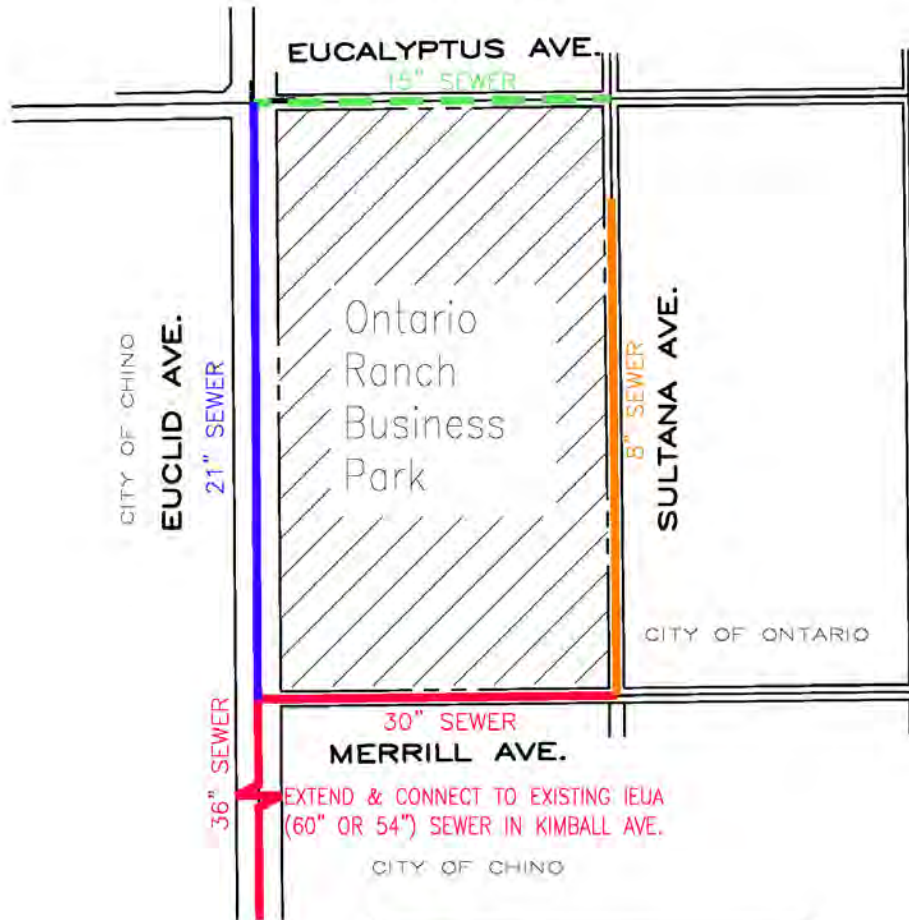
WestLAND Group, Inc.
 4150 CONCOURS, ONTARIO, CA 91784
 PHONE: (909) 988-8783 FAX: (909) 988-8860
 Land Surveyors • Civil Engineers • GIS

N.T.S.

Ontario Ranch Business Park Specific Plan • Development Agreement
 SHEET 2 OF 2

DATE: 09/14/2020

EXHIBIT F-4
SEWER IMPROVEMENTS



LEGEND:

- NEW SEWER – LOCAL DIF
(REQUIRED AND TO BE CONSTRUCTED BY PROJECT)
- NEW SEWER – REGIONAL DIF
(REQUIRED AND TO BE CONSTRUCTED BY PROJECT)
- NEW SEWER – NON DIF
(REQUIRED AND TO BE CONSTRUCTED BY PROJECT)
- FUTURE SEWER (TO BE CONSTRUCTED BY OTHERS;
OR, CONSTRUCTED BY PROJECT IF UNDER PROJECT
REQUIRED STREET IMPROVEMENTS)
- SPECIFIC PLAN AREA

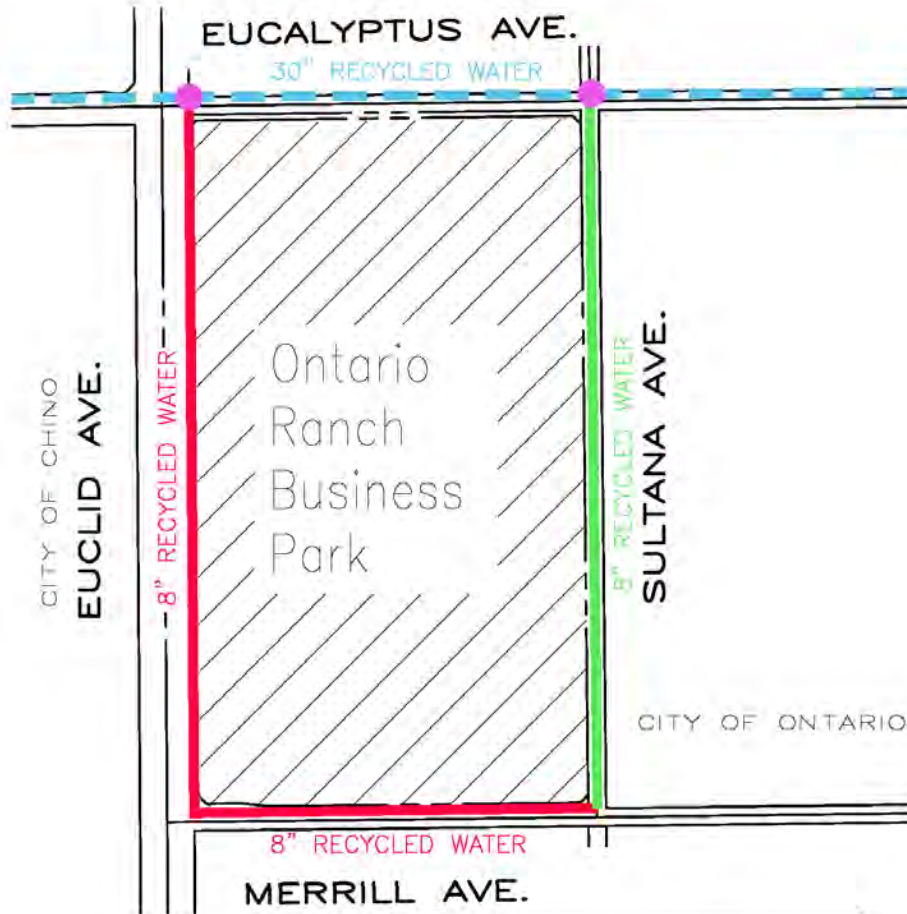
WestLAND 4150 CONCOURS, ONTARIO, CA 91784
Group, Inc. PHONE: (909) 281-5789 FAX: (909) 983-9660
 Land Surveyors • Civil Engineers • GIS



Ontario Ranch Business Park Specific Plan • Development Agreement

DATE: 09/12/2020

EXHIBIT F-5
 RECYCLED WATER UTILITY IMPROVEMENTS



LEGEND:

	EXISTING IEUA 30" RECYCLED WATER (MAY NEED TO BE RELOCATED BY PROJECT IN ORDER TO MEET MINIMUM DIVISION OF DRINKING WATER (DDW) SEPARATIONS AND/OR CITY OF ONTARIO/IEAU STANDARDS & REQUIREMENTS)
	NEW RECYCLED WATER — LOCAL DIF (REQUIRED AND TO BE CONSTRUCTED BY PROJECT)
	NEW RECYCLED WATER — NON DIF (REQUIRED AND TO BE CONSTRUCTED BY PROJECT)
	POINT OF CONNECTION
	SPECIFIC PLAN AREA

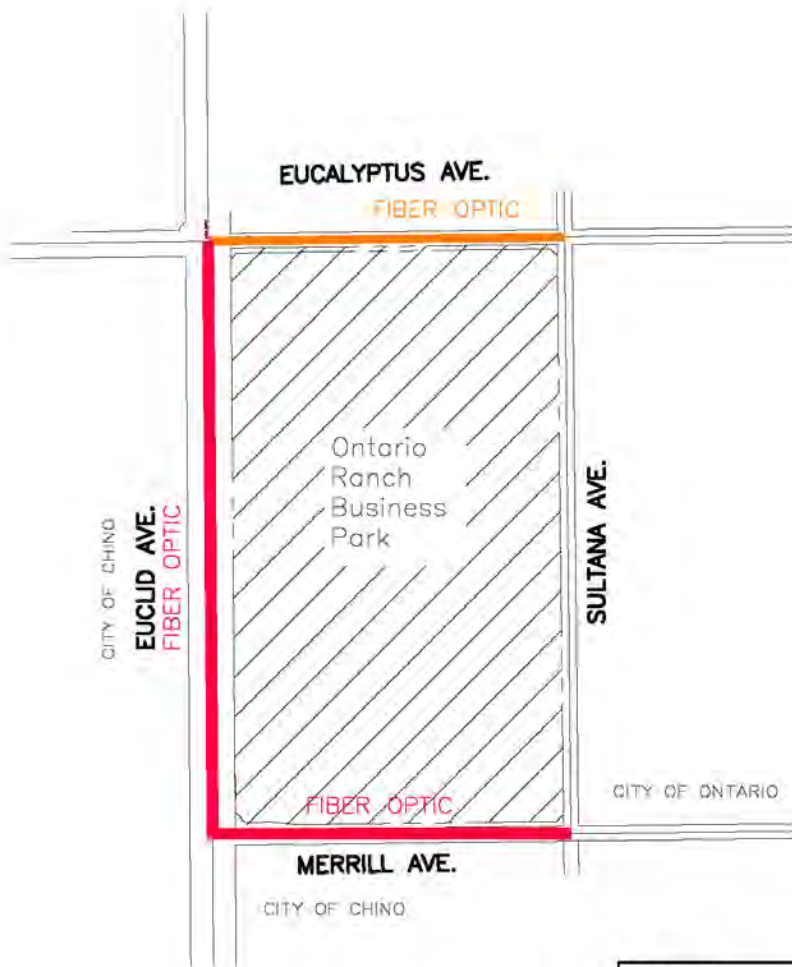
WestLAND Group, Inc.
 4150 CONCOURS, ONTARIO, CA 91754
 PHONE: (951) 281-5789 FAX: (951) 961-9860
 Land Surveyors • Civil Engineers • GIS

N.T.S.

Ontario Ranch Business Park Specific Plan • Development Agreement

DATE: 09/12/2020

EXHIBIT F-6
FIBER OPTIC IMPROVEMENTS



LEGEND:

- NEW PRIMARY RING FIBER OPTIC
(TO BE CONSTRUCTED BY PROJECT)
- NEW LATERAL FIBER OPTIC
(TO BE CONSTRUCTED BY PROJECT)
- / / / SPECIFIC PLAN AREA

WestLAND Group, Inc. 4150 CONCOURSE, ONTARIO, CA 91764
PHONE: (951) 960-8763 FAX: (951) 969-9660
Land Surveyors • Civil Engineers • GIS

Ontario Ranch Business Park Specific Plan • Development Agreement

DATE: 08/13/2020

Exhibit "G"

FORM OF CERTIFICATE OF REGIONAL DIF CREDIT

Pursuant to Section 4.5.2 of this Agreement by and between the City of Ontario and _____, dated _____, 20____, the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called the "Development Agreement", the City of Ontario hereby certifies that OWNER is entitled to the following amount and nature of DIF Credits in the Regional Water DIF Infrastructure Category:

Amount of Credit: \$ _____


Scott Ochoa, City Manager

Dated: _____

CITY OF ONTARIO

Agenda Report
December 1, 2020

SECTION: CONSENT CALENDAR

Department: Investments & Revenue Resources
Prepared By: Jason M Jacobsen
Staff Member Presenting:
Armen Harkalyan, Executive Director of Finance
Reviewed By: Jason M Jacobsen, Armen
Harkalyan
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 6

**SUBJECT: AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 57 (NEUHOUSE)**

RECOMMENDATION: That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 57 (Neuhouse).

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

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

FISCAL IMPACT: The use of Mello-Roos financing for facilities in the residential development of the Neuhouse project is estimated to generate approximately \$7.8 million in bond proceeds to be used to fund a portion of the public infrastructure improvements that will serve the project, and approximately \$522,688 per year, at build out, to fund City services. Mello-Roos bonds are not a direct obligation of the City and are paid from special taxes levied on each taxable parcel in the district; therefore, there is no General Fund impact from the issuance of Mello Roos bonds. City Council approval will be required in future years to process annual special tax levies.

BACKGROUND & ANALYSIS: At a public hearing conducted by the City Council on November 17, 2020, the City Council adopted the resolution of formation for Community Facilities District No. 57 (Neuhouse) and introduced and waived further reading of an ordinance levying special taxes within the District. Adoption of the ordinance will conclude the formation process for City of Ontario Community Facilities District No. 57 (Neuhouse).

The Mello-Roos Community Facilities Act of 1982 provides local government, with the consent from a majority of the property owners, the authority to establish community facilities districts (CFDs) for the purpose of levying special taxes to fund governmental services and to finance various kinds of public infrastructure facilities.

The Neuhouse project addresses the development of approximately 30 gross acres located east of Haven Avenue, west of Mill Creek Avenue, south of Chino Avenue, and north of Schaefer Avenue. At build

out, the development is projected to include 334 residential units, of which 100 are detached and 234 are attached units.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 57 (NEUHOUSE).

WHEREAS, on October 6, 2020, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 57 (Neuhouse), and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 57 (Neuhouse) (the "Community Facilities District") and to finance certain public facilities (the "Facilities") and services (the "Services"); and

WHEREAS, on November 17, 2020, the City Council held a noticed public hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 57 (Neuhouse), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within the City of Ontario Community Facilities District No. 57 (Neuhouse)" and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 57 (Neuhouse)", which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of incurring indebtedness, levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on November 17, 2020, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act.

THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method of Apportionment"). The special taxes are hereby levied commencing in fiscal year 2021-22 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

SECTION 2. The City Council may, in accordance with subdivision (b) of Section 53340 of the Act, provide, by resolution, for the levy of the special tax in future tax years at the same rate or at a lower rate than the rate provided by this Ordinance. In no event shall the special tax be levied on any parcel within the Community Facilities District in excess of the maximum tax specified therefor in the Rate and Method of Apportionment.

SECTION 3. The special tax shall be levied on all of the parcels in the Community Facilities District, unless exempted by law or by the Rate and Method of Apportionment.

SECTION 4. The proceeds of the special tax shall only be used to pay, in whole or in part, the cost of providing the Facilities and Services and incidental expenses pursuant to the Act.

SECTION 5. The special tax shall be collected in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in the case of delinquency as is provided for *ad valorem* taxes, unless another procedure is adopted by the City Council.

SECTION 6. If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the Community Facilities District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within the Community Facilities District shall not be affected.

SECTION 7. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

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

PASSED, APPROVED, AND ADOPTED this 1st day of December 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3174 was duly introduced at a regular meeting of the City Council of the City of Ontario held November 17, 2020 and adopted at the regular meeting held December 1, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3174 duly passed and adopted by the Ontario City Council at their regular meeting held December 1, 2020 and that Summaries of the Ordinance were published on November 24, 2020 and December 8, 2020, in the Inland Valley Daily Bulletin newspaper.


SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
December 1, 2020

SECTION: CONSENT CALENDAR

Department: Planning
Prepared By: Charles Mercier
Staff Member Presenting:
Scott Murphy, AICP, Executive Community
Development Director
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 7

SUBJECT: A DEVELOPMENT CODE AMENDMENT PROPOSING TO: [1] REVISE CURRENT PROVISIONS REGARDING THE REGULATION OF ACCESSORY DWELLING UNITS AND RESCIND AN URGENCY ORDINANCE PREVIOUSLY APPROVED BY THE CITY COUNCIL ON JANUARY 21, 2020; [2] REVISE CURRENT MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT PROVISIONS TO FACILITATE THE ESTABLISHMENT OF THE DOWNTOWN DISTRICT PLAN; [3] ESTABLISH PROVISIONS REGULATING THE DEVELOPMENT OF SMALL LOT INFILL SUBDIVISIONS; [4] REVISE PROVISIONS REGULATING MASSAGE SERVICES AND MASSAGE ESTABLISHMENTS, AND ESTABLISHING AN ADMINISTRATIVE APPROVAL PROCEDURE FOR MASSAGE ESTABLISHMENTS; AND [5] ADJUST AND CLARIFY CERTAIN DEVELOPMENT CODE PROVISIONS WITHIN CHAPTER 2.0 (ADMINISTRATION AND PROCEDURES), CHAPTER 3.0 (NONCONFORMING LOTS, LAND USES, STRUCTURES, AND SIGNS), CHAPTER 5.0 (ZONING AND LAND USE), CHAPTER 6.0 (DEVELOPMENT AND SUBDIVISION REGULATIONS), CHAPTER 7.0 (HISTORIC PRESERVATION), CHAPTER 8.0 (SIGN REGULATIONS), AND CHAPTER 9.0 (DEFINITIONS AND GLOSSARY)

RECOMMENDATION: That the City Council consider and adopt an ordinance approving File No. PDCA18-003, a Development Code Amendment proposing to:

- A. Revise current provisions regarding the regulation of accessory dwelling units and rescind an urgency ordinance previously approved by the City Council on January 21, 2020;
- B. Revise current MU-1 (Downtown Mixed Use) zoning district provisions to facilitate the establishment of the Downtown District Plan;
- C. Establish provisions regulating the development of small lot infill subdivisions;
- D. Revise provisions regulating massage services and massage establishments, and establishing an administrative approval procedure for massage establishments; and
- E. Adjust and clarify certain Development Code provisions within Chapter 2.0 (Administration and Procedures), Chapter 3.0 (Nonconforming Lots, Land Uses, Structures, and Signs), Chapter 5.0 (Zoning and Land Use), Chapter 6.0 (Development and Subdivision Regulations), Chapter 7.0 (Historic Preservation), Chapter 8.0 (Sign Regulations), and Chapter 9.0 (Definitions and Glossary).

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Invest in the Growth and Evolution of the City's Economy

Maintain the Current High Level of Public Safety

Operate in a Businesslike Manner

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

Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: Proposed code amendment changes would not have any immediate fiscal impacts on the City.

BACKGROUND & ANALYSIS: On November 17, 2020 the City Council introduced and waived further reading of an ordinance approving the Development Code Amendment. The Development Code (Ontario Municipal Code Title 9) provides the legislative framework for the implementation of The Ontario Plan, which establishes long-term principles, goals, and policies for guiding the growth and development of the City in a manner that achieves Ontario's vision, and promotes and protects the public health, safety, comfort, convenience, prosperity, and welfare of its citizens. The Planning Department has initiated numerous modifications to the Development Code, including those required in compliance with changes in State law, as well as those changes deemed necessary to: implement the Downtown District Plan, update massage establishment and services regulations, establish new small lot fill subdivision regulations, and other certain adjustments and clarification to various provisions of the Development Code. All proposed changes are described in Exhibit A: Development Code Amendment, attached.

On October 27, 2020, the Planning Commission conducted a public hearing to consider the subject Development Code Amendment, and concluded the hearing on that date, voting unanimously (5-0) to adopt a resolution recommending the City Council approve the Development Code Amendment.

HOUSING ELEMENT COMPLIANCE: The Project will be consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project furthers the purposes, principals, goals, and policies of the Housing Element, in that it will expand upon the types of housing that may be constructed throughout residential and mixed use zoning districts of the City and will allow for alternate forms of home rental and fee-simple homeownership.

AIRPORT LAND USE COMPATIBILITY PLAN 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, establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land use Compatibility Plan. Any special conditions of approval associated with uses in close proximity to the airport are included in the conditions of approval provided with the attached Resolution.

ENVIRONMENTAL REVIEW: The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act and the guidelines promulgated thereunder,

pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines, in that the activity is covered by the common sense exemption (general rule) that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to the California Environmental Quality Act.

EXHIBIT A: DEVELOPMENT CODE AMENDMENT

1. Changes Mandated by State Law —

- a. Accessory Dwelling Units (“ADUs”). Staff has revised current Development Code provisions regarding the regulation of Accessory Dwelling Units (“ADUs”), which will replace an Urgency Ordinance approved by the City Council on January 21, 2020, in order to bring the City’s current ADU provisions into compliance with changes in State law that became effective on January 1, 2020, (Senate Bill 13, Assembly Bill 68 and Assembly Bill 881) and Government Code Sections 65852.2 and 65852.22. The proposed revisions are shown in Attachment A of the attached Ordinance, pages 5.03-3 through 5.03-15).
- b. Family Daycare Homes. The Development Code currently stipulates that small-family daycare homes (up to 8 children) are a permitted land use (as required by State law) and large-family daycare homes (up to 14 children) are subject to Administrative Use Permit approval and notification of surrounding property owners. A change in State law (SB-234, effective January 1, 2020) requires that large-family daycare homes must be treated as a permitted residential use of property, the same as small-family daycare homes. Consequently, Staff has revised the Development Code, combining the small-family and large-family daycare homes land use categories into a single “Family Daycare Homes” land use, which is an ancillary residential use of property that is permitted by right. Refer to Attachment A of the attached ordinance, pages 5.02-26, 5.03-60, and 5.03-61, for revisions.
- c. Employee (Farmworker) Housing. Section 5.03.177 (Employee (Farmworker) Housing) has been added to the Development Code as required by the City’s Housing Element of The Ontario Plan Policy Plan (general plan) and as mandated by the State’s Employee Housing Act (Health and Safety Code Section 17000 et seq.), and allows for: [1] farmworker dwellings providing accommodations for 6 or fewer employees, or for one employee and their respective household, is deemed to be a single-family residential structure, which is permitted by right in the AG (Agriculture) Overlay zoning district and within all residential and mixed use zoning districts that allow single-family dwellings; and a farmworker housing complex, with up to 36 beds in group quarters or up to 12 units designed for use by single families or households, is permitted by right in the AG (Agriculture) Overlay zoning district. Moreover, the Employee (Farmworker) Housing regulations control the verification of farmworker status, housing location, maximum unit size, removal of housing units, State reporting requirements, maximum number of allowed units, and facilities to accommodate recreational vehicles, tents, or other mobile camping equipment (maximum 30 days within any 180-day period). Refer to Attachment A of the attached ordinance, pages 5.02-5 and 5.03-68 through 5.03-72, for revisions.

2. **Downtown District Plan** — Staff is proposing modifications to the current MU-1 (Downtown Mixed Use) zoning district provisions to facilitate the launch of the Downtown District Plan, which is intended to establish and recognize Ontario’s historic downtown as the arts and entertainment mecca for the surrounding region, and include a wide range of allowed uses, such as shopping, restaurants, outdoor dining, cultural offerings, street fairs, artist festivals,

galleries, work/live lofts, breweries, and artisan co-ops. Additionally, Holt Boulevard is recognized as a vital east-west link to Ontario's historic downtown, offering opportunities for vertical and horizontal mixed use developments consisting of market rate and below market rate housing, retail and offices, and work/live uses, and Ontario's civic center is recognized for its significant outdoor spaces, amenities, and services, which enhance the historic downtown's shopping, dining, and living experiences.

To implement the Downtown District Plan, the MU-1 (Downtown Mixed Use) zoning district is proposed to be divided into four land use areas, as follows:

- a. LUA-1 (Euclid Avenue Entertainment) District. The Euclid Avenue Entertainment District is a central urban location intended to provide the vitality, amenities, and a range of entertainment, shopping, restaurant, outdoor dining, and cultural offerings, as well as promote a variety of dense housing options; enhanced public and private rights-of-way to improve pedestrian and vehicular connectivity, and grow employment opportunities.
- b. LUA-2 (Arts) District. The Arts District is intended as a dynamic destination for locals and tourists, while creating a fulfilling urban experience energized by artistic, educational, and commercial participants. The focus of the Area is to increase the number of collaborated events and programs within the Area, with the intent to attract visitors, promote economic vitality, and boost revenue.

The Arts District is proposed to be divided into two subareas: Arts district North and Arts District South. Arts District North is intended to accommodate a mix of work/live lofts, artisan co-ops, restaurants, galleries, breweries, and other commercial uses intended to strengthen the economic base of the area. Arts District South is situated between the Union Pacific and Southern Pacific Rail Lines, within an area not particularly suited to uses having a residential component.

Arts District South is envisioned to accommodate a mix of commercial, business park, and light industrial activities, which like Arts District North, will serve to stimulate the economic vitality of the area. Arts District South is currently located outside of the Downtown Mixed Use District and Downtown District Plan area. Expansion of the Downtown Mixed Use District to include Arts District South is planned to occur in conjunction with The Ontario Plan update, which is planned for completion in October 2021.

- c. LUA-3 (Holt Boulevard) District. Holt Boulevard is a vital east-west link to the downtown, particularly from Ontario International Airport, the Ontario Convention Center, and the nearby hospitality center. The Holt Boulevard District offers the greatest opportunity for development of market-rate and attainable housing. Mixed-use may be vertical or horizontal, with retail or live/work on the ground floor. Residents will have access to many downtown amenities, including shopping, public services, open space, and public transportation (Bus Rapid Transit or "BRT"). The District will be designed as a signature gateway to the City's historic downtown.

- d. LUA-4 (Civic Center) District. The Civic Center District’s proximity to the Euclid Avenue Entertainment District will contribute to the community character and commercial vitality of Ontario’s historic downtown area. People in need of services at City Hall, the Public Library, or the Community Center, are potential shoppers and diners at downtown stores and restaurants. Furthermore, the Civic Center’s significant outdoor spaces provide a link to downtown shopping, dining, streetscapes, and friendly pedestrian experiences.

The proposed revisions to the MU-1 (Downtown Mixed Use) zoning district provisions are shown in Attachment A of the attached ordinance, pages 5.01-4 through 5.01-7.

3. **Massage Establishments and Massage Services** — Massage Establishments currently require Conditional Use Permit approval prior to the establishment of the business. Staff is proposing revision to Table 5.02-1 (Land Use Matrix), to allow massage establishments subject to Administrative Use Permit (“AUP”) approval. AUP approval would be granted by the Planning Director, subject to appropriate conditions issued by reviewing City departments. Following AUP issuance, any violations of Federal, State, or local laws or regulations, and/or AUP conditions of approval, would be subject to administrative fines and/or AUP suspension or revocation by the Police Chief or Community Improvement Manager.

In addition, the Development Code currently establishes a path for massage therapists to obtain a business license without obtaining certification by the California Massage Therapy Council (“CAMTC”) pursuant to the State of California Business and Professions Code. Staff is proposing that Development Code Section 5.03.270 (Massage Establishments and Services) will be revised to eliminate that pathway and require that all massage therapists provide proof of current CAMTC certification as a requirement of business license issuance. The proposed revisions are shown in Attachment A of the attached ordinance, page 5.02-32 and pages 5.03-86 through 5.03-92.

4. **Small Lot Infill Subdivisions** — Staff is proposing the addition of new regulations addressing the subdivision and development of small lot infill subdivisions. The new regulations are intended to control the development and subdivision of existing infill lots within Mixed Use zoning districts and the MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 du/ac), MDR-18 (Medium Density Residential – 11.1 to 18.0 du/ac), MDR-25 (Medium-High Density Residential – 18.1 to 25.0 du/ac), and HDR-45 (High Density Residential – 25.1 to 45.0 du/ac) zoning districts, with infill small lots allowed as an alternate form of fee-simple homeownership. The new regulations address subdivision design, unit plotting and building design, pedestrian connectivity and access, open space, landscaping, and small lot subdivisions with existing dwellings. The proposed revisions are shown in Attachment A of the attached ordinance, pages 6.01-41 through 6.01-47.

5. Other Changes of Special Note —

- a. Banquet Facilities on Historic Properties. Development Code Section 5.03.067 (Banquet Facilities–Historic Properties) has been added, establishing standards for the establishment and operation of banquet facilities located on historically designated properties that are outside of zoning districts that would otherwise allow the activity. Such uses would be

subject to AUP approval. The proposed revision is shown in Attachment A of the attached ordinance, pages 5.03-54 and 5.03-55.

- b. Restaurants with Drive-Thru Facilities. Development Code Section 5.03.150 (Drive-Thru Facilities) has been modified to eliminate provisions prohibiting drive-thru facilities within the MU-1 (Downtown Mixed-Use) zoning district and stipulates that drive-thru facilities cannot be visible from Euclid Avenue. Furthermore, the required minimum total floor area (includes outdoor seating) has been reduced from 3,000 square feet to 2,000 square feet, and the required minimum interior floor area has been reduced from 2,500 square feet to 1,500 square feet. The reductions in floor area will allow for smaller specialty food restaurants, such as Starbucks. The proposed revision is shown in Attachment A of the attached ordinance, pages 5.03-63 through 5.03-67.
 - c. Fertilizer Manufacturing from Manure Operations. Development Code Section 5.03.187 (Fertilizer Manufacturing from Manure Operations) has been added, establishing standards for the establishment and operation of Fertilizer Manufacturing from Manure Operations. The proposed standards are derived from the San Bernardino County development standards for commercial fertilizer operations. The proposed revision is shown in Attachment A of the attached ordinance, pages 5.03-73 through 5.03-74.
 - d. Hookah Establishments, Smoking/Vaping Lounges, and Smoking/Vaping Retailers. Development Code Section 5.03.245 (Hookah Establishments, Smoking/Vaping Lounges, and Smoking/Vaping Retailers) has been expanded, specifying that smoking and vaping lounges are prohibited, excepting hookah establishments. Additionally, smoking/vaping retail shops must be spaced at least 1,320 feet apart and 1,320 feet from sensitive land uses (residential, schools, parks, etc.). The proposed revision is shown in Attachment A of the attached ordinance, page 5.03-83.
 - e. Self-Storage Facilities. Development Code Section 5.03.355 has been added to allow self-storage facilities to exceed the maximum FAR of a zoning district, subject to the submittal of an Equivalent Use Impact Study, which determines the project's maximum allowed gross floor area based upon the comparable traffic generation of other existing permitted land uses in the same general vicinity and the same zoning district, constructed at the maximum allowed FAR of the zoning district. The proposed revision is shown in Attachment A of the attached ordinance, page 5.03-108.
6. **Other Various Modifications, Adjustments and Clarifications** — Staff is proposing modifications, adjustments and clarifications to various Development Code provisions within Chapter 2.0 (Administration and Procedures), Chapter 3.0 (Nonconforming Lots, Land Uses, Structures, and Signs), Chapter 5.0 (Zoning and Land Use), Chapter 6.0 (Development and Subdivision Regulations), Chapter 7.0 (Historic Preservation, Chapter 8.0 (Sign Regulations), and Chapter 9.0 (Definitions and Glossary). The proposed revisions are summarized in the Table A: Development Code Adjustments and Clarifications, below.

Table A: Development Code Adjustments and Clarifications

Proposed Changes	Corrected Pages**
Division 2.02—Application Filing and Processing	
1) Modifies Table 2.02-1 (Review Matrix), as follows: <ul style="list-style-type: none"> a) Clarifies that ministerial actions are exempt from CEQA review pursuant to Section 15268 of the CEQA Guidelines and identifies which actions are deemed ministerial. b) Clarifies that the environmental review of any project within the ONT (Ontario International Airport) zoning district is under the purview of the Ontario International Airport Authority. c) Clarifies that an application that does not require a public hearing is to be reviewed and acted upon under the Consent Calendar portion of the Reviewing Authority’s meeting agenda. 	2.02-6 and 2.02-7
2) Adds clarification that the submittal of a time extension request includes an automatic 90-day time extension to provide adequate time for the processing of the time extension by the City.	2.02-18
Division 3.01—Nonconforming Lots, Land Uses, and Structures	
3) Adds text pointing to provisions that allow for alteration/expansion of nonconforming multiple-family residential developments (Subchapter I) and nonconforming nonresidential structures (Subchapter J).	3.01-6
4) Deletes current provisions that specify the conditions in which residential developments may be altered/expanded, allowing a one-time maximum 25% increase in density for multiple-family residential developments that are nonconforming as to base residential density, subject to Conditional Use Permit approval by the Zoning Administrator (projects totaling up to 4 DUs with expansion) or Planning Commission (projects totaling 5 or more DUs after expansion).	3.01-8
Division 5.01—Zoning Districts and Boundaries	
5) Additions and deletions intended to clarify the purpose of the ICC (Interim Community Commercial) Overlay zoning district and Clarifies that the City’s official zoning map may be amended pursuant to the requirements of Section 4.01.040 (Zone Changes).	5.01-12

Table A: Development Code Adjustments and Clarifications

Proposed Changes	Corrected Pages**
Division 5.02—General Land Use Provisions	
<p>6) Revises Table 5.02-1 (Land Use Matrix), as follows:</p> <ul style="list-style-type: none"> a) Various corrections and expansions to NAICS Code references have been made. (throughout) b) The suitability of land uses has been established within each Land Use Area (LUA) of the MU-1 zoning district. (throughout) c) Residential land uses have been reorganized and various changes have been made to further expand upon and clarify certain single-family residential uses. (Pgs. 5.02-6 and 7) d) Clarification of the Boutique Manufacturing Facilities land use has been added to include Artisan Small-Scale and Micro Manufacturing Facilities. (pg. 5.02-8) e) Prohibits Alcoholic Beverage Manufacturing in the LUA-4 (Civic Center) district of the MU-1 (Downtown Mixed Use) zoning district. (Pg. 5.02-9) f) Fertilizer Manufacturing with on-site composting has been added as a conditionally permitted land use in the AG zoning district. (Pg. 5.02-10) g) Expands upon the Other Chemical Product and Preparation Manufacturing land use to provide clarification on the types of land uses included within the classification. (Pg. 5.02-10) h) Provides clarification on the types of land uses included within the All Other Miscellaneous Metal Product Manufacturing classification. (Pg. 5.02-12) i) Provides clarification on the types of land uses included within the Other Miscellaneous Durable Goods wholesale trade classification. (Pg. 5.02-13) j) Petroleum Brokers (office only) has been added to the list of allowed Wholesale Trade Agents and Brokers, as a permitted land use in the OL, OH, BP, and IP zoning districts. (Pg. 5.02-13) k) Motorcycles, Personal Watercraft, All Terrain Vehicles, and Other Similar Vehicles has been added to the list of allowed Other Motor Vehicle Dealers, as a conditionally permitted use in the CC, CR, CCS, and IP zoning districts. (Pg. 5.02-13) l) Provides Clarification on the types of land uses included within the Air Transportation classification. (Pg. 5.02-16 and 17) 	<p>5.02-5 thru 5.02-34</p>

Table A: Development Code Adjustments and Clarifications

Proposed Changes	Corrected Pages**
<p>m) Adds to the list of allowed Motion Picture and Video Industries to include Teleproduction and Other Postproduction Services as permitted uses in the BP, IP, IL, IG, and IH zoning districts, and Other Motion Picture and Video Industries (such as: booking agencies, film libraries, film laboratories and film restoration) as a permitted land use in the OL, OH, BP, and IP zoning districts. (Pg. 5.02-18)</p> <p>n) Professional, Scientific, and Technical Services has been added as a permitted land use in the CCS zoning district. (Pg. 5.02-20)</p> <p>o) Educational Support Services has been added as a permitted land use in the CCS zoning district. (Pg. 5.02-24)</p> <p>p) The description of Nursing and Care Facilities and pursuant to State law has been expanded, clarifying that facilities of 6 or fewer persons are permitted only in conjunction with an existing single-family residence. (Pg. 5.02-25 and 26)</p> <p>q) Pursuant to changes in State law, the large-family daycare home and small-family daycare home land use categories have been combined into a single Family Child Daycare Homes (up to 14 children) land use category, which is permitted in zoning districts allowing residential uses, only in conjunction with an existing residence, including a single-family dwelling, a townhouse dwelling, a dwelling unit within a single-family dwelling, a multiple-family dwelling, or a dwelling unit within a multiple-family dwelling. (Pg. 5.02-26)</p> <p>r) Expands on the list of Performing Arts, Spectator Sports, and Related Industries, to include:</p> <ul style="list-style-type: none"> ▪ Promoters of Performing Arts, Sports, and Similar Events (offices only); ▪ Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures (offices only); and ▪ Independent Artists, Writers, and Performers (offices only). (Pg. 5.02-27) <p>s) The Dancing, Dance Clubs, Dance Halls, Ballrooms, and Discotheques land use has been divided into subcategories of facilities having a gross floor area less than 5,000 square feet and facilities having a gross floor area of 5,000 square feet or more. Furthermore, within LUA-1 (Euclid Avenue Entertainment) of the MU-1 zoning district, facilities having a gross floor area less than 5,000 square feet are subject to Administrative Use Permit approval and would be allowed only in conjunction with a</p>	

Table A: Development Code Adjustments and Clarifications

Proposed Changes	Corrected Pages**
<p>bona fide full-service restaurant or alcoholic beverage manufacturer’s tasting room. Within all other zones that dancing, dance clubs, dance halls, ballrooms, and discotheques are allowed, they are subject to Conditional Use Permit approval. (Pg. 5.02-27)</p> <p>t) The Live Entertainment land use subcategories will be reduced to facilities having a gross floor area less than 5,000 square feet (from 10,000 square feet) and facilities having a gross floor area of 5,000 square feet or more. Furthermore, within residential zoning districts, live entertainment (less than 5,000 square feet) will be allowed in conjunction with a banquet facility established in association with a historic property. Additionally, within the MU-1 (Downtown Mixed Use) zoning district, LUA-1 thru 4, standalone live entertainment facilities will be subject to Conditional Use Permit approval and will be prohibited on property located along the Euclid Avenue corridor. (Pg. 5.02-28)</p> <p>u) Alcoholic beverage sales for on-premises consumption has been added as an allowed use in residential zoning districts, subject to the approval of an Administrative Use Permit, only in conjunction with a banquet facility less than 10,000 square feet in area that is established in association with a historic property or a not for profit homeowners association that maintains/operates a clubhouse or similar place of assembly for exclusive use by association members and their guests. (Pg. 5.02-29)</p> <p>v) Adds a provision prohibiting standalone bars, taverns, and other similar facilities within the MU-1 (Downtown Mixed Use) zoning district, LUA-1, 2N, and 2S, on property located along the Euclid Avenue corridor. (Pg. 5.02-30)</p> <p>w) The list of All Other Automotive Repair and Maintenance facilities has been expanded to include Tire Sales, Installation, and Repair (except retreading) Services as a permitted use in the CC, CR, BP, IP, IL, and IG zoning districts. (Pg. 5.02-31)</p> <p>x) The list of allowed Parking Lots and Parking Garages has been expanded to clarify that commercial parking facilities means “pay to park” and adds Publicly-Owned Facilities and Facilities Required in Conjunction with Allowed Uses as permitted land uses. (Pg. 5.02-33)</p>	
Division 5.03—Supplemental Land Use Regulations	
<p>7) The title for Division 5.03 has been changed from “Standards for Certain Land Uses, Activities, and Facilities” to “Supplemental Land Use Regulations.”</p>	<p>5.03-1</p>

Table A: Development Code Adjustments and Clarifications

Proposed Changes	Corrected Pages**
<p>8) Development Code Section 5.03.010.B (Accessory Residential Structures (excepting Accessory Dwelling Units)) has been moved to Section 5.03.011 and is revised as follows:</p> <ul style="list-style-type: none"> a) Restricts the size of an Accessory Residential Structure added to an existing residence to no more than 50% of the floor area of the existing residence. b) The maximum height of an Accessory Residential Structure permitted by right has been increased from 14 feet to 16 feet, consistent with Accessory Dwelling Units. c) Various additions and deletions to the Table 5.03-2 (Development Standards for Detached Accessory Residential Structures) Notes, for the purposes of clarification. d) Adds a prohibition to the use of shipping containers to accommodate on-site storage but does not prohibit the conversion of shipping containers into legally established buildings. 	<p>5.03-15 thru 5.03-19</p>
<p>9) Development Code Section 5.03.037 (Boutique/Artisan Small-Scale and Micro Manufacturing Facilities) has been added, establishing minimum standards for use establishment and operation.</p>	<p>5.03-52</p>
<p>10) Development Code Section 5.03.067 (Banquet Facilities – Historic Properties) has been added, establishing standards for the establishment and operation of banquet facilities located on historically designated properties that are outside of zoning districts that would otherwise allow the activity.</p>	<p>5.03-55</p>
<p>11) In compliance with recent changes in State law, the large-family daycare home and small-family daycare home use categories have been combined into a single “Family Child Daycare Homes” (up to 14 children) land use category (see Section 5.03.100.B). The associated land use standards have been revised accordingly.</p>	<p>5.03-60 and 5.03-61</p>
<p>12) Development Code Section 5.03.150 (Drive-Thru Facilities) has been modified as follows:</p> <ul style="list-style-type: none"> a) Makes certain wording changes for the purposes of clarification; b) Deletes provision prohibiting drive-thru facilities within the MU-1(Downtown Mixed-Use) zoning district and stipulates that drive-thru facilities cannot be visible from Euclid Avenue; 	<p>5.03-63 and 5.03-67</p>

Table A: Development Code Adjustments and Clarifications

Proposed Changes	Corrected Pages**
<p>c) Reduces the minimum floor area from 3,000 square feet to 2,000 square feet and reduces the minimum interior floor area from 2,500 square feet to 1,500 square feet; and</p> <p>d) Adds a stipulation that the Planning Director may require an increased drive-thru stacking length to accommodate businesses known to generate a higher drive-thru demand.</p>	
<p>13) Section 5.03.177 (Employee (Farmworker) Housing) has been added as mandated by the Employee Housing Act (commencing with HSC Section 17000).</p>	5.03-68 thru 5.03-72
<p>14) Section 5.03.187 (Fertilizer Manufacturing from Manure Operations) has been added, establishing standards for the establishment and operation of Fertilizer Manufacturing from Manure Operations. The proposed standards are derived from the San Bernardino County development standards for commercial fertilizer operations.</p>	5.03-73 and 5.03-74
<p>15) Section 5.03.200 (Freight Transportation Arrangement) has been expanded, specifying that within the BP and IP zoning districts, freight transportation arrangement is limited to offices only and within the IG and IH zoning districts, the use is only allowed when ancillary to a truck transportation use.</p>	5.03-75
<p>16) Section 5.03.245 (Hookah Establishments, Smoking/Vaping Lounges, and Smoking/Vaping Retailers) has been expanded, specifying that smoking and vaping lounges are prohibited, excepting hookah establishments. Additionally, standards governing smoking and vaping retail shops have been established.</p>	5.03-81 and 5.03-83
<p>17) Section 5.03.250 (Hotels, Motels, Residence Inns, and Other Similar Traveler Accommodation) has been modified, adding Subsection F to clarify that hotels, motels, residence inns, and other similar traveler accommodations that are located in the SP zoning district are subject to Conditional Use Permit approval.</p>	5.03-83 thru 5.03-85
<p>18) Section 5.03.257 (Live Entertainment) has been added, establishing standards for the establishment and operation of live entertainment facilities.</p>	5.03-86
<p>19) Section 5.03.270 (Massage Services and Establishments) has been modified, eliminating provisions that allow a massage therapist without obtaining certification by the California Massage Therapy Council (CAMTC). The revision requires that a Massage Therapist to obtain certification by CAMTC</p>	5.03-86 thru 5.03-92

Table A: Development Code Adjustments and Clarifications

Proposed Changes	Corrected Pages**
and eliminates performance standards for allowing a massage therapist without CAMTC certification.	
20) Section 5.03.285 (Mixed-Use Developments) has been revised to differentiate Residential Mixed Use projects (a mix of residential and commercial uses) from Nonresidential Mixed Use projects (a mix of commercial and business park or light industrial uses) and establish standards for the development of nonresidential mixed use projects.	5.03-97 thru 5.03-98
21) Amends Section 5.03.300 (Mobile Washing and Detailing Services) to allow mobile washing and detailing services as a home occupation, provided no washing or detailing of vehicles is performed on the premises.	5.03-100
22) Section 5.03.355 (a previously reserved section) has been amended to address self-storage facilities, establishing a procedure by which a self-storage facility may be allowed to exceed the maximum FAR of the zoning district in which it is located, subject to the submittal of an Equivalent Impact Study, which determines the project's maximum allowed gross floor area based upon the comparable traffic generation of other existing permitted land uses in the same general vicinity and the same zoning district, constructed at the maximum allowed FAR of the zoning district.	5.03-108
<p>23) Section 5.03.395.J (Temporary Wireless Telecommunications Facilities) has been revised, eliminating provisions addressing Temporary Test-Only Wireless Telecommunications Facilities. The current provisions are a holdover from the days of an analog wireless system and their interference with the City's public safety radio channels. The wireless industry's switch to a digital system many years ago has eliminated the need for temporary test-only wireless telecommunications facilities.</p> <p>Furthermore, clarifications have been added which specify that:</p> <ul style="list-style-type: none"> ▪ The Planning Director may administratively approve temporary wireless telecommunications facilities to fulfill short-term wireless capacity and/or coverage needs; and ▪ If a generator is needed to operate or provide backup power to a temporary wireless telecommunications facility, the City's noise provisions must be fully complied with. 	5.03-118 and 5.03-120
24) Section 5.03.410.C.2 (Commercial Animal Production) has been revised to include clarifications that specify:	5.03-125 and 5.03-126

Table A: Development Code Adjustments and Clarifications

Proposed Changes	Corrected Pages**
<ul style="list-style-type: none"> ▪ Within the AR-2 zoning district, kennels and catteries having fewer than 8 animals are be permitted as a Home Occupation; ▪ Within the CC and CR zoning districts kennels and catteries for the purpose of boarding only, are allowed in conjunction with veterinary and/or animal hospital services; ▪ Kennels and catteries are allowed within the IL and IH zoning districts; and ▪ Kennels and catteries in conjunction with veterinary or animal hospital services are not subject to a 2-acre minimum lot size. 	
<p>25) Section 5.03.410.C.3 (Aquaculture Production) has been added, establishing that aquaculture production is for the commercial sale of freshwater and saltwater fish, crustaceans, mollusks, aquatic plants, algae, and other organisms, which are under controlled conditions for food. Additionally, in the IG and IH zoning districts, aquaculture production must incorporate an integrated and holistic design, which is wholly contained within a building.</p>	5.03-128
<p>26) Section 5.03.410.D (Commercial Crop Production and Farming) has been amended to in clarification that commercial crop production and farming does not include community gardens and urban farms allowed pursuant to the Land Use Matrix (Table 5.02-1).</p>	5.03-129
<p>27) Section 5.03.410.E (Community Gardens) has been amended to include a provision allowing aquaculture as an incidental activity to a Community Garden, not to exceed 25 percent of the net lot area.</p>	5.03-132
<p>28) Section 5.03.410.F (Urban Farms) has been amended to include a provision allowing aquaculture as an incidental activity to an Urban Farm, not to exceed 25 percent of the net lot area.</p>	5.03-135
<p>29) Section 5.03.420 (Wireless Telecommunications Facilities) has been amended to include various minor wording changes and the addition of cross references to other Development Code sections, for purposes of clarification.</p>	5.03-138 thru 5.03-145
Division 6.01—District Standards and Guidelines	
<p>30) Deletes the current reference to Small Lot and Cluster Single-Family Residential Development Standards and expands upon the type and description of allowed residential development types, including:</p> <ul style="list-style-type: none"> ▪ Traditional single-family residential developments; 	6.01-3 and 6.01-4

Table A: Development Code Adjustments and Clarifications

Proposed Changes	Corrected Pages**
<ul style="list-style-type: none"> ▪ Small lot traditional single-family residential developments; ▪ Small lot alley-loaded single-family residential developments; ▪ Cluster single-family residential developments; and ▪ Multiple-family residential developments. 	
<p>31) Various revisions have been made to Table 6.01-1 (Traditional Single-Family Residential Development Standards), including:</p> <ul style="list-style-type: none"> ▪ Adds the MDR-18, MDR-25, and HDR-45 zoning districts to the table; ▪ Adds setback requirements for rear and side alley conditions; ▪ For clarification purposes, adds a rear setback for patio covers that matches the setback for all single-story structures (10 feet); ▪ Clarifies that the required 6-foot minimum separation between buildings only applies to buildings on the same lot; ▪ Addition of Note 7 clarifying that lots having a street abutting the rear property line must setback the rear wall 5 feet behind the street property line to allow for landscaping beyond the required parkway landscaping; ▪ Addition of Note 8 clarifying that a useable rear yard area having minimum horizontal dimension of 20 FT in any direction and a clear vertical dimension of 8 FT is required to be provided; and ▪ Addition of Note 9 clarifying that the minimum setbacks from private streets are to be measured from a point 12 feet behind the face of curb. 	6.01-5 thru 6.01-7
<p>32) Adds Figure 6.01-1A, which exemplifies a typical traditional single-family residential development with vehicular access from the street, and Figure 6.01-1B, exemplifying a typical traditional single-family residential development with public alley access.</p>	6.01-8 and 6.01-9
<p>33) Various revisions have been made to Table 6.01-2A (Small Lot Traditional Single-Family Residential Development Standards), including:</p> <ul style="list-style-type: none"> ▪ Adds the MDR-18, MDR-25, and HDR-45 zoning districts to the table; ▪ Increases the maximum lot coverage and decreases the minimum lot depth to establish consistency with similar development in Ontario Ranch; ▪ Adds and amends certain setback requirements to establish consistency with similar development in Ontario Ranch; 	6.01-10 thru 6.01-12

Table A: Development Code Adjustments and Clarifications

Proposed Changes	Corrected Pages**
<ul style="list-style-type: none"> ▪ Clarifies that the required 6-foot minimum separation between buildings only applies to buildings on the same lot; ▪ Adds Note 6 clarifying that lots having a street abutting the side or rear property line must setback the rear wall 5 feet behind the street property line to allow for landscaping beyond the required parkway landscaping; ▪ Adds Note 7 clarifying that the minimum setbacks from private streets are to be measured from a point 12 feet behind the face of curb; and ▪ Adds Note 8 allowing the interior side property line setback to be reduced to 4 feet if the setback area is combined with the side setback area of the adjacent property to create a single minimum 8-FT wide outdoor use area clear of walls. 	
<p>34) Adds Figure 6.01-2A, an example of a typical small lot traditional single-family residential development with vehicular access from the street.</p>	<p>6.01-13</p>
<p>35) Various revisions have been made to Table 6.01-2B (Small Lot Alley-Loaded Single-Family Residential Development Standards), including:</p> <ul style="list-style-type: none"> ▪ Adds the MDR-18, MDR-25, and HDR-45 zoning districts to the table; ▪ Adds minimum lot width, lot depth, and lot coverage requirements to establish consistency with similar development in Ontario Ranch; ▪ Adds and amends certain setback requirements to establish consistency with similar development in Ontario Ranch; ▪ Adds Note 5 clarifying that lots having a street abutting the side or rear property line must setback the rear wall 5 feet behind the street property line to allow for landscaping beyond the required parkway landscaping; ▪ Adds Note 6 allowing the interior side property line setback to be reduced to 4 feet if the setback area is combined with the side setback area of the adjacent property to create a single minimum 8-FT wide outdoor use area clear of walls; and ▪ Adds Note 8 clarifying that the minimum setbacks from private streets are to be measured from a point 12 feet behind the face of curb. 	<p>6.01-14 thru 6.01-16</p>
<p>36) Adds Figure 6.01-2B, exemplifying a typical small lot alley-loaded single-family residential development.</p>	<p>6.01-17</p>
<p>37) Various revisions have been made to Table 6.01-2C (Cluster Single-Family Residential Development Standards), including:</p>	<p>6.01-18 thru 6.01-20</p>

Table A: Development Code Adjustments and Clarifications

Proposed Changes	Corrected Pages**
<ul style="list-style-type: none"> ▪ Adds the MDR-18, MDR-25, and HDR-45 zoning districts to the table; ▪ Adds and amends certain setback requirements to establish consistency with similar development in Ontario Ranch; ▪ Adds Note 5 clarifying that lots having a street abutting the side or rear property line must setback the rear wall 5 feet behind the street property line to allow for landscaping beyond the required parkway landscaping; ▪ Adds Note 6 allowing the interior side property line setback to be reduced to 4 feet if the setback area is combined with the side setback area of the adjacent property to create a single minimum 8-FT wide outdoor use area clear of walls; and ▪ Adds Note 8 clarifying that the minimum setbacks from private streets are to be measured from a point 12 feet behind the face of curb. 	
<p>38) Adds Figure 6.01-2B, exemplifying a typical cluster single-family residential development.</p>	<p>6.01-21</p>
<p>39) Various revisions have been made to Table 6.01-3 (Multiple-Family Residential Development Standards), including:</p> <ul style="list-style-type: none"> ▪ Various word insertions have been made for purposes of clarification; ▪ The minimum project area for the HRD-45 zoning district has been reduced, from 2.5 acres to one-acre; ▪ The minimum lot width for the HRD-45 zoning district has been reduced, from 330 feet to 180 feet; ▪ The minimum lot depth for the HRD-45 zoning district has been reduced, from 330 feet to 200 feet; ▪ The minimum arterial street setback for the HRD-45 zoning district has been reduced, from 20 feet to 10 feet; ▪ The minimum setback for a primary entry facing onto an interior property line has been reduced from 15 feet to 10 feet (Note 4); ▪ Clarifies that a residential lot must be developed at no less than the minimum density range of the applicable zoning district (Note 7); and ▪ Adds Note 9 clarifying that the minimum setbacks from private streets are to be measured from a point 12 feet behind the face of curb. 	<p>6.01-22 thru 6.01-24</p>
<p>40) Adds Figures 6.01-3A, 6.01-3B, 6.01-3C, and 6.01-3D, providing examples of various multiple-family densities.</p>	<p>6.01-25 thru 6.01-28</p>

Table A: Development Code Adjustments and Clarifications

Proposed Changes	Corrected Pages**
<p>41) Revises the exceptions to residential development standards as follows:</p> <ul style="list-style-type: none"> ▪ Adds parapet walls to the list of building elements that may exceed the maximum building height by up to 25 percent; ▪ Porte cocheres attached to a main dwelling will be allowed to extend a maximum of 30 percent into the required setback depth (same as porches, patios, and decks); ▪ A side setback that is encroached upon by a porte cochere, can be reduced to less than 3 feet, matching allowed encroachments by fireplaces and chimneys. This is an increase from the current 2.5-foot allowed encroachment; ▪ Adds utility and storage closets to the list of building elements that may encroach 2 feet into a side setback; however, like fireplaces and chimneys, the setback cannot be reduced to less than 3 feet. 	<p>6.01-29 and 6.01-30</p>
<p>42) Revises the residential open space requirements as follows:</p> <ul style="list-style-type: none"> ▪ Various word insertions and deletions have been made for purposes of clarification; ▪ Open space requirements will apply only to projects consisting of 4 or more dwellings; ▪ Adds splash pads to the description of major recreation facilities; and ▪ Adds tot lots for ages 2 to 5, play areas/equipment for ages 5 to 12, and cabanas and shade structures to the description of minor recreation facilities. 	<p>6.01-30 thru 6.01-32</p>
<p>43) Various word insertions and deletions have been made to the infill single-family housing provisions to clarify that the provisions are intended to apply to only infill traditional single-family dwellings.</p>	<p>6.01-39</p>
<p>44) Deletes swimming pool, hot tub, spa, and pond fencing requirements that are duplicated in Development Code Section 6.02.020.A.3 (Ponds and Swimming Pools) and adds section reference. Additionally, reduces the side and rear setback for swimming pools, hot tubs, spas, and ponds from 5 feet to 3 feet.</p>	<p>6.01-40</p>
<p>45) Revises the exceptions to commercial development standards, adding parapet walls to the list of building elements that may exceed the maximum building height by up to 25 percent.</p>	<p>6.01-55</p>

Table A: Development Code Adjustments and Clarifications

Proposed Changes	Corrected Pages**
46) Adds clarification that the use of transparent glazing on commercial developments provides the City’s public safety personnel the ability to view inside a building without having to first enter the structure.	6.01-49
47) Revises the exceptions to industrial development standards, adding parapet walls to the list of building elements that may exceed the maximum building height by up to 25 percent.	6.01-65
48) Development standards for the EA (Euclid Avenue) Overlay District have been revised to specify that land development within the overlay district is subject to the requirements of the Downtown Ontario Design Guidelines (see Reference C—Downtown Ontario Design Guidelines).	6.01-80
49) Development standards for the ICC (Interim Community Commercial) Overlay District have been revised to eliminate certain provisions restricting the overlay to properties within the HDR-45 zoning district.	6.01-82
Division 6.03—Off-Street Parking and Loading	
50) Adds exception to off-street parking requirements, specifying that within the MU-1 (Downtown Mixed Use) zoning district, off-street parking is not required for existing buildings having a floor area of less than 10,000 square feet.	6.03-3
51) Table 6.03-1 (Off-Street Parking Requirements) has been revised as follows: <ul style="list-style-type: none"> ▪ Change in the method of calculation for residential guest/visitor parking. The change in method will not result in a change in the number of parking spaces that would otherwise be required; and ▪ The number of parking spaces required for accessory dwelling unit (ADUs) has been changed to conform to State law. 	6.03-5
52) Eliminates discussion of tandem parking for second units, as the term “second unit” is no longer used in the Development Code.	6.03-12
53) Revises Table 6.03-2 (Standards for Parking Spaces, Drive Aisles, and Driveways), eliminating the maximum gradients permitted at driveway entrances, as the current requirements are inconsistent with the City’s Building Code.	6.03-14

Table A: Development Code Adjustments and Clarifications

Proposed Changes	Corrected Pages**
54) Eliminates Sections 6.03.060 (Prohibition of Parking on Undeveloped or Unpaved Lots) and 6.03.065 (Prohibition of Parking on Landscaped or Unpaved Areas of a Lot), which were previously added to the City's Municipal Code.	6.03-20 and 6.03-21
Division 6.05—Landscaping	
55) Adds reference to Executive Order No. B-29-15 (updated 2015), Model Water Efficient Ordinance (MWEL0)	6.05-1
56) Amends the tree staking, ground cover spacing, and grading design and stormwater management requirements to be consistent with the City's current landscape standards and specifications.	6.05-19 and 6.05-20
Division 6.06—Street Naming and Street Address Numbering	
57) Eliminates the use of "Via" as an allowed private street name prefix at the request of the Post Office.	6.06-3
Division 6.08—Development Projects and Subdivisions	
58) Certain additions and deletions have been made throughout Division 6.08 for the purpose of clarifying that the Development Code's dedication and public improvement requirements apply to development plans and projects, and not only to subdivisions.	6.08-1 thru 6.08-32
Division 6.10—Property Appearance and Maintenance	
59) Eliminates the Property Appearance and Maintenance provisions, which were previously added to the City's Municipal Code.	6.10-1 thru 6.10-7
Division 7.01—Historic Preservation	
60) Revises the Mitigation Fee structure based on the most current International Code Council (ICC) Building Valuation Data. Fees can range from 10 to 30 percent of the square foot cost to construct the building or structure that is being demolished.	7.01-6 and 7.01-7

Table A: Development Code Adjustments and Clarifications

Proposed Changes	Corrected Pages**
Division 8.01—Sign Regulations	
61) Adds topical headings to the listing of exempt signs.	8.01-2 and 8.01-3
62) In commercial and industrial zoning districts, all existing standards addressing wall signs with multiple lines of copy have been eliminated. Signs with multiple lines of copy will now be treated like all other signs in the zoning district.	8.01-17, 8.01-21, 8.01-22, 8.01-24, and 8.01-25
Division 9.01—Definitions	
63) Adds various new definitions and makes certain changes to existing definitions for the purposes of clarification.	Throughout
Division 9.02—Glossary	
64) Makes certain changes to existing definitions for the purposes of clarification.	Throughout
<i>Note: ** Refer to Attachment A of the attached City Council ordinance to view all proposed Development Code additions and deletions.</i>	

FILE NO: PDCA18-003

SUBJECT: A Development Code Amendment proposing to: [1] revise current provisions regarding the regulation of Accessory Dwelling Units, replacing an Urgency Ordinance previously approved by the City Council on January 21, 2020; [2] revise current provisions regarding the MU-1 (Downtown Mixed Use) zoning district, to facilitate the establishment of the Downtown District Plan; [3] establish new provisions regarding the regulation of small lot infill subdivisions, which are proposed to be allowed in Mixed Use zoning districts and the MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 du/ac), MDR-18 (Medium Density Residential – 11.1 to 18.0 du/ac), MDR-25 (Medium-High Density Residential – 18.1 to 25.0 du/ac), and HDR-45 (High Density Residential – 25.1 to 45.0 du/ac) zoning districts; [4] revise current provisions regarding Massage Services and Massage Establishments, establishing that such uses are subject to Administrative Use Permit issuance and requirements; and [5] modify certain Development Code provisions to include various clarifications, including Chapter 2.0 (Administration and Procedures), Chapter 3.0 (Nonconforming Lots, Land Uses, Structures, and Signs), Chapter 5.0 (Zoning and Land Use), Chapter 6.0 (Development and Subdivision Regulations), Chapter 7.0 (Historic Preservation), Chapter 8.0 (Sign Regulations), and Chapter 9.0 (Definitions and Glossary); **City Initiated. City Council action is required. This Item was continued from the September 22, 2020 Planning Commission meeting.**

PROPERTY OWNER: N/A

RECOMMENDED ACTION: That the Planning Commission consider and adopt the attached resolution recommending that the City Council:

- (1) Rescind Ordinance No. 3150, an Urgency Ordinance previously approved by the City Council on January 21, 2020; and
- (2) Approve File No. PDCA18-003 pursuant to the facts and reasons contained in the staff report and resolution.

PROJECT SETTING: The proposed Development Code Amendment is of Citywide impact, affecting approximately 50 square miles (31,789 acres) of land, which is generally bordered by Benson Avenue and Euclid Avenue on the west; Interstate 10 Freeway, Eighth Street, and Fourth Street on the north; Etiwanda Avenue and Hamner Avenue on the east; and Merrill Avenue and the San Bernardino County/Riverside County boundary on the south. The City of Ontario is substantially built-out with a mix of residential,

Case Planner:	Charles Mercier
Planning Director Approval:	
Submittal Date:	N/A

Hearing Body	Date	Decision	Action
PC	10/27/2020	Approval	Recommend
CC 1 st Read'g	11/17/2020		Introduction
CC 2 nd Read'g	12/01/2020		Final

commercial, industrial, agricultural, airport, recreational, and institutional/public land uses. According to the California Department of Finance, the City of Ontario's 2020 estimated population is 186,653 persons and it is ranked the 25th largest city in the State in terms of population.

PROJECT ANALYSIS: The Development Code (Ontario Municipal Code Title 9) provides the legislative framework for the implementation of The Ontario Plan, which states long-term principles, goals, and policies for guiding the growth and development of the City in a manner that achieves Ontario's vision, and promotes and protects the public health, safety, comfort, convenience, prosperity, and welfare of its citizens. On December 1, 2015, the City Council approved a comprehensive update to the Ontario Development Code (Ordinance No. 3028), which became effective on January 1, 2016. Staff is now initiating a myriad of alterations to the Development Code, including those required in compliance with changes in State law, as well as those changes deemed necessary to adjust and clarify various provisions of the Development Code, which are described below.

(1) MU-1 (Downtown Mixed Use) Zoning District — Staff is proposing changes to the current the MU-1 (Downtown Mixed Use) zoning district provisions to facilitate the establishment of the Downtown District Plan. The MU-1 (Downtown Mixed Use) zoning district will be divided into 4 land use areas, as follows:

(a) LUA-1 (Euclid Avenue Entertainment) District. The LUA-1 (Euclid Avenue Entertainment) district is intended to provide the vitality, amenities, and a range of entertainment, shopping, restaurant, outdoor dining, and cultural offerings.

(b) LUA-2 (Arts) District. The LUA-2 (Arts) district is intended as a dynamic destination for locals and tourists, while creating a fulfilling urban experience energized by artistic, educational, and commercial participants.

(c) LUA-3 (Holt Boulevard) District. The LUA-3 (Holt Boulevard) district recognizes Holt Boulevard as a vital east-west link to the historic downtown area, particularly from Ontario International Airport, the Ontario Convention Center, and the nearby hospitality center. Additionally, the district is intended for market rate and attainable housing, vertical or horizontal mixed-use developments, with retail or live/work on the ground floor, shopping, public services, open space, and public transportation.

(d) LUA-4 (Civic Center) District. The LUA-4 (Civic Center) district is intended for City services at City Hall, the Public Library, or the Community Center.

The proposed revisions are shown in Attachment A of the attached resolution (refer to pages 5.01-6 through 5.01-9).

(2) Changes Required by State Mandate —

(a) Accessory Dwelling Units. Staff has revised current Development Code provisions regarding the regulation of Accessory Dwelling Units (“ADUs”), which replaces an Urgency Ordinance previously approved by the City Council on January 21, 2020, in order to bring the City’s current provisions governing ADUs into compliance with changes in State law that became effective on January 1, 2020, (Senate Bill 13, Assembly Bill 68 and Assembly Bill 881) and Government Code Sections 65852.2 and 65852.22. The proposed revisions are shown in Attachment A of the attached resolution (refer to pages 5.03-3 through 5.03-15).

(b) Family Daycare Homes. The Development Code currently stipulates that small-family daycare homes (up to 8 children) are a permitted land use (as required by State law) and large-family daycare homes (up to 14 children) are subject to Administrative Use Permit approval. A recent change in State law requires that large-family daycare homes must be treated the same as small-family daycare homes. To this end, the large-family daycare home and small-family daycare home use categories have been combined into a single “Family Child Daycare Homes” (up to 14 children) land use category. As required by State law, the use will be permitted in zoning districts allowing residential uses, only in conjunction with an existing residence, including a single-family dwelling, a townhouse dwelling, a dwelling unit within a single-family dwelling, a multiple-family dwelling, or a dwelling unit within a multiple-family dwelling. (Refer to pages 5.02-26, 5.03-60, and 5.03-61).

(c) Employee (Farmworker) Housing. Section 5.03.177 (Employee (Farmworker) Housing) has been added to the Development Code as mandated by the Employee Housing Act (commencing with Health and Safety Code Section 17000). (Refer to pages 5.03-68 through 5.03-72).

(3) Massage Services and Massage Establishments — Staff is proposing certain changes to current Development Code provisions regarding massage services and massage establishments. Table 5.02-1 (Land Use Matrix) will be revised to establish that massage establishments are subject to Administrative Use Permit (“AUP”) approval and requirements (Conditional Use Permit approval is currently required). Current AUP provisions allow for noncompliant facilities to be fined and/or AUP revoked by the Police Chief or Community Improvement Manager.

In addition, Section 5.03.270 (Massage Establishments and Services) will be revised to eliminate provisions that currently permit a massage therapist to operate without obtaining certification by the California Massage Therapy Council (CAMTC) pursuant to the State of California Business and Professions Code. The proposed Development Code revision requires that a Massage Therapist must obtain certification by CAMTC prior to the issuance of a business license by in the City and eliminates existing performance standards that allowing a massage therapist to operate without CAMTC certification. The

proposed revisions are shown in Attachment A of the attached resolution (refer to page 5.02-32 and pages 5.03-86 through 5.03-92).

(4) Small Lot Infill Subdivisions — Staff is proposing the establishment of new provisions regarding the regulation of small lot infill subdivisions. The small lot infill subdivision provisions are intended to regulate the development and subdivision of existing infill lots within Mixed Use zoning districts and the MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 du/ac), MDR-18 (Medium Density Residential – 11.1 to 18.0 du/ac), MDR-25 (Medium-High Density Residential – 18.1 to 25.0 du/ac), and HDR-45 (High Density Residential – 25.1 to 45.0 du/ac) zoning districts, with infill small lots allowed as an alternative form of fee-simple homeownership. The proposed revisions are shown in Attachment A of the attached resolution (refer to pages 6.01-41 through 6.01-47).

(5) Other Various Changes — Staff is proposing modification to various Development Code provisions within Chapter 2.0 (Administration and Procedures), Chapter 3.0 (Nonconforming Lots, Land Uses, Structures, and Signs), Chapter 5.0 (Zoning and Land Use), Chapter 6.0 (Development and Subdivision Regulations), Chapter 7.0 (Historic Preservation), Chapter 8.0 (Sign Regulations), and Chapter 9.0 (Definitions and Glossary). The proposed revisions are summarized in Table A: Proposed Development Code, below, and are included in Attachment A of the attached resolution.

Table A: Proposed Development Code Amendment

Proposed Changes	Corrected Pages**
Division 2.02—Application Filing and Processing	
1) Modifies Table 2.02-1 (Review Matrix), as follows: <ul style="list-style-type: none"> a) Clarifies that ministerial actions are exempt from CEQA review pursuant to Section 15268 of the CEQA Guidelines and identifies which actions are deemed ministerial. b) Clarifies that the environmental review of any project within the ONT (Ontario International Airport) zoning district is under the purview of the Ontario International Airport Authority. c) Clarifies that an application that does not require a public hearing is to be reviewed and acted upon under the Consent Calendar portion of the Reviewing Authority's meeting agenda. 	2.02-6 and 2.02-7
2) Adds clarification that the submittal of a time extension request includes an automatic 90-day time extension to provide adequate time for the processing of the time extension by the City.	2.02-18

Table A: Proposed Development Code Amendment

Proposed Changes	Corrected Pages**
Division 3.01—Nonconforming Lots, Land Uses, and Structures	
3) Adds text pointing to provisions that allow for alteration/expansion of nonconforming multiple-family residential developments (Subchapter I) and nonconforming nonresidential structures (Subchapter J).	3.01-6
4) Deletes current provisions that specify the conditions in which residential developments may be altered/expanded, allowing a one-time maximum 25% increase in density for multiple-family residential developments that are nonconforming as to base residential density, subject to Conditional Use Permit approval by the Zoning Administrator (projects totaling up to 4 DUs with expansion) or Planning Commission (projects totaling 5 or more DUs after expansion).	3.01-8
Division 5.01—Zoning Districts and Boundaries	
5) Additions and deletions intended to clarify the purpose of the ICC (Interim Community Commercial) Overlay zoning district and Clarifies that the City’s official zoning map may be amended pursuant to the requirements of Section 4.01.040 (Zone Changes).	5.01-12
Division 5.02-1 General Land Use Provisions	
6) Revises Table 5.02-1 (Land Use Matrix), as follows: a) Various corrections and expansions to NAICS Code references have been made. (throughout) b) The suitability of land uses has been established within each Land Use Area (LUA) of the MU-1 zoning district. (throughout) c) Residential land uses have been reorganized and various changes have been made to further expand upon and clarify certain single-family residential uses. (Pgs. 5.02-6 and 7) d) Aquaculture has been added a conditionally permitted land use in the IL, IH, and AG zoning districts. (pg. 5.02-7) e) Clarification of the Boutique Manufacturing Facilities land use has been added to include Artisan Small-Scale and Micro Manufacturing Facilities. (pg. 5.02-8) f) Prohibits Alcoholic Beverage Manufacturing in the LUA-4 (Civic Center) district of the MU-1 (Downtown Mixed Use) zoning district. (Pg. 5.02-9)	5.02-5 thru 5.02-34

Table A: Proposed Development Code Amendment

Proposed Changes	Corrected Pages**
<p>g) Fertilizer Manufacturing from Manure Operations (FMMO) has been added as a conditionally permitted land use in the AG zoning district. (Pg. 5.02-10)</p> <p>h) Expands upon the Other Chemical Product and Preparation Manufacturing land use to provide clarification on the types of land uses included within the classification. (Pg. 5.02-10)</p> <p>i) Provides clarification on the types of land uses included within the All Other Miscellaneous Metal Product Manufacturing classification. (Pg. 5.02-12)</p> <p>j) Provides clarification on the types of land uses included within the Other Miscellaneous Durable Goods wholesale trade classification. (Pg. 5.02-13)</p> <p>k) Petroleum Brokers (office only) has been added to the list of allowed Wholesale Trade Agents and Brokers, as a permitted land use in the OL, OH, BP, and IP zoning districts. (Pg. 5.02-13)</p> <p>l) Motorcycles, Personal Watercraft, All Terrain Vehicles, and Other Similar Vehicles has been added to the list of allowed Other Motor Vehicle Dealers, as a conditionally permitted use in the CC, CR, CCS, and IP zoning districts. (Pg. 5.02-13)</p> <p>m) Provides Clarification on the types of land uses included within the Air Transportation classification. (Pg. 5.02-16 and 17)</p> <p>n) Adds to the list of allowed Motion Picture and Video Industries to include Teleproduction and Other Postproduction Services as permitted uses in the BP, IP, IL, IG, and IH zoning districts, and Other Motion Picture and Video Industries (such as: booking agencies, film libraries, film laboratories and film restoration) as a permitted land use in the OL, OH, BP, and IP zoning districts. (Pg. 5.02-18)</p> <p>o) Professional, Scientific, and Technical Services has been added as a permitted land use in the CCS zoning district. (Pg. 5.02-20)</p> <p>p) Educational Support Services has been added as a permitted land use in the CCS zoning district. (Pg. 5.02-24)</p> <p>q) The description of Nursing and Care Facilities and pursuant to State law has been expanded, clarifying that facilities of 6 or fewer persons are permitted only in conjunction with an existing single-family residence. (Pg. 5.02-25 and 26)</p> <p>r) Pursuant to changes in State law, the large-family daycare home and small-family daycare home land use categories have been combined into a single Family Child Daycare Homes (up to 14 children) land use category, which is permitted in zoning districts allowing residential uses, only in conjunction with an existing residence, including a single-family</p>	

Table A: Proposed Development Code Amendment

Proposed Changes	Corrected Pages**
<p>dwelling, a townhouse dwelling, a dwelling unit within a single-family dwelling, a multiple-family dwelling, or a dwelling unit within a multiple-family dwelling. (Pg. 5.02-26)</p> <p>s) Expands on the list of Performing Arts, Spectator Sports, and Related Industries, to include:</p> <ul style="list-style-type: none"> ▪ Promoters of Performing Arts, Sports, and Similar Events (offices only); ▪ Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures (offices only); and ▪ Independent Artists, Writers, and Performers (offices only). (Pg. 5.02-27) <p>t) The Dancing, Dance Clubs, Dance Halls, Ballrooms, and Discotheques land use has been divided into subcategories of facilities having a gross floor area less than 5,000 square feet and facilities having a gross floor area of 5,000 square feet or more. Furthermore, within LUA-1 (Euclid Avenue Entertainment) of the MU-1 zoning district, facilities having a gross floor area less than 5,000 square feet are subject to Administrative Use Permit approval and would be allowed only in conjunction with a bona fide full-service restaurant or alcoholic beverage manufacturer’s tasting room. Within all other zones that dancing, dance clubs, dance halls, ballrooms, and discotheques are allowed, they are subject to Conditional Use Permit approval. (Pg. 5.02-27)</p> <p>u) The Live Entertainment land use subcategories will be reduced to facilities having a gross floor area less than 5,000 square feet (from 10,000 square feet) and facilities having a gross floor area of 5,000 square feet or more. Furthermore, within residential zoning districts, live entertainment (less than 5,000 square feet) will be allowed in conjunction with a banquet facility established in association with a historic property. Additionally, within the MU-1 (Downtown Mixed Use) zoning district, LUA-1 thru 4, standalone live entertainment facilities will be subject to Conditional Use Permit approval and will be prohibited on property located along the Euclid Avenue corridor. (Pg. 5.02-28)</p> <p>v) Alcoholic beverage sales for on-premises consumption has been added as an allowed use in residential zoning districts, subject to the approval of an Administrative Use Permit, only in conjunction with a banquet facility less than 10,000 square feet in area that is established in association with a historic property or a not for profit homeowners association that maintains/operates a clubhouse or similar place of assembly for exclusive use by association members and their guests. (Pg. 5.02-29)</p> <p>w) Adds a provision prohibiting standalone bars, taverns, and other similar facilities within the MU-1 (Downtown Mixed Use) zoning district, LUA-1, 2N,</p>	

Table A: Proposed Development Code Amendment

Proposed Changes	Corrected Pages**
<p>and 2S, on property located along the Euclid Avenue corridor. (Pg. 5.02-30)</p> <p>x) The list of All Other Automotive Repair and Maintenance facilities has been expanded to include Tire Sales, Installation, and Repair (except retreading) Services as a permitted use in the CC, CR, BP, IP, IL, and IG zoning districts. (Pg. 5.02-31)</p> <p>y) The list of allowed Parking Lots and Parking Garages has been expanded to clarify that commercial parking facilities means “pay to park” and adds Publicly-Owned Facilities and Facilities Required in Conjunction with Allowed Uses as permitted land uses. (Pg. 5.02-33)</p>	
Division 5.03—Supplemental Land Use Regulations	
<p>7) The title for Division 5.03 has been changed from “Standards for Certain Land Uses, Activities, and Facilities” to “Supplemental Land Use Regulations.”</p>	5.03-1
<p>8) Development Code Section 5.03.010.B (Accessory Residential Structures (excepting Accessory Dwelling Units)) has been moved to Section 5.03.011 and is revised as follows:</p> <p>a) Restricts the size of an Accessory Residential Structure added to an existing residence to no more than 50% of the floor area of the existing residence.</p> <p>b) The maximum height of an Accessory Residential Structure permitted by right has been increased from 14 feet to 16 feet, consistent with Accessory Dwelling Units.</p> <p>c) Various additions and deletions to the Table 5.03-2 (Development Standards for Detached Accessory Residential Structures) Notes, for the purposes of clarification.</p> <p>d) Adds a prohibition to the use of shipping containers to accommodate on-site storage but does not prohibit the conversion of shipping containers into legally established buildings.</p>	5.03-15 thru 5.03-19
<p>9) Development Code Section 5.03.037 (Boutique/Artisan Small-Scale and Micro Manufacturing Facilities) has been added, establishing minimum standards for use establishment and operation.</p>	5.03-52
<p>10) Development Code Section 5.03.067 (Banquet Facilities – Historic Properties) has been added, establishing standards for the establishment and operation of banquet facilities located on historically designated properties that are outside of zoning districts that would otherwise allow the activity.</p>	5.03-55

Table A: Proposed Development Code Amendment

Proposed Changes	Corrected Pages**
11) In compliance with recent changes in State law, the large-family daycare home and small-family daycare home use categories have been combined into a single "Family Child Daycare Homes" (up to 14 children) land use category (see Section 5.03.100.B). The associated land use standards have been revised accordingly.	5.03-60 and 5.03-61
12) Development Code Section 5.03.150 (Drive-Thru Facilities) has been modified as follows: a) Makes certain wording changes for the purposes of clarification; b) Deletes provision prohibiting drive-thru facilities within the MU-1(Downtown Mixed-Use) zoning district and stipulates that drive-thru facilities cannot be visible from Euclid Avenue; c) Reduces the minimum floor area from 3,000 square feet to 2,000 square feet and reduces the minimum interior floor area from 2,500 square feet to 1,500 square feet; and d) Adds a stipulation that the Planning Director may require an increased drive-thru stacking length to accommodate businesses known to generate a higher drive-thru demand.	5.03-63 and 5.03-67
13) Section 5.03.177 (Employee (Farmworker) Housing) has been added as mandated by the Employee Housing Act (commencing with HSC Section 17000).	5.03-68 thru 5.03-72
14) Section 5.03.187 (Fertilizer Manufacturing from Manure Operations) has been added, establishing standards for the establishment and operation of Fertilizer Manufacturing from Manure Operations. The proposed standards are derived from the San Bernardino County development standards for commercial fertilizer operations.	5.03-73 and 5.03-74
15) Section 5.03.200 (Freight Transportation Arrangement) has been expanded, specifying that within the BP and IP zoning districts, freight transportation arrangement is limited to offices only and within the IG and IH zoning districts, the use is only allowed when ancillary to a truck transportation use.	5.03-75
16) Section 5.03.245 (Hookah Establishments, Smoking/Vaping Lounges, and Smoking/Vaping Retailers) has been expanded, specifying that smoking and vaping lounges are prohibited, excepting hookah establishments. Additionally, standards governing smoking and vaping retail shops have been established.	5.03-81 and 5.03-83
17) Section 5.03.250 (Hotels, Motels, Residence Inns, and Other Similar Traveler Accommodation) has been modified, adding Subsection F to clarify that	5.03-83 thru 5.03-85

Table A: Proposed Development Code Amendment

Proposed Changes	Corrected Pages**
hotels, motels, residence inns, and other similar traveler accommodations that are located in the SP zoning district are subject to Conditional Use Permit approval.	
18) Section 5.03.257 (Live Entertainment) has been added, establishing standards for the establishment and operation of live entertainment facilities.	5.03-86
19) Section 5.03.270 (Massage Services and Establishments) has been modified, eliminating provisions that allow a massage therapist without obtaining certification by the California Massage Therapy Council (CAMTC). The revision requires that a Massage Therapist to obtain certification by CAMTC and eliminates performance standards for allowing a massage therapist without CAMTC certification.	5.03-86 thru 5.03-92
20) Section 5.03.285 (Mixed-Use Developments) has been revised to differentiate Residential Mixed Use projects (a mix of residential and commercial uses) from Nonresidential Mixed Use projects (a mix of commercial and business park or light industrial uses) and establish standards for the development of nonresidential mixed use projects.	5.03-97 thru 5.03-98
21) Amends Section 5.03.300 (Mobile Washing and Detailing Services) to allow mobile washing and detailing services as a home occupation, provided no washing or detailing of vehicles is performed on the premises.	5.03-100
22) Section 5.03.355 (a previously reserved section) has been amended to address self-storage facilities, establishing a procedure by which a self-storage facility may be allowed to exceed the maximum FAR of the zoning district in which it is located, subject to the submittal of an Equivalent Impact Study, which determines the project's maximum allowed gross floor area based upon the comparable traffic generation of other existing permitted land uses in the same general vicinity and the same zoning district, constructed at the maximum allowed FAR of the zoning district.	5.03-108
23) Section 5.03.395.J (Temporary Wireless Telecommunications Facilities) has been revised, eliminating provisions addressing Temporary Test-Only Wireless Telecommunications Facilities. The current provisions are a holdover from the days of an analog wireless system and their interference with the City's public safety radio channels. The wireless industry's switch to a digital system may years ago has eliminated the need for temporary test-only wireless telecommunications facilities. Furthermore, clarifications have been added which specify that:	5.03-118 and 5.03-120

Table A: Proposed Development Code Amendment

Proposed Changes	Corrected Pages**
<ul style="list-style-type: none"> ▪ The Planning Director may administratively approve temporary wireless telecommunications facilities to fulfill short-term wireless capacity and/or coverage needs; and ▪ If a generator is needed to operate or provide backup power to a temporary wireless telecommunications facility, the City's noise provisions must be fully complied with. 	
<p>24) Section 5.03.410.C.2 (Commercial Animal Production) has been revised to include clarifications that specify:</p> <ul style="list-style-type: none"> ▪ Within the AR-2 zoning district, kennels and catteries having fewer than 8 animals are be permitted as a Home Occupation; ▪ Within the CC and CR zoning districts kennels and catteries for the purpose of boarding only, are allowed in conjunction with veterinary and/or animal hospital services; ▪ Kennels and catteries are allowed within the IL and IH zoning districts; and ▪ Kennels and catteries in conjunction with veterinary or animal hospital services are not subject to a 2-acre minimum lot size. 	5.03-125 and 5.03-126
<p>25) Section 5.03.410.C.3 (Aquaculture Production) has been added, establishing that aquaculture production is for the commercial sale of freshwater and saltwater fish, crustaceans, mollusks, aquatic plants, algae, and other organisms, which are under controlled conditions for food. Additionally, in the IG and IH zoning districts, aquaculture production must incorporate an integrated and holistic design, which is wholly contained within a building.</p>	5.03-128
<p>26) Section 5.03.410.D (Commercial Crop Production and Farming) has been amended to in clarification that commercial crop production and farming does not include community gardens and urban farms allowed pursuant to the Land Use Matrix (Table 5.02-1).</p>	5.03-129
<p>27) Section 5.03.410.E (Community Gardens) has been amended to include a provision allowing aquaculture as an incidental activity to a Community Garden.</p>	5.03-132
<p>28) Section 5.03.410.F (Urban Farms) has been amended to include a provision allowing aquaculture as an incidental activity to an Urban Farm.</p>	5.03-135
<p>29) Section 5.03.420 (Wireless Telecommunications Facilities) has been amended to include various minor wording changes and the addition of cross references to other Development Code sections, for purposes of clarification.</p>	5.03-138 thru 5.03-145

Table A: Proposed Development Code Amendment

Proposed Changes	Corrected Pages**
Division 6.01—District Standards and Guidelines	
30) Deletes the current reference to Small Lot and Cluster Single-Family Residential Development Standards and expands upon the type and description of allowed residential development types, including: <ul style="list-style-type: none"> ▪ Traditional single-family residential developments; ▪ Small lot traditional single-family residential developments; ▪ Small lot alley-loaded single-family residential developments; ▪ Cluster single-family residential developments; and ▪ Multiple-family residential developments. 	6.01-3 and 6.01-4
31) Various revisions have been made to Table 6.01-1 (Traditional Single-Family Residential Development Standards), including: <ul style="list-style-type: none"> ▪ Adds the MDR-18, MDR-25, and HDR-45 zoning districts to the table; ▪ Adds setback requirements for rear and side alley conditions; ▪ For clarification purposes, adds a rear setback for patio covers that matches the setback for all single-story structures (10 feet); ▪ Clarifies that the required 6-foot minimum separation between buildings only applies to buildings on the same lot; ▪ Addition of Note 7 clarifying that lots having a street abutting the rear property line must setback the rear wall 5 feet behind the street property line to allow for landscaping beyond the required parkway landscaping; ▪ Addition of Note 8 clarifying that a useable rear yard area having minimum horizontal dimension of 20 FT in any direction and a clear vertical dimension of 8 FT is required to be provided; and ▪ Addition of Note 9 clarifying that the minimum setbacks from private streets are to be measured from a point 12 feet behind the face of curb. 	6.01-5 thru 6.01-7
32) Adds Figure 6.01-1A, which exemplifies a typical traditional single-family residential development with vehicular access from the street, and Figure 6.01-1B, exemplifying a typical traditional single-family residential development with public alley access.	6.01-8 and 6.01-9
33) Various revisions have been made to Table 6.01-2A (Small Lot Traditional Single-Family Residential Development Standards), including: <ul style="list-style-type: none"> ▪ Adds the MDR-18, MDR-25, and HDR-45 zoning districts to the table; 	6.01-10 thru 6.01-12

Table A: Proposed Development Code Amendment

Proposed Changes	Corrected Pages**
<ul style="list-style-type: none"> ▪ Increases the maximum lot coverage and decreases the minimum lot depth to establish consistency with similar development in Ontario Ranch; ▪ Adds and amends certain setback requirements to establish consistency with similar development in Ontario Ranch; ▪ Clarifies that the required 6-foot minimum separation between buildings only applies to buildings on the same lot; ▪ Adds Note 6 clarifying that lots having a street abutting the side or rear property line must setback the rear wall 5 feet behind the street property line to allow for landscaping beyond the required parkway landscaping; ▪ Adds Note 7 clarifying that the minimum setbacks from private streets are to be measured from a point 12 feet behind the face of curb; and ▪ Adds Note 8 allowing the interior side property line setback to be reduced to 4 feet if the setback area is combined with the side setback area of the adjacent property to create a single minimum 8-FT wide outdoor use area clear of walls. 	
<p>34) Adds Figure 6.01-2A, an example of a typical small lot traditional single-family residential development with vehicular access from the street.</p>	6.01-13
<p>35) Various revisions have been made to Table 6.01-2B (Small Lot Alley-Loaded Single-Family Residential Development Standards), including:</p> <ul style="list-style-type: none"> ▪ Adds the MDR-18, MDR-25, and HDR-45 zoning districts to the table; ▪ Adds minimum lot width, lot depth, and lot coverage requirements to establish consistency with similar development in Ontario Ranch; ▪ Adds and amends certain setback requirements to establish consistency with similar development in Ontario Ranch; ▪ Adds Note 5 clarifying that lots having a street abutting the side or rear property line must setback the rear wall 5 feet behind the street property line to allow for landscaping beyond the required parkway landscaping; ▪ Adds Note 6 allowing the interior side property line setback to be reduced to 4 feet if the setback area is combined with the side setback area of the adjacent property to create a single minimum 8-FT wide outdoor use area clear of walls; and ▪ Adds Note 8 clarifying that the minimum setbacks from private streets are to be measured from a point 12 feet behind the face of curb. 	6.01-14 thru 6.01-16
<p>36) Adds Figure 6.01-2B, exemplifying a typical small lot alley-loaded single-family residential development.</p>	6.01-17

Table A: Proposed Development Code Amendment

Proposed Changes	Corrected Pages**
<p>37) Various revisions have been made to Table 6.01-2C (Cluster Single-Family Residential Development Standards), including:</p> <ul style="list-style-type: none"> ▪ Adds the MDR-18, MDR-25, and HDR-45 zoning districts to the table; ▪ Adds and amends certain setback requirements to establish consistency with similar development in Ontario Ranch; ▪ Adds Note 5 clarifying that lots having a street abutting the side or rear property line must setback the rear wall 5 feet behind the street property line to allow for landscaping beyond the required parkway landscaping; ▪ Adds Note 6 allowing the interior side property line setback to be reduced to 4 feet if the setback area is combined with the side setback area of the adjacent property to create a single minimum 8-FT wide outdoor use area clear of walls; and ▪ Adds Note 8 clarifying that the minimum setbacks from private streets are to be measured from a point 12 feet behind the face of curb. 	<p>6.01-18 thru 6.01-20</p>
<p>38) Adds Figure 6.01-2B, exemplifying a typical cluster single-family residential development.</p>	<p>6.01-21</p>
<p>39) Various revisions have been made to Table 6.01-3 (Multiple-Family Residential Development Standards), including:</p> <ul style="list-style-type: none"> ▪ Various word insertions have been made for purposes of clarification; ▪ The minimum project area for the HRD-45 zoning district has been reduced, from 2.5 acres to one-acre; ▪ The minimum lot width for the HRD-45 zoning district has been reduced, from 330 feet to 180 feet; ▪ The minimum lot depth for the HRD-45 zoning district has been reduced, from 330 feet to 200 feet; ▪ The minimum arterial street setback for the HRD-45 zoning district has been reduced, from 20 feet to 10 feet; ▪ The minimum setback for a primary entry facing onto an interior property line has been reduced from 15 feet to 10 feet (Note 4); ▪ Clarifies that a residential lot must be developed at no less than the minimum density range of the applicable zoning district (Note 7); and ▪ Adds Note 9 clarifying that the minimum setbacks from private streets are to be measured from a point 12 feet behind the face of curb. 	<p>6.01-22 thru 6.01-24</p>

Table A: Proposed Development Code Amendment

Proposed Changes	Corrected Pages**
40) Adds Figures 6.01-3A, 6.01-3B, 6.01-3C, and 6.01-3D, providing examples of various multiple-family densities.	6.01-25 thru 6.01-28
41) Revises the exceptions to residential development standards as follows: <ul style="list-style-type: none"> ▪ Adds parapet walls to the list of building elements that may exceed the maximum building height by up to 25 percent; ▪ Porte cocheres attached to a main dwelling will be allowed to extend a maximum of 30 percent into the required setback depth (same as porches, patios, and decks); ▪ A side setback that is encroached upon by a porte cochere, can be reduced to less than 3 feet, matching allowed encroachments by fireplaces and chimneys. This is an increase from the current 2.5-foot allowed encroachment; ▪ Adds utility and storage closets to the list of building elements that may encroach 2 feet into a side setback; however, like fireplaces and chimneys, the setback cannot be reduced to less than 3 feet. 	6.01-29 and 6.01-30
42) Revises the residential open space requirements as follows: <ul style="list-style-type: none"> ▪ Various word insertions and deletions have been made for purposes of clarification; ▪ Open space requirements will apply only to projects consisting of 4 or more dwellings; ▪ Adds splash pads to the description of major recreation facilities; and ▪ Adds tot lots for ages 2 to 5, play areas/equipment for ages 5 to 12, and cabanas and shade structures to the description of minor recreation facilities. 	6.01-30 thru 6.01-32
43) Various word insertions and deletions have been made to the infill single-family housing provisions to clarify that the provisions are intended to apply to only infill traditional single-family dwellings.	6.01-39
44) Deletes swimming pool, hot tub, spa, and pond fencing requirements that are duplicated in Development Code Section 6.02.020.A.3 (Ponds and Swimming Pools) and adds section reference. Additionally, reduces the side and rear setback for swimming pools, hot tubs, spas, and ponds from 5 feet to 3 feet.	6.01-40
45) Revises the exceptions to commercial development standards, adding parapet walls to the list of building elements that may exceed the maximum building height by up to 25 percent.	6.01-55

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Proposed Changes	Corrected Pages**
46) Adds clarification that the use of transparent glazing on commercial developments provides the City's public safety personnel the ability to view inside a building without having to first enter the structure.	6.01-49
47) Revises the exceptions to industrial development standards, adding parapet walls to the list of building elements that may exceed the maximum building height by up to 25 percent.	6.01-65
48) Development standards for the EA (Euclid Avenue) Overlay District have been revised to: <ul style="list-style-type: none"> ▪ Specify that land development within the overlay district is subject to the requirements of the Downtown Ontario Design Guidelines (see Reference C—Downtown Ontario Design Guidelines); and ▪ Eliminate the prohibition of medical offices and clinics on the first floor of buildings that have street frontage on Euclid Avenue. 	6.01-80
49) Development standards for the ICC (Interim Community Commercial) Overlay District have been revised to eliminate certain provisions restricting the overlay to properties within the HDR-45 zoning district.	6.01-82
Division 6.03—Off-Street Parking and Loading	
50) Adds exception to off-street parking requirements, specifying that within the MU-1 (Downtown Mixed Use) zoning district, off-street parking is not required for existing buildings having a floor area of less than 10,000 square feet.	6.03-3
51) Table 6.03-1 (Off-Street Parking Requirements) has been revised as follows: <ul style="list-style-type: none"> ▪ Change in the method of calculation for residential guest/visitor parking. The change in method will not result in a change in the number of parking spaces that would otherwise be required; and ▪ The number of parking spaces required for accessory dwelling unit (ADUs) has been changed to conform to State law. 	6.03-5
52) Eliminates discussion of tandem parking for second units, as the term "second unit" is no longer used in the Development Code.	6.03-12
53) Revises Table 6.03-2 (Standards for Parking Spaces, Drive Aisles, and Driveways), eliminating the maximum gradients permitted at driveway entrances, as the current requirements are inconsistent with the City's Building Code.	6.03-14

Table A: Proposed Development Code Amendment

Proposed Changes	Corrected Pages**
54) Eliminates Sections 6.03.060 (Prohibition of Parking on Undeveloped or Unpaved Lots) and 6.03.065 (Prohibition of Parking on Landscaped or Unpaved Areas of a Lot), which were previously added to the City's Municipal Code.	6.03-20 and 6.03-21
Division 6.05—Landscaping	
55) Adds reference to Executive Order No. B-29-15 (updated 2015), Model Water Efficient Ordinance (MWELO)	6.05-1
56) Amends the tree staking, ground cover spacing, and grading design and stormwater management requirements to be consistent with the City's current landscape standards and specifications.	6.05-19 and 6.05-20
Division 6.06—Street Naming and Street Address Numbering	
57) Eliminates the use of "Via" as an allowed private street name prefix at the request of the Post Office.	6.06-3
Division 6.08—Development Projects and Subdivisions	
58) Certain additions and deletions have been made throughout Division 6.08 for the purpose of clarifying that the Development Code's dedication and public improvement requirements apply to development plans and projects, and not only to subdivisions.	6.08-1 thru 6.08-32
Division 6.10—Property Appearance and Maintenance	
59) Eliminates the Property Appearance and Maintenance provisions, which were previously added to the City's Municipal Code.	6.10-1 thru 6.10-7
Division 7.01—Historic Preservation	
60) Revises the Mitigation Fee structure based on the most current International Code Council (ICC) Building Valuation Data. Fees can range from 10 to 30 percent of the square foot cost to construct the building or structure that is being demolished.	7.01-6 and 7.01-7
Division 8.01—Sign Regulations	
61) Adds topical headings to the listing of exempt signs.	8.01-2 and 8.01-3

Table A: Proposed Development Code Amendment

Proposed Changes	Corrected Pages**
62) In commercial and industrial zoning districts, all existing standards addressing wall signs with multiple lines of copy have been eliminated. Signs with multiple lines of copy will now be treated like all other signs in the zoning district.	8.01-17, 8.01-21, 8.01-22, 8.01-24, and 8.01-25
Division 9.01—Definitions	
63) Adds various new definitions and makes certain changes to existing definitions for the purposes of clarification.	Throughout
Division 9.02—Glossary	
64) Makes certain changes to existing definitions for the purposes of clarification.	Throughout
<i>Note: ** Refer to Attachment A of the attached Planning Commission resolution for Development Code additions and deletions</i>	

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
- Maintain the Current High Level of Public Safety
- Operate in a Businesslike Manner
- Pursue City’s Goals and Objectives by Working with Other Governmental

Agencies

- Focus Resources in Ontario’s Commercial and Residential Neighborhoods

(2) Vision.

Distinctive Development:

- Commercial and Residential Development

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

(3) Governance.

Decision Making:

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

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

(4) Policy Plan (General Plan)

Land Use Element – Balance:

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

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

- LU1-2 Sustainable Community Strategy. We integrate state, regional and local Sustainable Community/Smart Growth principles into the development and entitlement process.

- LU1-3 Adequate Capacity. We require adequate infrastructure and services for all development.

- LU1-4 Mobility. We require development and urban design, where appropriate, that reduces reliance on the automobile and capitalizes on multi-modal transportation opportunities.

- 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.

- LU1-7 Revenues and Costs. We require future amendments to our Land Use Plan to be accompanied by analyses of fiscal impacts.

Land Use – Compatibility

- Goal LU2: Compatibility between wide ranges of uses.

➤ LU2-2 Buffers. We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.

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

Land Use – Phased Growth

▪ Goal LU4: Development that provides short-term value only when the opportunity to achieve our Vision can be preserved.

➤ LU4-3 Infrastructure Timing. We require that the necessary infrastructure and services be in place prior to or concurrently with development.

Community Design Element – Image & Identity:

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

➤ CD1-2 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.

➤ CD1-4 Transportation Corridors. We will enhance our major transportation corridors within the City through landscape, hardscape, signage and lighting.

➤ CD1-5 View Corridors. We require all major north-south streets be designed and redeveloped to feature views of the San Gabriel Mountains, which are part of the City's visual identity and a key to geographic orientation. Such views should be free of visual clutter, including billboards and may be enhanced by framing with trees.

Community Design Element – Design Quality

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

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

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

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

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

➤ CD2-3 Commercial Centers. We desire commercial centers to be distinctive, pedestrian friendly, functional and vibrant with a range of businesses, places to gather, and connectivity to the neighborhoods they serve.

➤ CD2-3 Commercial Centers. We desire commercial centers to be distinctive, pedestrian friendly, functional, and vibrant with a range of businesses, places to gather, and connectivity to the neighborhoods they serve.

➤ CD2-5 Streetscapes. We design new and, when necessary, retrofit existing streets to improve walkability, bicycling and transit integration, strengthen connectivity, and enhance community identity through improvements to the public right of way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.

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

➤ CD2-8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways,

corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.

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

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

➤ CD2-11 Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

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

Community Design Element – Pedestrian & Transit Environments

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

➤ CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.

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

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

Community Design Element – Protection of Investment

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

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

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

Mobility Element – Roadway System:

- Goal M1: A system of roadways that meets the mobility needs of a dynamic and prosperous Ontario.

- M1-2 Mitigation of Impacts. We require development to mitigate its traffic impacts.

Mobility Element – Bicycles & Pedestrians:

- Goal M2: A system of trails and corridors that facilitate and encourage bicycling and walking.

- M2-1 Bikeway Plan. We maintain our Multipurpose Trails & Bikeway Corridor Plan to create a comprehensive system of on- and off-street bikeways that connect residential areas, businesses, schools, parks, and other key destination points.

- M2-2 Bicycle System. We provide off-street multipurpose trails and Class II bikeways as our primary paths of travel and use the Class III for connectivity in constrained circumstances.

- M2-3 Pedestrian Walkways. We require walkways that promote safe and convenient travel between residential areas, businesses, schools, parks, recreation areas, and other key destination points.

Housing Element – Housing Supply & Diversity:

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

- H2-1 Corridor Housing. We revitalize transportation corridors by encouraging the production of higher density residential and mixed-uses that are architecturally, functionally, and aesthetically suited to corridors.

➤ H2-3 Ontario Airport Metro Center. We foster vibrant, urban, intense and highly amenitized community in the Ontario Airport Metro Center Area through a mix of residential, entertainment, retail and office-oriented uses.

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

Community Economics Element – Complete Community:

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

➤ CE1-1 Jobs-Housing Balance. We pursue improvement to the Inland Empire’s balance between jobs and housing by promoting job growth that reduces the regional economy’s reliance on out-commuting.

➤ CE1-7 Retail Goods and Services. We seek to ensure a mix of retail businesses that provide the full continuum of goods and services for the community.

Community Economics Element – Place-Making:

▪ 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.

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

➤ CE2-6 Public Maintenance. We require the establishment and operation of maintenance districts or other vehicles to fund the long-term operation and maintenance of the public realm whether on private land, in rights-of-way, or on publicly owned property.

HOUSING ELEMENT COMPLIANCE: The Project will be consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project furthers the purposes, principals, goals, and policies of the Housing Element, in that it will expand upon the types of housing that may be constructed throughout residential and mixed use zoning districts of the City and will allow for alternate forms of home rental and fee-simple homeownership.

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

ENVIRONMENTAL REVIEW: The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the common sense exemption (general rule) that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

RESOLUTION NO. PC20-087

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL RESCIND ORDINANCE NO. 3150, AN URGENCY ORDINANCE PREVIOUSLY APPROVED BY THE CITY COUNCIL ON JANUARY 21, 2020, IN ORDER TO BRING THE CITY'S CURRENT PROVISIONS GOVERNING ACCESSORY DWELLING UNITS INTO COMPLIANCE WITH CHANGES IN STATE LAW, AND APPROVE FILE NO. PDCA18-003, A DEVELOPMENT CODE AMENDMENT PROPOSING TO: [1] REVISE CURRENT REGULATIONS GOVERNING ACCESSORY DWELLING UNITS; [2] REVISE CERTAIN REGULATIONS GOVERNING THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT, FACILITATING THE ESTABLISHMENT OF THE DOWNTOWN DISTRICT PLAN; [3] ESTABLISH NEW REGULATIONS GOVERNING THE ESTABLISHMENT OF SMALL LOT INFILL SUBDIVISIONS; [4] REVISE CURRENT REGULATIONS GOVERNING MASSAGE SERVICES AND MASSAGE ESTABLISHMENTS; AND [5] MODIFY CERTAIN DEVELOPMENT CODE REGULATIONS TO INCLUDE VARIOUS CLARIFICATIONS, INCLUDING CHAPTER 2.0 (ADMINISTRATION AND PROCEDURES), CHAPTER 3.0 (NONCONFORMING LOTS, LAND USES, STRUCTURES, AND SIGNS), CHAPTER 5.0 (ZONING AND LAND USE), CHAPTER 6.0 (DEVELOPMENT AND SUBDIVISION REGULATIONS), CHAPTER 7.0 (HISTORIC PRESERVATION), CHAPTER 8.0 (SIGN REGULATIONS), AND CHAPTER 9.0 (DEFINITIONS AND GLOSSARY), AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, The City of Ontario ("Applicant") has initiated an Application for the approval of a Development Code Amendment, File No. PDCA18-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application is of Citywide impact, affecting approximately 50 square miles (31,789 acres) of land, which is generally bordered by Benson Avenue and Euclid Avenue on the west; Interstate 10 Freeway, Eighth Street, and Fourth Street on the north; Etiwanda Avenue and Hamner Avenue on the east; and Merrill Avenue and the San Bernardino County/Riverside County boundary on the south; and

WHEREAS, current Development Code provisions regarding the regulation of Accessory Dwelling Units ("ADUs") have been revised, which is intended to replace an Urgency Ordinance (Ordinance No. 3150) previously approved by the City Council on January 21, 2020, in order to bring the City's current provisions governing ADUs into compliance with changes in State law that became effective on January 1, 2020, (Senate

Bill 13, Assembly Bill 68, and Assembly Bill 881) and Government Code Sections 65852.2 and 65852.22; and

WHEREAS, the City of Ontario is initiating a myriad of alterations to the Development Code, including those required in compliance with changes in State law, as well as those changes deemed necessary to adjust and clarify various provisions of the Development Code, attached hereto as "Attachment A," and incorporated herein by this reference; and

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

WHEREAS, on December 1, 2015, the City Council approved a comprehensive update to the Ontario Development Code (Ordinance No. 3028), which became effective on January 1, 2016. The City is now initiating numerous alterations to the Development Code, including those required in compliance with changes in State law, as well as those changes deemed necessary to adjust and clarify various provisions of the Development Code; and

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

WHEREAS, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that 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 within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing

procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on October 27, 2020, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1: Environmental Determination and Findings. As the recommending authority for the Project, the Planning Commission has reviewed and considered the information contained in the 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 proposed Development Code Amendment is exempt from the requirements of the CEQA and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the common sense exemption (general rule) that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

(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 recommending authority for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project will be consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, the project furthers the purposes, principals, goals, and policies of the Housing Element, in that it will

expand upon the types of housing that may be constructed throughout residential and mixed use zoning districts of the City and will allow for alternate forms of home rental and fee-simple homeownership.

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

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

(1) *The proposed Development Code Amendment is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.* Staff has thoroughly reviewed the proposed Municipal Code Amendment and the conditions under which it will be implemented, and has determined the proposed Municipal Code provisions to be consistent with the applicable goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.

(2) *The proposed Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.* The proposed changes serve to clarify and adjust existing provisions and would not result in changes to the Development Code that would alter its purpose, intent, or application.

SECTION 5: *Planning Commission Action.* Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby recommends the City Council

(1) Rescind Ordinance No. 3150, an Urgency Ordinance previously approved by the City Council on January 21, 2020, in order to bring the City's current provisions governing ADUs into compliance with changes in State law, which became effective on January 1, 2020, (Senate Bill 13, Assembly Bill 68, and Assembly Bill 881) and Government Code Sections 65852.2 and 65852.22; and

(2) Approve the herein described Development Code Amendment, including each and every addition and deletion identified in Attachment A of this resolution.

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 27th day of October 2020, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



Jim Willoughby
Planning Commission Chairman

ATTEST:



Rudy Zeledon
Planning Director and
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC20-087, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on October 27, 2020, by the following roll call vote, to wit:

AYES: DeDiemar, Gregorek, Reyes, Ricci, Willoughby

NOES: None

ABSENT: Gage

ABSTAIN: None



Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PDCA18-003
Development Code Revisions**

All additions are identified by **yellow highlighted** text and
all deletions are identified by **red-strikethrough** text.

***** Document follows this page *****

Division 2.02—Application Filing and Processing

Sections:

- [2.02.000](#): Purpose
- [2.02.005](#): Applicability
- [2.02.010](#): Applications and Fees
- [2.02.015](#): Application Processing Procedures
- [2.02.020](#): Environmental Review
- [2.02.025](#): Time Limits and Extensions
- [2.02.030](#): Failure by Applicant to Complete Application Processing
- [2.02.035](#): Limitations on Application Refiling
- [2.02.040](#): Indemnification

2.02.000: Purpose

The purpose of this Division is to establish procedures and requirements for the preparation, filing and processing of applications for permits, amendments, and approvals stipulated by this Development Code.

2.02.005: Applicability

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

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

Table 2.02-1: Review Matrix

<i>Applications, Actions, Decisions and Processes</i>	<i>Reviewing Authorities [4]</i>									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
A. LEGISLATIVE ACTIONS										
1. Airport Land Use Compatibility Plan and Amendments [1] (Ref: ODC Section 4.01.010)								R	X	
2. Development Agreements [1] (Ref: ODC Section 4.01.015)								R	X	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
3. Development Code Amendments [1] (Ref: ODC Section 4.01.020)								R	X	
4. Amendment to the Policy Plan (General Plan) Component of The Ontario Plan [1] (Ref: ODC Section 4.01.025)								R	X	
5. Planned Unit Developments and Amendments [1] (Ref: ODC Section 4.01.030)								R	X	
6. Specific Plans and Amendments [1] (Ref: ODC Section 4.01.035)								R	X	
7. Williamson Act Contract Cancellations [1] (Ref: GC Section 51200 et.seq.)								R	X	
8. Zone Changes [1] (Ref: ODC Section 4.01.040)								R	X	
B. DISCRETIONARY PERMITS AND ACTIONS										
1. Administrative Exceptions (Ref: ODC Section 4.02.020.C)				X				A	A	
2. Billboard Relocation Agreements [1] (Ref: ODC Section 4.02.010)								R	X	
3. Conditional Use Permits (Ref: ODC Section 4.02.015)										
a. Hotels, Motels and Residence Inns [1]								R	X	
b. Use established in conjunction with a Development Plan [1]					R			X	A	
c. Use established within an existing structure [1]				X				A	A	
d. Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) [1]								X	A	
e. Revocation due to abandonment of use per ODC Division 2.05 (City Initiated Modification or Revocation) [1]				X				A	A	
4. Density Bonus and Other Incentives per ODC Section 6.01.010.G (Density Bonus and Other Incentives) [1]								R	X	
5. Development Plans (Ref: ODC Section 4.02.025)										
a. Residential developments totaling 5 or more dwelling units or the development of 3 or more dwelling units on a single lot or parcel					R			X	A	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
b. Commercial developments, and developments in the CIV, OS-R, OS-C and UC zoning districts, greater than 500 SF in area					X			A	A	
c. Industrial developments equal to or less than 0.45 FAR					X			A	A	
d. Industrial developments exceeding 0.45 FAR					R			X	A	
e. Wireless telecommunications facilities pursuant to Section 5.03.415 (Wireless Telecommunications Facilities) of this Development Code										
(1) Tier 2 facilities					X			A	A	
(2) Tier 3 facilities [1]					R			X	A	
f. All others					X			A	A	
6. Extensions of Legal Nonconforming Status [1] (Ref: ODC Section 4.02.030)				X				A	A	
7. Fair Housing and Reasonable Accommodation [1] (Ref: ODC Section 4.02.035)				X				A	A	
8. Historic Preservation										
a. Certificates of Appropriateness (Ref: ODC Section 4.02.050)										
(1) Designated Historic Landmarks and Contributors, and Architectural Conservation Areas; and Demolition of an Historic Resource [1]						R	X		A	
(2) Deferral of Replacement Structure [1]						R	X		A	
(3) Eligible Historic Resources [1]						X	A		A	
(4) Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) [1]						R	X		A	
(5) Waivers for Minor Improvements	X					A[6]	A[6]			
b. Certificates of Economic Hardship [1] (Ref: ODC Section 4.02.055) [1]						R	X		A	
c. Certificates of Economic Hardship—Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) [1]						R	X		A	
d. Conservation Plans (Ref: ODC Section 4.02.060)						X	A		A	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
e. Historic Resource Tiering (Ref: ODC Section 4.02.040), including Rescinding or Amending Status (Ref: ODC Section 4.02.045)						X	A		A	
f. Local Historic Landmark and Local District Designations, and Architectural Conservation Areas (Ref: ODC Section 4.02.040), including Rescinding or Amending Status (Ref: ODC Section 4.02.045)						R	R		X	
g. Mills Act Contracts (Ref: ODC Section 4.02.065)						R	R		X	
h. Mills Act Cancellations [1] (Ref: ODC Section 4.02.065)						R	R		X	
i. Addition/Removal of Resources to/from the Ontario Register (Ref: ODC Section 4.02.045)										
(1) At the request of the property owner, or upon City initiation if the most recently prepared Historic Resource Survey evaluating the resource is more than 5 years old.						X	A		A	
(2) Loss of all historic and/or cultural significance due to a catastrophe causing a loss of integrity, or due to extensive legally performed alterations performed after the property was initially surveyed.	X						A		A	
9. Interpretations and Land Use Determinations (Ref: ODC Section 1.02.010)				X				A	A	
10. Master Plans and Amendments [1] (Ref: ODC Section 4.02.070)								R	X	
11. Minor Variances (Ref: ODC Section 4.02.020.D)				X				A	A	
12. Nonconforming Structure Reconstruction [1] (Ref: ODC Section 3.01.020)								X	A	
13. Parking Reduction (Ref: ODC Section 6.03.025)								X	A	
14. Sign Programs (Ref: ODC Section 4.02.075)	X							A	A	
15. Specific Plan Minor Amendments (Ref: ODC Section 4.02.080)	X							A	A	
16. Stays of Permit Approval Time Limit (Ref: ODC Section 2.02.025.A.8)				X[5]	X[5]	X[5]	X[5]	X[5]	X[5]	
17. Subdivisions										

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
a. Lot Merger (Merger of Contiguous Parcels) [1] (Ref: ODC Section 4.02.085)					R			X	A	
b. Reversions to Acreage [1] (Ref: ODC Section 4.02.090)					R			X	A	
c. Tentative Tract and Parcel Maps, and Vesting Maps [1] (Ref: ODC Section 4.02.095)					R			X	A	
d. Tentative Tract and Parcel Map Time Extensions (Ref: ODC Section 2.02.025.A.3 & 4)					R			X	A	
18. Time Extensions, excepting tentative subdivision maps (Ref: ODC Section 2.02.025)	X							A	A	
19. Variances (Ref: ODC Section 4.02.020.E)										
a. Homeowner [1]				X				A	A	
b. Other [1]					R			X	A	
C. MINISTERIAL (ADMINISTRATIVE) PERMITS AND DECISIONS										
1. Administrative Use Permits (Ref: ODC Section 4.03.015)	X									
2. Airport Land Use Compatibility Plan (ALUCP) Interagency Reviews [7] (Ref: ALUCP)	X								A[8]	
3. Business License - Zoning/Land Use Compliance (Ref: OMC 3-1.129 (Zoning Compliance))	X							A	A	
4. Development Applications within the ONT zoning district	X									
5. Landscape and Irrigation Plans (Ref: ODC Section 6.05.005)	X							A	A	
6. Off-Site (Public) Improvement Plans (Ref: ODC Section 6.08.040)		X						A	A	
7. Other Plan Checks required by this Development Code	X							A	A	
8. Shopping Cart Retention Plans (Ref: ODC Section 6.11.020)	X							A	A	
9. Sign Plans (Ref: ODC Section 4.03.020)	X							A	A	
10. Subdivisions										
a. Certificates of Compliance (Ref: ODC Section 4.03.025)		X						A	A	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
b. Final Tract and Parcel Maps, and Vesting Maps (Ref: ODC Section 4.03.030)									X	
c. Lot Line Adjustments (Ref: ODC Section 4.03.035)		X						A	A	
d. Map Corrections and Amendments (Ref: ODC Section 4.03.040)		X						A	A	
e. Street Address Numbering (Ref: ODC Section 6.06.010)			X					A	A	
f. Street Name Assignment (Ref: ODC Section 6.06.010)	X							A	A	
g. Subdivision Improvement Agreement (Ref: ODC Section 6.08.040.G)		X						A	A	
11. Tier 1 wireless telecommunications facility pursuant to ODC Section 5.03.415 (Wireless Telecommunications Facilities)	X							A	A	
12. Wall, Fence, and Obstructions Plans (Ref: ODC Section 6.02.005)	X							A	A	
D. ENVIRONMENTAL DETERMINATIONS AND ACTIONS										
1. Environmental Impact Reports (EIRs) (Ref: CCR Section 15080 et seq.)								X[3]	X[3]	
2. Exempt Projects (Ref: CCR Section 15300 et seq.)	X[3]			X[3]	X[3]	X[3]	X[3]	A	A	
3. Ministerial Projects (Ref: CCR Section 15268)	X[3] Ministerial projects are exempt from the requirements of CEQA [10]									
4. Negative Declarations (NDs) and Mitigated Negative Declarations (MNDs) (Ref: CCR Section 15070 et seq.)				X[3]	X[3]	X[3]	X[3]	X[3]	X[3]	
5. Addendums to previously certified EIRs and previously adopted NDs and MNDs (Ref: CCR Section 15164)				X[3]	X[3]	X[3]	X[3]	X[3]	X[3]	
6. Environmental review for projects located within the ONT zoning district [9]										X

Notes:

- [1] A public hearing is required pursuant to the procedures set forth in Division 2.03 (Public Hearings) of this Development Code; however, public notification shall not be required for Development Advisory Board or Historic Preservation Subcommittee hearings when acting in the capacity of an Advisory Authority.
- [2] The Approving Authority may refer any application subject to their review to the next higher authority (Appeal Authority).

- [3] *The Approving Authority for environmental determinations/actions shall be the same as the related legislative or discretionary actions. NDs and MNDs, and Addendums to previously certified EIRs, and previously adopted NDs or MNDs, which are not associated with, or are independent of, legislative or discretionary actions, shall be subject to Development Advisory Board review and adoption. EIRs that are not associated with, or are independent of, legislative or discretionary actions shall be subject to Planning Commission review and certification.*
- [4] *An application submitted for concurrent review and action with another application, action or decision requiring review and action by a higher Reviewing Authority shall be subject to concurrent review and action by that higher Reviewing Authority.*
- [5] *The Approving Authority responsible for issuing a “Stay of Permit Approval Time Limit” pursuant to Section 2.02.025 (Projects Involving Pending Litigation) of the Development Code, shall be the same as for the related application, action or decision.*
- [6] *An appeal of an Historic Preservation—Certificate of Appropriateness—Waiver shall be considered by the Historic Preservation Subcommittee, except that an Historic Preservation—Waiver for an Historic Landmark shall be considered by the Historic Preservation Commission*
- [7] *Refer to the ALUCP for procedures for application processing and administration, and appeals processing.*
- [8] *Appeal shall be subject to review by the Mediation Board established pursuant to ALUCP Section 4.*
- [9] *Pursuant to the Joint Powers Authority agreement between the City of Ontario and the County of San Bernardino, the Ontario International Airport Authority shall be the lead agency.*
- [10] *Ministerial projects are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15268 of the CEQA Guidelines. The following projects or actions shall be deemed ministerial:*
- *Administrative Use Permit issuance;*
 - *ALUCP inter agency reviews;*
 - *Building permit issuance;*
 - *Business license issuance;*
 - *Encroachment permit issuance;*
 - *Final subdivision map approval;*
 - *Individual utility service connection and disconnection approval;*
 - *Landscape and irrigation plan approval;*
 - *Lot Line Adjustment approval;*
 - *Public improvement plan approval;*
 - *Shopping cart retention plan approval;*
 - *Sign Plan approval;*
 - *Street address number issuance;*
 - *Subdivision Improvement Agreement approval;*
 - *Subdivision map corrections and amendments approval;*
 - *Temporary Use Permit issuance;*
 - *Tier 1 wireless telecommunications facility approval; and*
 - *Wall and/or fence plan approval.*
- [11] *Applications that do not require a public Hearing pursuant to Note 1, above, may be reviewed and acted upon under the “Consent Calendar” portion of the Approving Authority meeting agenda.*

2.02.010: Applications and Fees

A. Application filing.

1. An application for a permit, permit modification, amendment, or any other matters pertaining to this Development Code shall be filed with the City, on a City application form, together with any required fees, plans, maps, reports, special studies, exhibits, and any other information deemed necessary by the City to process the application.

2. An application may be initiated by the City, owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Development Code, or their agent(s).

3. A project requiring the filing of more than one land use or entitlement permit application shall, to the extent possible, be filed with all related applications for concurrent review

and action by the highest required Reviewing Authority, except that an Administrative Exception application filed in conjunction with a Development Plan shall require separate review and action by the appropriate Reviewing Authority.

B. Filing Fees.

1. The City Council may establish by resolution, a schedule of fees for permits, amendments, inspections, licenses, services, and other matters pertaining to this Development Code. The schedule of fees may be changed or modified only by resolution of the City Council.

2. Application review and action shall not commence until such time that all applicable filing fees and/or deposits have been paid in full. An application received without all applicable filing fees and/or deposits shall be deemed incomplete for filing and further processing, and shall be deemed just cause for denial of the application. In the case of time and materials projects, the payment of additional deposits may be required to fully cover all City processing costs.

C. Refunds and Withdrawals.

1. The refund of filing fees in response to the denial of an application shall be prohibited, recognizing that filing fees are utilized to cover City costs related to public hearings, mailings, postings, transcripts, and staff time involved in processing applications.

2. An applicant wishing to withdraw their application may do so by written request to the Planning Director at any time prior to action by the Approving Authority.

3. Upon receipt of a request for application withdrawal, the Planning Director may order the refund of all or part of the filing fees, based upon the prorated costs to date and determination of the status of the application at the time of withdrawal.

2.02.015: Application Processing Procedures

This section is intended to provide general procedures for the processing of applications for legislative actions, discretionary permits and actions, and ministerial permits and decisions filed pursuant Table 2.02-1 (Review Matrix) of this Division.

A. Legislative Actions. The Advisory and Approving Authorities for legislative actions are established by Table 2.02-1 (Review Matrix) of this Division. Unless otherwise stipulated by Division 4.01 (Legislative Actions) of this Development Code, the procedure for reviewing and acting upon an application resulting in a legislative action is as follows:

1. Initial Review for Application Completeness. Legislative actions shall be initially reviewed for application completeness and acceptance, as follows:

a. Review for Application Completeness.

(1) Following receipt of an application filed in compliance with this Division, the Planning Department shall determine, in writing, whether the application is complete for processing and shall transmit the determination to the applicant.

(2) If an application is determined to be incomplete for processing, the Planning Department shall specify those parts of the application that 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 City in response to the list and description, which shall be reviewed pursuant to Subparagraph A.1.a(1), above.

(3) If the application, together with the submitted materials, is determined to be incomplete for processing, the applicant may appeal that decision to the Planning Commission pursuant to the provisions of Division 2.04 (Appeals) of this Development Code.

(4) Failure of an applicant to submit complete or adequate information pursuant to the provisions of Subparagraphs A.1.a(1) and (2), above, shall constitute grounds for denial of the application.

b. Application Acceptance.

(1) Following acceptance of an application as complete for processing, no new or additional information may be requested of the applicant; however, in the course of processing the application, the Planning Department may request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application. This provision shall not be so construed as to require an applicant to submit with the initial application, the entirety of the information that the Planning Department may require in order to take final action on the application.

(2) Prior to accepting an application as complete for processing, the Planning Department shall inform the applicant of any information included in the list prepared pursuant to Subparagraph A.1.b(1), above, which will subsequently be required from the applicant in order to complete final action on the application.

(3) The provisions of this Section shall not be construed as limiting the ability of the Planning Department to request and obtain information that may be needed in order to comply with the provisions of PRC Division 13 (commencing with Section 21000).

2. Investigation and Report.

a. Following acceptance of an application as complete for processing pursuant to Subparagraph B.1 (Initial Review for Application Completeness), above, the Planning Department shall investigate the facts bearing on the application and shall prepare a written report, which shall be transmitted to the appropriate Reviewing Authority.

b. The Planning Department's report shall provide the information necessary for action on the application, consistent with the provisions of this Development Code and The Ontario Plan, and shall report all findings to the appropriate Reviewing Authority.

c. During the investigation of the facts bearing on the application, the Planning Department may consult with other City departments and public agencies.

3. Public Hearings.

a. The Advisory and Approving Authorities established by Table 2.02-1 (Review Matrix), shall each conduct at least one public hearing, which shall be duly noticed, heard, and acted upon pursuant to Division 2.03 (Public Hearings) of this Development Code.

b. The Planning Department's written report, prepared pursuant to Subparagraphs A.2.a through c, above, shall be made available to the property owner and applicant, if different from the property owner, at least 72 hours prior to the public hearing.

4. Advisory Authority Review and Recommendation. The procedure for review and recommendation on a legislative action by an Advisory Authority is as follows:

a. The Advisory Authority shall make recommendation to the Approving Authority whether to approve, approve in modified form, or deny an application, which shall be transmitted to the Approving Authority in such manner and form as specified by the Approving Authority.

b. The Advisory Authority shall forward its recommendation to the Approving Authority within 60 days following the date its decision was rendered.

5. Approving Authority Review and Action. The procedure for review and action on a legislative action by the Approving Authority is as follows:

a. Upon receipt of the Advisory Authority's recommendation, the Approving Authority shall approve, approve in modified form, or deny an application.

b. The action of the Approving Authority shall be by written decision, setting forth the basis for the action, and shall include any applicable findings prescribed by Division 4.01 (Legislative Actions) of this Development Code. There shall be no time limit within which the Approving Authority must act on a legislative action.

c. The Approving Authority's action shall be final and conclusive.

6. Effective Date of Approving Authority Action. A legislative approval granted by resolution is effective immediately upon adoption of the numbered resolution by the City Council. A legislative approval granted by ordinance is effective 30 days following the date of adoption of the ordinance by the Approving Authority.

B. Discretionary Permits and Actions. The Advisory, Approving, and Appeal Authorities for discretionary permits and actions are established by Table 2.02-1 (Review Matrix) of this Division. Unless otherwise stipulated by Division 4.02 (Discretionary Permits and Actions) of this Development Code, the procedure for reviewing and acting upon an application resulting in a discretionary permit or action is as follows:

1. Initial Review for Application Completeness. Applications requesting discretionary permits and/or actions shall be initially reviewed for application completeness and acceptance, as follows:

a. *Review for Application Completeness.*

(1) Within 30 days following receipt of an application filed in compliance with this Division, the Planning Department shall determine, in writing, whether the application is complete for processing and shall transmit the determination to the applicant. If the written determination is not made within the required period, the application shall be automatically deemed complete for processing. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which time completeness of the resubmitted application shall be determined.

(2) If an application is determined to be incomplete for processing, the Planning Department shall specify those parts of the application that 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 Planning Department in response to the list and description, which shall be reviewed pursuant to Subparagraph B.1.a(1), above.

(3) If the application, together with the submitted materials, is determined to be incomplete for processing, the applicant may appeal that decision to the Planning Commission pursuant to the provisions of Division 2.04 (Appeals) of this Development Code.

(4) Failure of an applicant to submit complete or adequate information pursuant to the provisions of Subparagraphs B.1.a(1) and (2), above, shall constitute grounds for denial of the application.

b. *Application Acceptance.*

(1) Following acceptance of an application as complete for processing, no new or additional information may be requested of the applicant; however, in the course of processing the application, the Planning Department may request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application. This provision shall not be so construed as to require an applicant to submit with the initial application, the entirety of the information that the City may require in order to facilitate final action on the application.

(2) Prior to accepting an application as complete for processing, the Planning Department shall inform the applicant of any information included in the list prepared pursuant to Subparagraph B.1.b(1), above, which will subsequently be required from the applicant in order to complete final action on the application.

(3) The provisions of this Subsection shall not be construed as limiting the ability of the Planning Department to request and obtain information that may be needed in order to comply with the provisions of PRC Division 13 (commencing with Section 21000).

2. Investigation and Report.

a. Following acceptance of an application as complete for processing pursuant to Subparagraph B.1 (Initial Review for Application Completeness), above, the Planning Department shall investigate the facts bearing on the application and shall prepare a written report, which shall be transmitted to the appropriate Reviewing Authority.

b. The Planning Department's report shall provide the information necessary for action on the application, consistent with the provisions of this Development Code and The Ontario Plan, and shall report all findings to the appropriate Reviewing Authority.

c. During the investigation of the facts bearing on the application, the Planning Department may consult with other City departments and public agencies.

3. Public Hearings.

a. The Advisory, Approving and Appeal Authorities established by Table 2.02-1 (Review Matrix), and which require a public hearing pursuant to the Review Matrix, shall each conduct at least one public hearing, which shall be duly noticed, heard, and acted upon pursuant to Division 2.03 (Public Hearings) of this Development Code.

b. The Planning Department's written report, prepared pursuant to Subparagraphs B.2.a through c, above, shall be made available to the property owner and applicant, if different from the property owner, at least 72 hours prior to the public hearing.

4. Advisory Authority Review and Recommendation. If required pursuant to Table 2.02-1 (Review Matrix), the procedure for review and recommendation on a discretionary permit or action by an Advisory Authority is as follows:

a. The Advisory Authority shall make recommendation to the Approving Authority whether to approve, approve in modified form, or deny an application, which shall be transmitted to the Approving Authority in such manner and form as specified by the Approving Authority.

b. The Advisory Authority shall forward its recommendation to the Approving Authority within 60 days following the date its decision was rendered.

c. In instances where review and recommendation by more than one Advisory Authority is required, the initial Advisory Authority shall forward its recommendation whether to approve, approve in modified form, or deny an application to the subsequent Advisory Authority within 30 days following the date its decision was rendered. The 30-day time limit may be extended by mutual agreement of the applicant and City.

5. Approving Authority Review and Action. The procedure for review and action on a discretionary permit or action by an Approving Authority is as follows:

a. Upon receipt of the Advisory Authority's recommendation, the Approving Authority shall approve, approve in modified form, or deny an application, and may impose reasonable conditions to the approval of an application.

b. The action of the Approving Authority shall be by written decision, setting forth the basis for the action, and shall include any applicable findings prescribed by Division 4.02 (Discretionary Permits and Actions) of this Development Code. A discretionary permit or action shall be acted upon within the timeframes specified by GC Section 65950, 65950.1, 65951, and 65952, except that Tentative Subdivision Maps shall be acted upon within the timeframes specified by GC Section 66452.1.

c. The decision of the Approving Authority shall be final and conclusive in the absence of an appeal filed pursuant to Division 2.04 (Appeals) of this Development Code.

6. Effective Date of Approving Authority Action. A discretionary permit or action shall become effective on the City business day following Approving Authority action, unless the discretionary permit is being processed concurrently with and dependent upon any legislative action; in which case, the effective date of the discretionary permit or action shall be governed by Paragraph A.6 (Effective Date of Approving Authority Action) of this Section. The Approving Authority's action to approve, approve in modified form, or deny a discretionary permit or action shall be immediately suspended upon the filing of an appeal pursuant to Division 2.04 (Appeals) of this Development Code.

C. Ministerial Permits and Decisions. The Advisory, Approving and Appeal Authorities for ministerial permits and decisions are established by Table 2.02-1 (Review Matrix) of this Division. Unless otherwise stipulated by Division 4.03 (Ministerial Permits and Decisions) of this Development Code, the procedure for reviewing and acting upon an application requiring a ministerial permit or decision is as follows:

1. Initial Review for Application Completeness. Applications requesting ministerial permits and/or decisions shall be initially reviewed for completeness and acceptance, as follows:

a. *Review for Application Completeness.*

(1) Within 30 days following receipt of an application filed in compliance with this Division, the City shall review the application and determine, in writing, whether the application is complete for further processing, and shall transmit the determination to the applicant. If the written determination is not made within the required period, the application shall automatically be deemed complete for further processing. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which time completeness of the resubmitted application shall be determined.

(2) If an application is determined to be incomplete for processing, the City shall specify those parts of the application that 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 responsible City department in response to the list and description, which shall be reviewed pursuant to Subparagraph C.1.a(1), above.

(3) If an application, together with the submitted materials, is determined to be incomplete for processing, the applicant may appeal that decision to the Planning Commission pursuant to the provisions of Division 2.04 (Appeals) of this Development Code.

(4) Failure of an applicant to submit complete or adequate information pursuant to the provisions of Subparagraphs C.1.a(1) and (2), above, shall constitute grounds for denial of the application.

b. *Application Acceptance.*

(1) Following acceptance of an application as complete for processing, no new or additional information may be requested of the applicant; however, in the course of processing the application, the responsible City department may request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application. This provision shall not be so construed as to require an applicant to submit with the initial

application, the entirety of the information that the responsible City department may require in order to facilitate final action on the application.

(2) Prior to accepting an application as complete for processing, the responsible City department shall inform the applicant of any information included in the list prepared pursuant to Subparagraph C.1.b(1), above, which will subsequently be required from the applicant in order to complete final action on the application.

(3) The provisions of this Subsection shall not be construed as limiting the ability of the responsible City department to request and obtain information that may be needed in order to comply with the provisions of PRC Division 13 (commencing with Section 21000).

2. Investigation. Following acceptance of an application as complete for processing, the responsible City department shall investigate the facts bearing on the application and provide the information necessary for action or determination, consistent with this Development Code and The Ontario Plan, which shall be reported to the Approving Authority.

3. Review and Action.

a. The Approving Authority shall review the application and shall then approve, approve in modified form, or deny the application. The decision of the Approving Authority shall be final and conclusive in the absence of an appeal filed pursuant to the provisions of Division 2.04 (Appeals) of this Development Code.

b. The Approving Authority shall act on a ministerial approval request within 60 days following acceptance of an application as complete for processing pursuant to Paragraph C.1 (Initial Review for Application Completeness), above. The 60-day time limit may be extended by mutual agreement of the applicant and City.

4. Effective Date of Approving Authority Action. A ministerial permit or action shall become effective immediately upon Approving Authority action. An Approving Authority action to approve or deny a ministerial permit or decision shall be immediately suspended upon the filing of an appeal pursuant to Division 2.04 (Appeals) of this Development Code.

2.02.020: Environmental Review

A. Purpose. The purpose of this Section is to assist the City in accomplishing the basic objectives of CEQA, as follows:

1. Enhance and provide long-term protection for the environment, while providing a decent home and satisfying living environment for every Californian;

2. Provide information to governmental decision-makers and the public regarding the potential significant environmental effects of the proposed project;

3. Provide an analysis of the environmental effects of future actions associated with a project in order to adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project;

4. Identify ways that environmental damage can be avoided or significantly reduced;

5. Prevent significant avoidable environmental damage through utilization of feasible project alternatives or mitigation measures; and

6. Provide full public disclosure of the City's basis for project approval in the manner chosen. Public participation is an essential part of the CEQA process. Each public agency should encourage wide public involvement, formal and informal, in order to receive and evaluate public reactions to environmental issues related to a public agency's activities. The involvement should include, whenever possible, making environmental information available in electronic format on the Internet, on a web site maintained or utilized by the public agency.

B. Applicability. The provisions of this division shall apply to any activity of the City that is determined to be a "project" pursuant CEQA (PRC Section 21000 through Section 21178) and the CEQA Guidelines (CCR Section 15000 through Section 15387).

C. CEQA Implementation. Local guidelines for the implementation of CEQA shall be adopted by Resolution of the City Council. The guidelines may be changed or modified only by resolution of the City Council.

D. Environmental Review. The City of Ontario shall conduct an environmental review of any activity within the City that constitutes a "project" pursuant CEQA, the CEQA Guidelines and the City's local guidelines for the implementation of CEQA. Depending upon the nature and scope of a "project," it may be found to be exempt from further environmental review, or a negative declaration, mitigated negative declaration or environmental impact report may be required to be completed. Negative declarations, mitigated negative declarations and environmental impact reports shall be prepared pursuant to the requirements of CEQA and the implementing guidelines, and City's local guidelines for the implementation of CEQA.

2.02.025: Time Limits and Extensions

A. Time Limits. Discretionary permits/actions granted pursuant to this Division shall become invalid if not exercised within the below-listed timeframes:

1. Generally. Unless otherwise stipulated by the conditions of approval, a discretionary permit/action shall become invalid if not exercised within 12 months following the effective date of application approval, except as specified in Paragraphs A.2 through A.6, below, unless extended by time extension pursuant to Subsection B (Time Extensions) of this Section.

2. Development Plan. Unless otherwise stipulated by the conditions of approval, a Development Plan shall become invalid if not exercised within 24 months following the effective date of application approval, unless extended by time extension pursuant to Subsection B (Time Extensions) of this Section.

3. Tentative Subdivision Map. A Tentative Tract or Parcel Map shall become invalid if not exercised within the time limits specified by GC Section 66452.6.

4. Vesting Tentative Maps.

a. A vesting tentative map shall become invalid if not exercised within the time limits specified by Paragraph A.3 (Tentative Subdivision Map), above.

b. If a final tract map is approved prior to the expiration of the vesting tentative map, the tentative map vesting rights for the final tract map area shall last for the periods listed below:

(1) An initial period of 12 months following recordation of the final tract map. Where several final tract maps are recorded on phases of a project covered by a single vesting tentative map, the 12-month period for each final tract map shall begin on the date of recordation of that final tract map;

(2) The initial period set forth in Subparagraph A.4.b.(1), above, shall be automatically extended by any time used by the City for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds 30 days; provided, that the extension shall only be for the number of days in excess of 30 days; and

(3) If during the 24-month period following approval of a final tract map or parcel map, the City receives a complete application for a building permit and the subdivider has satisfied all requirements for the issuance of a building permit, the right to proceed with development in accordance with the tentative map shall continue until the expiration of the building permit.

5. Expiration of Vesting Development Rights. Vesting development rights shall expire if a final map is not filed for approval prior to the expiration of the vesting tentative map, as provided in Paragraph A.6 (Vesting Tentative Maps) of this Section. If the final map is approved, these rights shall last for the following time periods, extending beyond the recording of the final map:

a. An initial period of 12 months, except that where several final maps are recorded for various project phases of a single vesting tentative tract map, this initial time period shall begin with each phase, when the final map for that phase is recorded;

b. The initial time period set forth in Subparagraph A.6.b(1) of this Section shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if the processing exceeds 30 days from the date a complete application is filed;

c. A subdivider may apply for a 12-month extension at any time before the initial expiration date for map approval; and

d. If the subdivider submits a complete application for a building permit during the time periods specified in Subparagraphs A.5.a through A.5.c, above, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

6. Certificate of Appropriateness. A Certificate of Appropriateness granted pursuant to this Division shall become invalid if not exercised within the time limit specified by the conditions of approval, or within 24 months if no time limit has been specified.

7. Phased Projects.

a. Wherein a project involves the construction of multiple phases over an extended period, and the conditions of approval do not specify a time limit differing from Paragraphs A.2 through A.5, above, the portion of entitlement applicable to a particular phase shall be deemed exercised through the issuance of a building permit for that phase. The remainder of the entitlement related to further construction shall expire 12 months following building permit expiration, final building inspection, or Certificate of Occupancy issuance for the previous construction phase, unless extended pursuant to Subsection B, below.

b. A building permit may be issued for a subsequent phase if no more than 12 months have lapsed since a Certificate of Occupancy was issued for the previous phase and the applicant is diligently pursuing the project toward completion. However, if more than 12 months have lapsed since Certificate of Occupancy issuance or final inspection has occurred for the previous phase, and the entitlement was not extended pursuant to Subsection B, below, the entitlement granting the construction of any subsequent phases shall be deemed invalid and no further building permits shall not be issued, unless a time extension is granted pursuant to Section 2.02.025 (Time Limits and Extensions) of this Division.

8. Projects Involving Pending Litigation. The time limits specified in Paragraphs A.1 through A.5, above, including any time extension granted pursuant to Subsection B, below, shall not include the period of time during which a lawsuit involving the approval or conditional approval of a discretionary permit is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the Approving Authority pursuant to this Division. After service of the initial petition or complaint in the lawsuit upon the City, the applicant, or property owner if different from the applicant, may apply to the local agency for a Stay of Permit Approval Time Limit. Within 40 days after receiving the application, the Review Authority may stay the time limit for up to 5 years.

9. Definition. For the purposes of this Section, the term “exercised” shall mean the following:

a. The applicant, or property owner if different from the applicant, has completed or fulfilled all conditions of approval imposed upon the permit or action by the Approving Authority; and

b. In the case of permits or actions pertaining to a development project approval, a Building Permit shall have been issued and construction shall have been diligently pursued toward project completion. In the case of permits or actions pertaining to a land use approval, the approved use shall have commenced. In the case of a Merger of Contiguous Parcels, Reversion to Acreage, or Tentative Subdivision Map, the Merger, Reversion, or Final Subdivision Map shall have been recorded at the office of the San Bernardino County Recorder.

B. Time Extensions. The time limits within which a discretionary permit or action must be exercised, may be extended as follows:

1. Project Applicant or Property Owner Requested Time Extension.

a. The project applicant, or property owner if different from the applicant, may file a Time Extension request, together with any required filing fees, with the City (Planning Department or Engineering Department, as applicable) prior to the expiration date of an approved discretionary permit or action.

b. Upon the submittal of a Time Extension request, the affected discretionary permit or action shall be granted an automatic 90-day time extension to allow sufficient time for application processing.

2. An extension of the expiration date for an approved discretionary permit or action shall be acted upon as follows:

a. The Approving Authority may grant a Time Extension upon determination of the following:

(1) Each of the findings and conditions of the original approval are still applicable to the project and there are no changed circumstances;

(2) The Time Extension will not adversely affect the public health, safety or welfare; and

(3) There has been diligent pursuit to exercise the permit or action for which an extension is being requested.

b. The burden of proof shall lie with the permittee to establish with substantial evidence that the approval for which the Time Extension is requested should not be allowed to expire. If the Approving Authority determines that the permittee has good-faith intent to commence with the proposed project, the Approving Authority may grant a Time Extension.

c. A discretionary permit or action may be granted Time Extensions for a period or periods not to exceed a total of 5 years, excepting tentative subdivision maps, which shall be subject to the provisions of GC Section 66452.6.

3. Blanket Time Extensions Granted by the City Council.

a. In addition to the Time Extensions allowed pursuant to Paragraph B.1 of this Section, the City Council may, by resolution, grant time extensions for discretionary permits and actions, as identified in Table 2.02-1 (Review Matrix) of this Division, to benefit homeowners, developers, landowners, and business owners within the City that may be negatively affected by economic slowdown/downturn or recession.

b. A blanket time extension shall be applicable only to those permits and actions that have not expired prior to the date that the Time Extension is granted.

2.02.030: Failure by Applicant to Complete Application Processing

A. Within 180 days following a written request by the City for plan changes, corrections, revisions, or the submittal of additional information, an application shall be deemed withdrawn if the Planning Director determines that the applicant has not made reasonable progress toward providing necessary plan changes or corrections, or additional information. Application processing shall not resume thereafter until a new application is filed, including fees, plans, exhibits, and other materials required for any project on the same site.

B. Upon written request of the applicant, the Planning Director may order the refund of all or a portion of filing fees pursuant to Section 2.02.010.C (Refunds and Withdrawals) of this Division.

2.02.035: Limitations on Application Refiling

A final action denying an application shall prohibit the further filing of the same or a substantially similar application for a period of not less than 12 months following the date of application denial, except that an application denied without prejudice may be resubmitted within the 12-month period following application denial.

2.02.040: Indemnification

It shall be a condition of any application approved pursuant to this Division, or any approval or certification required pursuant to CEQA or the CEQA Guidelines, that a property owner or applicant, if different from the property owner, shall defend, indemnify, and hold harmless the City and its agents, officers, attorneys, and employees:

A. From any claim, action, or proceeding brought against the City or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul the City's decision to approve any development, land use permit, and/or approvals and certifications under CEQA, but excluding any subdivision approval governed by GC Section 66474.9. This indemnification shall include, but not be limited to, damages, fees, and/or costs awarded against the City, if any, and the cost of any suit, attorney's fees, and/or other costs, liabilities, and expenses incurred in connection with a lawsuit, whether incurred by the applicant, the City, and/or the parties initiating or bringing a lawsuit;

B. For all costs incurred in additional investigation and/or study of, or for supplementing, preparing, redrafting, revising, or amending any document (such as, but not limited to, a negative declaration, mitigated negative declaration, environmental impact report, general plan amendment, specific plan, or specific plan amendment), if made necessary by a lawsuit and if the applicant desires to pursue securing approvals that are condition of application approval, after initiation of a lawsuit; and

C. For all costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in Subsections A and B of this Section.

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Division 3.01—Nonconforming Lots, Land Uses, and Structures

Sections:

- [3.01.000:](#) Purpose
- [3.01.005:](#) Applicability
- [3.01.010:](#) Nonconforming Lots
- [3.01.015:](#) Nonconforming Land Uses
- [3.01.020:](#) Nonconforming Structures and Improvements
- [3.01.025:](#) Abatement of Nonconforming Adult Businesses

3.01.000: Purpose

A. The City Council finds that nonconforming lots, land uses, structures, and improvements within the City, including those that are legally established and those that are illegal, are detrimental to the orderly development of the City, and the health, safety, peace, comfort and welfare of persons and property within the City.

B. The purpose of this Division is to provide for the orderly termination of nonconforming rights for lots, land uses, structures, and improvements that were previously legally established; however, due to revisions to the Development Code, the previously legally established provisions no longer comply with the Development Code. The orderly termination of legally established nonconforming lots, land uses, structures, and improvements is necessary to promote the public health, safety and welfare, and to bring nonconforming lots, land uses, and structures into conformity with current Development Code provisions, and the goals and policies of the Policy Plan (General Plan) component of The Ontario Plan.

C. This Division is intended to limit the expansion of nonconforming lots, land uses, structures and improvements, establish the circumstances under which they may be continued, and provide for their correction, maintenance, and removal.

D. This Division is intended to provide for the elimination of nonconforming lots, land uses, structures, and improvements as rapidly as possible, without infringing upon the constitutional rights of their owners.

3.01.005: Applicability

A. Nonconforming lots, land uses, structures, and improvements may be maintained, expanded, altered, and/or abated only in accordance with the provisions of this Division. It shall be the property owner's responsibility to provide evidence or information to justify the establishment of the nonconforming rights provided under this Division.

B. Any designated historic landmark, contributing structure within a designated historic district, or any property listed on the California Register of Historical Resources or National Register of Historic Places, shall be exempt from the provisions of this Division with respect to the restoration and maintenance of structures, provided that all construction plans are approved through a Certificate of Appropriateness by the Historic Preservation Commission.

C. A lot, land use, structure, or improvement that becomes nonconforming due to a change in zoning district boundary or Development Code regulation, the period prescribed for abatement of the use or improvement of the lot or structure shall begin on the effective date of the change in zoning district boundary or Development Code regulation.

3.01.010: Nonconforming Lots

A. A lot that is not in compliance with the development standards prescribed by this Development Code, as they pertain to minimum area, dimension, or configuration, shall be deemed a "legal nonconforming lot," provided the lot was lawfully created and existing at the time the ordinance codified in this Development Code that created the nonconformity became effective.

B. A legal nonconforming lot shall be granted all development rights and land uses of the zoning district in which it is located.

3.01.015: Nonconforming Land Uses

A use that lawfully occupied a building or land at the time an ordinance codified in this Development Code became effective, and does not conform to the use regulations of the zoning district in which it is located, shall be deemed a "legal nonconforming use." A legal nonconforming use may continue, subject to the following:

A. Discontinuance and Abandonment of Use, and Loss of Legal Nonconforming Status.

1. Without further action by the City, a legal nonconforming use shall lose its legal nonconforming status and shall not be reestablished if the legal nonconforming use is abandoned for any reason.

a. *Residential Land Uses.* A legal nonconforming residential land use shall be deemed abandoned if the use is discontinued for a period of 180 or more consecutive days.

b. *Nonresidential Land Uses.* A legal nonconforming nonresidential land use shall be deemed abandoned if the use is discontinued for a single period of 180 or more consecutive days. Wherein special circumstances exist, the legal nonconforming status of a nonresidential land use may be extended pursuant to Section 4.02.030 (Extensions of Legal Nonconforming Status) of this Development Code.

2. Wherein the determination of abandonment of a land use is in question, the determination of abandonment shall be made by the Zoning Administrator, based upon satisfactory evidence. If there are no business receipts, records, or necessary licenses available to provide evidence that the land use in question has been in continual operation, the Zoning Administrator may make a determination of "abandonment of use" based upon consideration of [i] the removal, without replacement, of equipment, furniture, machinery, fixtures, structures, or other components necessary to business operation, and/or [ii] the shut-off or disconnect of utilities (water, electricity, and/or natural gas).

3. Following the discontinuance of a nonconforming land use, the use of a property shall comply with all current requirements of this Development Code and the applicable zoning district.

B. Change in Ownership, Tenancy or Management. A change in ownership, tenancy or management of a nonconforming use shall not affect its legal nonconforming status, provided the use is not discontinued pursuant to Subsection A (Discontinuation of Use and Loss of Legal Nonconforming Status), above, or the type of use and/or intensity of use does not change.

C. New Development. New development on any lot upon which a legal nonconforming use exists shall require that all uses on the property conform to the provisions of this Development Code.

D. Alterations and Expansion of Use. A nonconforming use shall not be enlarged or extended in such a way as to occupy any part of any structure or property that the use did not occupy prior to the creation of the nonconformity.

E. Intensification of Use. A nonconforming use shall not be intensified in such a way as to increase the discrepancy between existing conditions and the standards set forth in this Development Code

F. Replacement of a Nonconforming Use by Another Nonconforming Use. A legal nonconforming use may be replaced by another nonconforming use if the Zoning Administrator can clearly establish the following:

1. The nonconforming use is similar to the use(s) originally permitted in the structure/on the site;

2. The nonconforming use will not adversely affect, or be materially detrimental to, adjoining properties; and

3. The previous nonconforming use has not ceased for a period of 90 or more consecutive days.

G. Abatement of Nonconforming Uses. Nonconforming uses shall be abated as follows:

1. A use shall be discontinued upon the issuance of a cease and desist order by the City if [i] the use is nonconforming due to an operation or process that poses a threat to the public health, safety or welfare, as determined by the Planning Director or Building Official; and [ii] the owner fails to discontinue the operation or process, or to fully mitigate the hazard(s) involved.

2. A use that does not occupy a structure, or that occupies a structure having an assessed valuation of less than \$2,500 and causes a public or private nuisance, shall be discontinued within 5 years following the effective date of the ordinance codified in this Development Code.

3. The abatement of nonconforming adult businesses shall be governed by Section 3.01.025 (Abatement of Nonconforming Adult Businesses) of this Division.

4. A nonconforming use that has been discontinued or abandoned shall comply with Subsection A (Discontinuance and Abandonment of Use, and Loss of Legal Nonconforming Status) of this Section.

3.01.020: Nonconforming Structures and Improvements

A structure or improvement that was lawfully constructed or installed at a time an ordinance codified in this Development Code became effective, and does not conform to the development standards of the zoning district in which it is located, shall be deemed a “legal nonconforming structure” or “legal nonconforming improvement,” as applicable. A legal nonconforming structure or improvement may continue, subject to the following:

A. Damage or Destruction of a Legal Nonconforming Structure.

1. A legal nonconforming structure that is damaged or partially destroyed by fire or other calamity, or the public enemy, or other cause which is beyond the control of the property owner, and which could not otherwise have been prevented by reasonable care and maintenance of the structure, may be reconstructed, restored, or rebuilt up to the original size, placement and density, provided that total cost of the reconstruction, restoration, or rebuilding does not exceed more than 50 percent of the structure’s fair market value prior to said damage or destruction. Structure reconstruction, restoration, or rebuilding shall commence within 180 days following the occurrence of damage, unless extended by the Zoning Administrator, and shall be diligently pursued to completion.

2. In the event that the cost of reconstructing, restoring, or rebuilding a structure exceeds 50 percent of the fair market value of the structure prior to such damage occurring, the structure may be reconstructed, restored, or rebuilt up to its original size, placement, and density prior to such damage occurring, and the use of the structure resumed, subject to the following:

a. The Zoning Administrator, at a duly noticed public hearing, shall first find that the reconstruction, restoration, or rebuilding of the nonconforming structure: [i] will not be detrimental or injurious to the health, safety or general welfare of persons residing or working in the neighborhood, [ii] will not be detrimental or injurious to property and improvements in the neighborhood, and [iii] continuation of the nonconforming structure will not result in an annoyance to and/or reduction of any surrounding property.

b. The public hearing and findings prescribed in Subparagraph A.2.a, above, shall not be required for the reconstruction, restoration, or rebuilding of a legal nonconforming single-family dwelling located on a lot that is designated for single-family dwellings by the Land Use Plan (Exhibit LU-01) contained in the Policy Plan component of The Ontario Plan.

c. The reconstruction, restoration, or rebuilding shall be commenced within 180 days following the date that the damage or destruction occurred, unless extended pursuant to Section 4.02.030 (Extensions of Legal Nonconforming Status) of this Development Code, and diligently pursued to completion.

d. Nothing in this section shall be construed to permit the continuation of conditions that will endanger the health, safety, or welfare of building occupants, the residents of the area, or which constitute a public or private nuisance.

B. Reconstruction, Restoration or Rebuilding of Legal Nonconforming Multiple-Family Housing.

1. Pursuant to GC Section 65852.25, legal nonconforming multiple-family housing that has been involuntarily damaged or destroyed by fire or other catastrophic event, or the public enemy, and such involuntarily damage or destruction could not otherwise have been prevented by reasonable care and maintenance of the structure, may be reconstructed up to the original

size, placement and density, excepting multiple-family housing that conforms with one or more of the following:

a. The reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood;

b. The existing nonconforming use of the building or structure would be more appropriately moved to a zone in which the use is permitted, or that there no longer exists a zone in which the existing nonconforming use is permitted; or

c. The existing nonconforming use of the building or structure has ceased for a period of 180 or more consecutive days.

2. The reconstruction, restoration, or rebuilding of any legal nonconforming multiple-family housing pursuant shall conform to all of the following:

a. The California Building Standards Code, as that code was in effect at the time of reconstruction, restoration, or rebuilding;

b. Any more restrictive local building standards authorized pursuant to HSC Sections 13869.7, 17958.7, and 18941.5, as those standards were in effect at the time of reconstruction, restoration, or rebuilding;

c. The State Historical Building Code (Part 2.7 (commencing with Section 18950) of HSC Division 13) for work on qualified historical buildings or structures;

d. The provisions of this Development Code, so long as the predamage size and number of dwelling units are maintained;

e. Architectural regulations and standards, so long as the predamage size and number of dwelling units are maintained; and

f. A building permit shall be obtained within 2 years following the date that the damage or destruction occurred, and diligently pursued to completion.

3. The reconstruction, restoration, or rebuilding of multiple-family housing that is involuntarily damaged or destroyed by fire or other catastrophic event, or by the public enemy, shall be prohibited within any industrial zoning district.

C. Alterations and Expansions to Legal Nonconforming Structures.

A nonconforming structure shall not be moved, altered or enlarged so as to increase the discrepancy between existing conditions and the most current standard as prescribed by the zoning district in which the structure is located. Furthermore, reasonable repairs and alterations may be made to legal nonconforming nonresidential structures, provided that no structural alterations shall be made that would prolong the life of supporting members, such as bearing walls, columns, beams, or girders, of a structure. Structural elements may be modified only if the modification or repair is immediately necessary to protect the public health and safety, occupants of the legal nonconforming structure, or adjacent property, as determined by the Building Official, excepting alteration and/or enlargement of the following:

1. A nonconforming structure shall not be moved, altered or enlarged so as to increase the discrepancy between existing conditions and the most current standard as prescribed by the zoning district in which the structure is located, excepting alteration and/or enlargement of:

a. A single-family dwelling conducted pursuant to Subsection H (Nonconforming Single-Family Residential Structures) of this Section.

b. A multiple-family development conducted pursuant to Subsection I (Nonconforming Multiple-Family Residential Development) of this Section.

c. A nonresidential lot and/or structure conducted pursuant to Subsection J (Alteration and/or Expansion of a Nonconforming Nonresidential Structure) of this Section.

2. Within nonresidential zoning and land use districts, reasonable repairs and alterations may be made to legal nonconforming nonresidential structures, provided that no structural alterations shall be made that would prolong the life of supporting members, such as bearing walls, columns, beams, or girders, of a structure. Structural elements may be modified only if the modification or repair is immediately necessary to protect the public health and safety of occupants of the legal nonconforming structure or adjacent property, as determined by the Building Official, except as otherwise allowed by Subsection J (Alteration and/or Expansion of a Nonconforming Nonresidential Structure) of this Section. The total cost of the repairs or alterations may not exceed 50 percent of the replacement cost of the nonconforming structure; however, improvements required to reinforce an unreinforced masonry structure shall be permitted without replacement cost limitations, provided the retrofitting is strictly limited to compliance with current earthquake safety standards.

D. Interior Modifications to Legal Nonconforming Structures. Changes to interior partitions or other nonstructural improvements and repairs may be made to legal nonconforming structures provided that, over any consecutive 5-year period, the total cost of the desired improvements or repairs does not exceed 50 percent of the replacement cost of the structure. For the purpose of this provision, the replacement cost shall be determined by the Planning Director.

E. New Structures. Any new structure constructed on a lot with an existing legal nonconforming structure shall be constructed in conformance with all applicable provisions of this Development Code; however, in no case may a new nonresidential structure be constructed on the same lot as an existing legal nonconforming residential structure.

F. Abatement of Nonconforming Structures Posing a Threat to the Public Health, Safety and General Welfare. A structure that is nonconforming because of a violation or deficiency that poses a threat to the public health, safety, or general welfare, as determined by the Building Official, and that fails to provide necessary improvements to resolve the nonconformity or to fully mitigate the hazard involved, shall be abated, condemned or demolished upon the issuance of a nuisance abatement, condemnation, or demolition order by the City.

G. Conversion of Nonconforming Residential Structures Located Within Industrial Zoning Districts. A nonconforming residential structure located within an industrial zoning district shall not be converted to accommodate a commercial or industrial land use, excepting those single-family homes determined to meet the designation criteria for local historic landmarks set forth in Section 4.02.040 (Historic Preservation—Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservation Areas) of this Development Code.

H. Alteration and/or Expansion of a Nonconforming Single-Family Residential Structures. In addition to the requirements of Subsections A through G of this Section, a nonconforming single-family residential lot and/or structure that was lawfully established and maintained prior to the adoption of the ordinance codified in this Development Code, but which under the provisions of this Development Code does not conform with the regulations of the zoning district in which it is located with respect to use, design, and/or development standards, and which is continuously used and maintained for single-family residential purposes, shall be subject to the following:

1. Alterations and Expansions to Single-Family Structures in Nonresidential Zones.

a. Necessary repairs and desirable alterations, as deemed appropriate by the Planning Director, may be made to a legal nonconforming single-family residential structure that is nonconforming as to use.

b. A single-family dwelling that is nonconforming as to use may be enlarged by an additional 25 percent of the original enclosed floor area, provided the addition meets all other provisions of this Development Code.

c. A single-family dwelling that is nonconforming as to its location within a zoning district that does not permit single-family dwellings, and in which the residential use was lawfully established and continuously maintained, shall be subject to the development regulations of the LDR-5 (Low Density Residential – 5 Dwelling Units/Acre) zoning district.

d. The addition or enlargement of a garage for the purpose of providing off-street parking facilities in compliance with Division 6.03 (Off-Street Parking & Loading) of this Development Code shall be permitted and shall not be counted toward the additional floor area permitted by Subparagraph H.1.b, above.

2. Continuation of a Nonconforming Setback. A single-family dwelling having a nonconforming side yard setback, which is added to, extended or enlarged, may continue the nonconforming setback, provided the addition, extension or enlargement maintains a side yard setback equal to or greater than the existing side yard setback, and is no greater than 14 FT in height.

3. On-site Parking. A single-family residential dwelling that is nonconforming as to site development or design, which is expanded or enlarged to include more than 3 bedrooms, or wherein a second unit or guesthouse is constructed subject to the requirements of this chapter, off-street parking required pursuant to Division 6.03 (Off-Street Parking & Loading) of this Development Code shall be provided, unless physical constraints exist that would make it impractical to provide the required parking facility(ies), as determined by the Planning Director, given the existing site design and configuration. For the purpose of this provision, a bedroom shall be considered any room within the structure that is not a clearly established garage, kitchen, bathroom, hallway or open living area (e.g., dining, family, and living rooms).

4. Fences and Walls. A street side yard fence or wall that is nonconforming as to setback and was lawfully constructed prior to 1998, may be replaced with a block wall or other fence, keeping within the existing setback, provided visual evidence (such as a photograph) of the nonconforming setback is provide to the Planning Department prior to building permit issuance for the new fence or wall. If a fence or wall nonconforming as to setback is demolished or removed prior to obtaining a building permit for a new fence or wall, the new fence or wall must meet the setback requirements in effect at the time of building permit issuance.

5. Historic Structures. A nonconforming single-family structure shall comply with the applicable requirements of Division 8.01 (Historic Preservation) of this Development Code.

I. Alteration and/or Expansion of a Nonconforming Multiple-Family Residential Development. In addition to the applicable requirements of Subsections A through G of this Section, a nonconforming multiple-family residential structure that was lawfully established and maintained prior to the adoption of the ordinance codified in this Development Code, but which under the provisions of this Development Code does not conform with the regulations of the zoning district in which it is located with respect to use, design, and/or development standards, and which is continuously used and maintained for multiple-family residential purposes, shall be subject to the following:

1. ~~The alteration and/or expansion of a nonconforming multiple family residential land use or structure may be allowed provided there is no net increase in overall density.~~ An existing multiple-family residential development that is nonconforming as to base residential density, may be granted a one-time increase in residential density, not to exceed 25 percent of the residential density before the increase, subject to the granting of a Conditional Use Permit pursuant to the provisions of Section 4.02.015 (Conditional Use Permits) of this Development Code.

2. ~~The alteration and/or expansion of a nonconforming multiple family residential lot and/or structure shall be acted on based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and any comments and/or testimony provided by the public, only after considering and clearly establishing all of the below listed findings, and giving reasons in support of each finding. The application shall be denied if one or more of the below listed findings cannot be clearly established.~~ The increase in residential density shall be acted on based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and any comments and/or testimony provided by the public, only after considering and clearly establishing all of the below-listed findings, which shall be in addition to the findings for Conditional Use Permit approval contained in Section 4.02.015 (Conditional Use Permits) of this Development Code, and giving reasons in support of each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

a. ~~The alteration and/or expansion is not for the purpose of increasing the number of living units on the project site.~~ The density increase will protect a valuable property investment;

b. ~~The alteration and/or expansion will benefit the health, safety, and welfare of the building's occupants.~~ The density increase will not adversely affect or be materially detrimental to surrounding properties;

c. ~~The alteration and/or expansion is architecturally compatible with the existing building.~~ The expansion is architecturally compatible with the existing building;

d. ~~The alteration and/or expansion is compatible with the character of the surrounding area.~~ The density increase and building expansion is compatible with the character of the surrounding area; and

e. ~~The alteration and/or expansion will provide adequate parking pursuant to the City's off-street parking provisions, and will not displace existing parking facilities.~~ The density increase will provide adequate parking pursuant to the City's off-street parking provisions (Division 6.3 (Off-Street Parking and Loading) of this Development Code).

3. Notwithstanding the density increase described in Paragraph 1, above, the City shall not preclude an existing multiple-family residential development that is nonconforming as to base residential, the addition of at least one dwelling unit.

J. Alteration and/or Expansion of a Nonconforming Nonresidential Structure. In addition to the requirements of Subsections A through G of this Section, a nonconforming nonresidential lot and/or structure that was lawfully established and maintained prior to the adoption of the ordinance codified in this Development Code, but which under the provisions of this Development Code does not conform with the regulations of the zoning district in which it is located with respect to use, design, and/or development standards, and which is continuously used and maintained for nonresidential purposes (excepting Nonconforming Adult Businesses, which shall comply with Section 3.01.025 (Abatement of Nonconforming Adult Businesses) of this Division), shall be subject to the following:

1. A nonconforming nonresidential land use or structure may be granted a one-time, 25 percent expansion in area, subject to the granting of a Conditional Use Permit pursuant to the provisions of Section 4.02.015 (Conditional Use Permits) of this Development Code.

2. The alteration and/or expansion of a nonconforming nonresidential lot and/or structure shall be acted on based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and any comments and/or testimony provided by the public, only after considering and clearly establishing all of the below-listed findings, which shall be in addition to the findings for Conditional Use Permit approval contained in Section 4.02.015 (Conditional Use Permits) of this Development Code, and giving reasons in support of each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

- a. The alteration/expansion will protect a valuable property investment;
- b. The alteration/expansion and the proposed use will not adversely affect or be materially detrimental to surrounding properties;
- c. The alteration/expansion will allow for modernization in order to properly operate the use and protect valuable property rights;
- d. The alteration/expansion is architecturally compatible with the existing building;
- e. The alteration/expansion is compatible with the character of the surrounding area; and
- f. The alteration/expansion will provide adequate parking pursuant to the City's off-street parking provisions, and will not displace existing parking facilities.

K. Nonconforming Improvements. Nonconforming improvements such as landscaping, screen walls, security fences, and enclosures for trash receptacles, shall be altered to comply with the district regulations covering the following standards as a condition of any discretionary land use or development entitlement approval required by this Development Code:

- 1. The landscaping of setback areas, insofar as a setback exists;

2. The landscaping of parking areas, provided fulfilling the requirement does not reduce off-street parking or loading spaces to fewer than prescribed by Division 6.03 (Off-Street Parking and Loading) of this Development Code;
3. The screening of outdoor storage and loading areas;
4. The design, height, and placement of security fences; and
5. The enclosure of trash receptacles.

3.01.025: Abatement of Nonconforming Adult Businesses

Nonconforming adult business uses shall be abated as follows:

A. An adult business that lawfully occupied a building or land at the time an ordinance codified in this Development Code became effective, and does not conform to the land use regulations of the zoning district in which it is located, is deemed a “legal nonconforming adult business,” and may not be increased, enlarged, or altered, except to change the use to a conforming use.

B. The below-listed amortization schedule for the abatement of legal nonconforming adult businesses be complied with, unless an extension is granted pursuant to Section 4.02.030 (Extensions of Legal Nonconforming Status) of this Development Code

1. A legal nonconforming adult business shall be terminated within one year following the adoption of this Section;

2. An adult business legally existing on real property that is subsequently annexed to the City shall be terminated within one year following the date of annexation;

3. Notwithstanding the amortization periods above, any discontinuance or abandonment of a nonconforming adult business for a period of 30 or more days shall result in the loss of nonconforming status.

C. Any adult business that becomes nonconforming by reason of the provisions established by this Development Code shall be notified by the Zoning Administrator by certified mail. Notice shall be given within 180 days of the date the use will become nonconforming and shall be provided to the property owner and business owner, if different from the property owner. In addition, the notice shall identify the applicable amortization period and the process for requesting an extension thereof.

D. The owner or operator of a legal nonconforming adult business may apply under the provisions of this Subsection, to the City Manager for an extension of time within which to terminate the nonconforming use, as follows:

1. An application for extension of time within which to terminate a use made nonconforming by the provisions of this Development Code may be filed by the owner of the real property upon which such use is operated, or by the operator of the use. The application shall be filed with the City Manager, at least 90 days, but not more than 180 days, prior to the time established in Subsection B of this Section, for termination of the use.

2. The application shall state the grounds for requesting an extension of time. The filing fee for the application shall be the same as that for Variance, as is set forth in the schedule of fees established by resolution of the City Council.

3. The City Manager shall appoint a hearing officer to hear the application. The hearing officer shall set the matter for hearing within 45 days following receipt of the application. All parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues; may be represented by counsel; and shall have the right to confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. The decision of the hearing officer shall be final and subject to judicial review pursuant to CCP Section 1094.6. If the Applicant fails to seek judicial review within the allotted time period, the decision of the hearing officer shall have res judicata and collateral estoppel effect in any other proceeding involving the same applicant.

4. An extension under the provisions of this Section shall be for a reasonable period of time commensurate with the investment involved, and shall be approved only if the hearing officer makes all the following findings or any other findings as required by law:

a. The applicant has made a substantial investment in the property or structure on or in which the nonconforming adult business is conducted, and the property or structure cannot be readily converted to another use and the investment was made prior to the date the adult business became nonconforming.

b. The applicant will be unable to recoup their investment as of the date established for termination of the use; and

c. The applicant has made a good faith effort to recoup the investment and to relocate the use in conformance with City requirements.

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Division 5.01—Zoning Districts and Boundaries

Sections:

- [5.01.000](#): Purpose
- [5.01.005](#): Establishment of Base Zoning Districts
- [5.01.010](#): Zoning Map Adoption
- [5.01.015](#): Zoning District Boundaries

5.01.000: Purpose

The purpose of this Division is to establish zoning districts to implement the goals of the community as stated in The Ontario Plan. The text and maps of the Policy Plan component of The Ontario Plan will provide additional guidance in the development and use of properties throughout the City.

5.01.005: Establishment of Base Zoning Districts

In order to carry out the purpose and provisions of this Development Code, the City is hereby divided into the following zoning districts:

A. Residential Zoning Districts.

1. AR-2 (Residential-Agricultural—0 to 2.0 DU/Acre) Zoning District. The AR-2 zoning district is hereby established to accommodate single-family residences on large lots, at a density range of 0 to 2.0 dwelling units per acre and allow for limited agricultural activities and animal keeping within a rural environment. The AR-2 zoning district is further intended to maintain a rural agricultural heritage and protect the area from suburban infringement, while maintaining a harmonious relationship between the rural and adjacent suburban land uses. The AR-2 zoning district is consistent with and implements the Rural Residential land use designation of the Policy Plan component of The Ontario Plan.

2. RE-2 Rural Estate—0 to 2.0 DU/Acre) Zoning District. The RE-2 zoning district is hereby established to accommodate single-family residences on larger lots, at a density range of 0 to 2.0 dwelling units per acre, in a semi-rural environment where limited animal keeping is permitted. The RE-2 zoning district is consistent with and implements the Rural Residential land use designation of the Policy Plan component of The Ontario Plan.

3. RE-4 Residential Estate—2.1 to 4.0 DU/Acre) Zoning District. The RE-4 zoning district is hereby established to accommodate single-family homes on estate-sized lots, in a suburban environment, at a density range of 2.1 to 4.0 dwelling units per acre. The RE-4 zoning district is consistent with and implements the Low Density Residential land use designation of the Policy Plan component of The Ontario Plan.

4. LDR-5 (Low Density Residential—2.1 to 5.0 DU/Acre) Zoning District. The LDR-5 zoning district is hereby established to accommodate single-family homes on individual lots, in a suburban environment, at a density range of 2.1 to 5.0 dwelling units per acre. The LDR-5 zoning district is consistent with and implements the Low Density Residential land use designation of the Policy Plan component of The Ontario Plan.

5. MDR-11 (Low-Medium Density Residential—5.1 to 11.0 DU/Acre) Zoning District. The MDR-11 zoning district is hereby established to accommodate a variety of attached and detached housing types, in a suburban environment, at a density range of 5.1 to 11.0 dwelling units per acre. The MDR-11 zoning district is consistent with and implements the Low-Medium Density Residential land use designation of the Policy Plan component of The Ontario Plan.

6. MDR-18 (Medium Density Residential—11.1 to 18.0 DU/Acre) Zoning District. The MDR-18 zoning district is hereby established to accommodate a variety of attached and detached housing types, in a suburban environment, at a density range of 11.1 to 18.0 dwelling units per acre. The MDR-18 zoning district is consistent with and implements the Medium Density Residential land use designation of the Policy Plan component of The Ontario Plan.

7. MDR-25 (Medium-High Density Residential—18.1 to 25.0 DU/Acre) Zoning District. The MDR-25 zoning district is hereby established to accommodate higher density residential developments, in a more urbanized environment, at a density range of 18.1 to 25.0 dwelling units per acre. The MDR-25 zoning district is consistent with and implements the Medium Density Residential land use designation of the Policy Plan component of The Ontario Plan.

8. HDR-45 (High Density Residential—25.1 to 45.0 DU/Acre) Zoning District. The HDR-45 zoning district is hereby established to accommodate high-density multiple-family developments in an urban environment, generally located within 1/2-mile of a transit corridor or station, at a density range of 25.1 to 45.0 dwelling units per acre. The HDR-45 zoning district is consistent with and implements the High Density Residential land use designation of the Policy Plan component of The Ontario Plan.

B. Commercial Zoning Districts.

1. CS (Corner Store) Zoning District. The CS zoning district is hereby established to accommodate pedestrian-oriented neighborhood retail and service establishments developed at a maximum intensity of 0.4 FAR, which would have few impacts to adjacent residential uses due to the types of uses allowed and their limited hours of operation. CS zoning district locations are within established or planned neighborhoods, generally along residential collector streets, and are intended to provide their goods and services within walking distance to most of their customers. This zoning district provides for a scale and character of development that tends to attract and promote a walk-in clientele. Development within the CS zoning district should maximize human scale design elements, while providing a sensitive transition between the allowed uses and neighboring residences, including the provision of adequate and properly sited parking (including allowances for on-street parking). Sites within this zoning district are typically small in size (less than 0.5-acre), are usually stand-alone land uses, and are intended to fit into and protect the residential pattern of development. The CS zoning district is consistent with and implements the Neighborhood Commercial land use designation of the Policy Plan component of The Ontario Plan.

2. CN (Neighborhood Commercial—0.4 Maximum FAR) Zoning District. The CN zoning district is hereby established to accommodate the development of convenience centers at a maximum intensity of 0.55 FAR and are intended to serve residents within a one to 2-mile radius, with some customers within walking distance. Intended uses are smaller scale, which support the local market rather than a citywide or regional market (i.e., the difference between a Best Buy and a Radio Shack). Given their proximity to residential uses, the hours and types of uses allowed within the CN zoning district may be limited either by ordinance or by conditions of approval. Uses may be standalone or within a center generally 10 to 15 acres in size. The CN zoning district is

consistent with and implements the Neighborhood Commercial land use designation of the Policy Plan component of The Ontario Plan.

3. CC (Community Commercial—0.4 Maximum FAR) Zoning District. The CC zoning district is hereby established to accommodate retail, office, and service uses developed at a maximum intensity of 0.4 FAR, which serve residents within a 5-mile radius. If located within close proximity to residential areas, the operation of the commercial land uses may be limited to protect the nearby sensitive uses. Commercial uses within the CC zoning district may be standalone or within centers generally 10 to 20 acres in size. The CC zoning district is consistent with and implements the General Commercial land use designation of the Policy Plan component of The Ontario Plan.

4. CR (Regional Commercial—0.4 Maximum FAR) Zoning District. The CR zoning district is hereby established to accommodate commercial and entertainment centers which are larger in size than would otherwise be accommodated in the CC zoning district, developed at a maximum intensity of 0.4 FAR. The zoning district is intended for intense, regional-serving commercial and entertainment uses, and is generally located adjacent to, or in close proximity to, freeways and arterial roadways that accommodate regional traffic. Uses may be standalone or within a center generally 15 or more acres in size. The CR zoning district is consistent with and implements the General Commercial and Office Commercial land use designations of the Policy Plan component of The Ontario Plan. Furthermore, the CR zoning district is consistent with and implements the Office Commercial land use designation of the Policy Plan component of The Ontario Plan; provided, (a) the property shall have a minimum of 350 lineal feet of freeway frontage along Interstate 10 or Interstate 15, and (b) the use of the property shall be restricted to automobile dealers (including new and used automobiles, light trucks and vans).

5. CCS (Convention Center Support Commercial) Zoning District. The CCS zoning district is intended to accommodate uses developed at a maximum intensity of 1.0 FAR, which predominantly serve the Ontario Convention Center, regional uses, and the special needs of leisure and business clientele who visit the City and surrounding region. The CCS zoning district is consistent with and implements the Hospitality land use designation of the Policy Plan component of The Ontario Plan.

6. OL (Low Intensity Office) Zoning District. The OL zoning district is hereby established to accommodate low-intensity office and support commercial uses developed at a maximum intensity of 0.75 FAR, which are typically located in close proximity to residential developments. Development within this zoning district is residential in scale and typically no more than 2 stories in height. Uses within this zoning district are generally limited in their hours of operation to limit their impact upon nearby residents, and include administrative and business support services, local branches of financial institutions, legal services, insurance services, real estate services, medical and dental services, and similar support services. The OL zoning district is consistent with and implements the Office/Commercial land use designation of the Policy Plan component of The Ontario Plan.

7. OH (High Intensity Office) Zoning District. The OH zoning district is hereby established to accommodate intense professional office and supporting uses developed at a maximum intensity of 0.75 FAR, and is intended to be applied in areas planned for more concentrated urban uses, or in key locations of potential mass transit, major intersections, or in close proximity to identified activity centers. The OH zoning district is consistent with and implements the Office/Commercial land use designation of the Policy Plan component of The Ontario Plan.

C. Mixed-Use Zoning Districts.

1. MU-1 (Downtown Mixed Use) Zoning District.

a. The MU-1 zoning district is hereby established to accommodate a fairly intensive mixture of vertical and horizontal retail, entertainment, and office uses at a development intensity of up to 2.0 FAR, and residential uses at a density of 25 to 75 DU/AC, with the most intensive uses envisioned along Euclid Avenue and Holt Boulevard. Development projects are intended to maintain a pedestrian friendly atmosphere, while at the same time enhancing the historic character of the area.

b. Furthermore, the MU-1 zoning district is established to: [i] recognize, protect, and enhance the visual character and quality of Ontario’s historic downtown area as a historic resource; [ii] establish and recognize Ontario’s historic downtown as the arts and entertainment mecca for the surrounding region, to include a wide range of allowed uses, such as shopping, restaurants, outdoor dining, cultural offerings, street fairs, artist festivals, galleries, work/live lofts, breweries, and artisan co-ops; [iii] recognize Holt Boulevard as a vital east-west link to Ontario’s historic downtown, offering opportunities for vertical and horizontal mixed use developments consisting of market rate and below market rate housing, retail and offices, and work/live uses; and [iv] recognize Ontario’s civic center for its significant outdoor spaces, amenities and services, which serve to enhance the historic downtown’s shopping, dining, and living experiences.

c. In order to carry out the purposes and provisions of the Land Use component of The Ontario Plan and this Development Code, the MU-1 zoning district is hereby divided into four Land Use Areas. The boundaries of each Land Use Area (LUA) is shown in Figure 5.01-1 (MU-1 (Downtown Mixed Use) Zoning District Land Use Areas Map) of this Division, and their purposes are described below.

(1) LUA-1 (Euclid Avenue Entertainment) District—The Euclid Avenue Entertainment District is a central urban location intended to provide the vitality, amenities, and a range of entertainment, shopping, restaurant, outdoor dining, and cultural offerings. The District is further intended to promote a variety of dense housing options; enhanced public and private rights-of-way to improve pedestrian, bicyclist, and vehicular connectivity; and grow employment opportunities.

(2) LUA-2 (Arts) District—

(a) The Arts District is intended as a dynamic destination for locals and tourists, while creating a fulfilling urban experience energized by artistic, educational, and commercial participants. The focus of the Area is to increase the number of collaborated events and programs within the Area, with the intent to attract visitors, promote economic vitality, and boost revenue. Street fairs, artist festivals, restaurants, galleries, work/live lofts, breweries, and artisan co-ops will contribute to the physical and cultural diversity of the Arts District.

(b) The Arts District is divided into two subareas: Arts District North and Arts District South.

(i) Arts District North is intended to accommodate a mix of work/live lofts, artisan co-ops, restaurants, galleries, breweries, and other commercial uses intended to strengthen the economic base of the area.

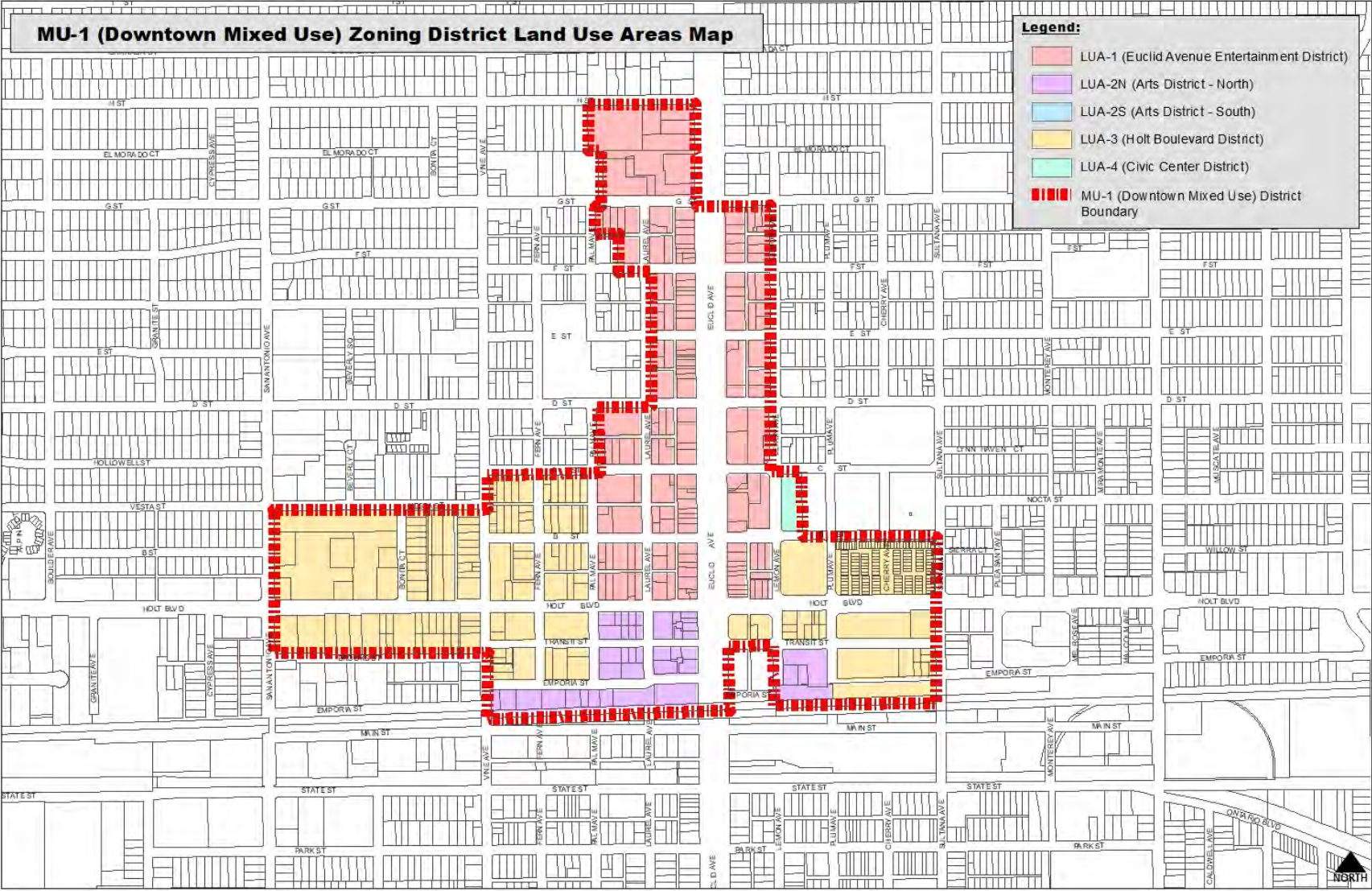


Figure 5.01-1: MU-1 (Downtown Mixed-Use) Zoning District Land Use Areas Map

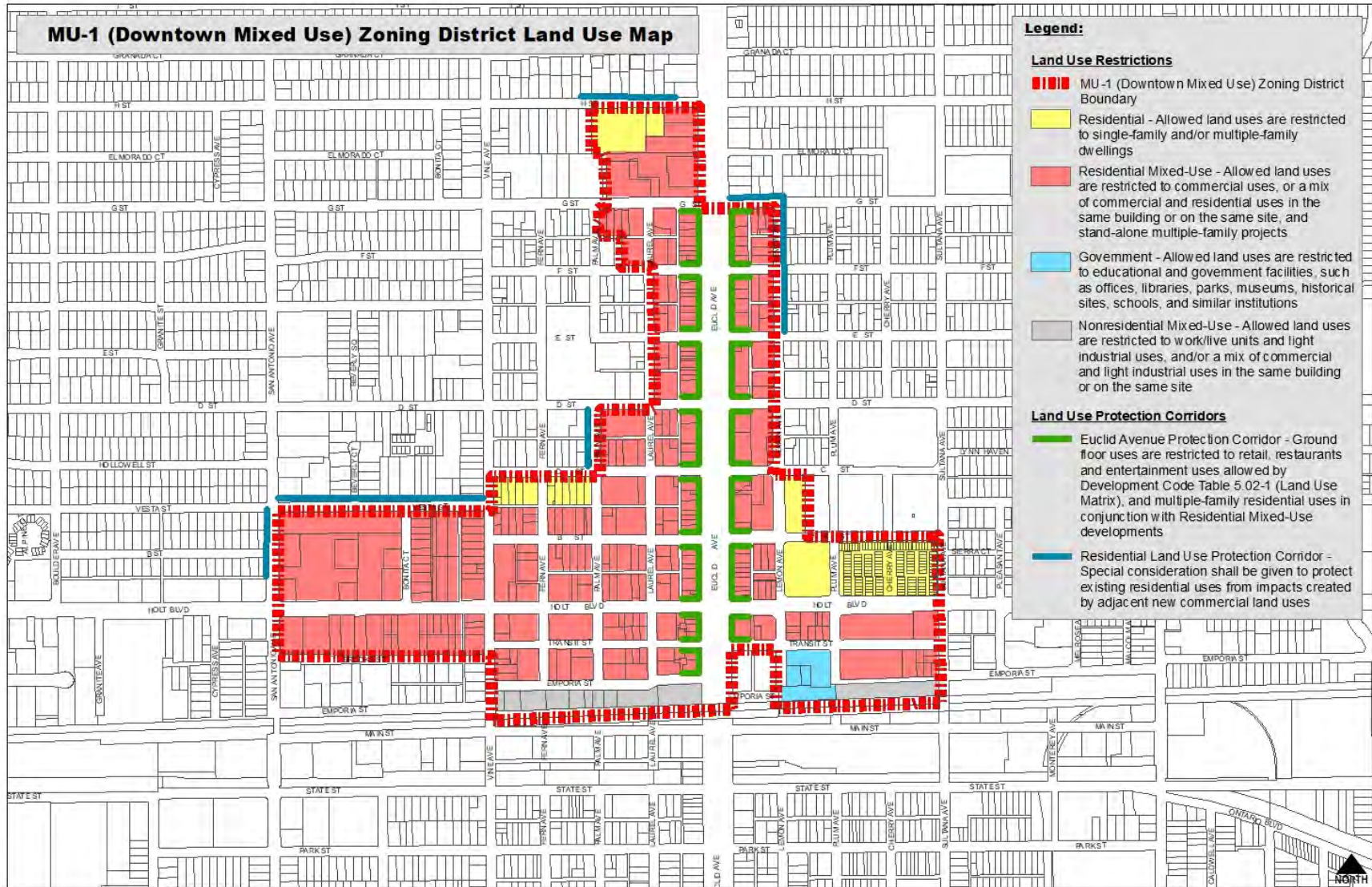


Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map

(ii) Arts District South is situated between Union Pacific and Southern Pacific Rail Lines, within an area not particularly suited to uses having a residential component (such as work/live lofts). Arts District South is envisioned to accommodate a mix of commercial, business park, and light industrial activities, which like Arts District North, will serve to stimulate the economic vitality of the area.

(3) LUA-3 (Holt Boulevard) District—Holt Boulevard is a vital east-west link to the downtown, particularly from Ontario International Airport, the Ontario Convention Center, and the nearby hospitality center. The Holt Boulevard District offers the most opportunity for development of market-rate and attainable housing. Mixed-use may be vertical or horizontal, with retail or live/work on the ground floor. Residents will have access to many downtown amenities, including shopping, public services, open space, and public transportation (Bus Rapid Transit or “BRT”). The District will be designed as a signature gateway to the City’s historic downtown.

(4) LUA-4 (Civic Center) District—The Civic Center District’s proximity to the Euclid Avenue Entertainment District will contribute to the community character and commercial vitality of Ontario’s historic downtown area. People in need of City services at City Hall, the Public Library, or the Community Center, are potential shoppers and diners at downtown stores and restaurants. Furthermore, the Civic Center’s significant outdoor spaces provide a link to downtown shopping, dining, streetscapes and friendly pedestrian experiences.

d. To accomplish the objectives of the MU-1 (Downtown Mixed Use) zoning district, certain blocks have been imposed with use restrictions, as shown in Figure 5.01-2 (MU-1 (Downtown Mixed Use) Zoning District Land Use Map) of this Division.

e. The MU-1 zoning district, along with the Land Use Areas and Land Use Subdistricts established thereunder, is consistent with and implements the Downtown Mixed Use land use designation of the Policy Plan component of The Ontario Plan.

2. MU-2 (East Holt Mixed Use) Zoning District. The MU-2 zoning district is hereby established to accommodate the intensification of the Holt Boulevard Corridor with low-rise (up to 5 stories) buildings housing a mixture of retail and office uses at a development intensity of up to 1.0 FAR and 2.0 FAR, respectively, and residential uses at a density of 14 to 40 DU/AC. The intent of this zoning district is to create identity and place along the Holt Boulevard Corridor and provide a connection between the Downtown Mixed Use Area and the Ontario Airport Metro Center. The MU-2 zoning district is consistent with and implements the East Holt Mixed Use Area land use designation of the Policy Plan component of The Ontario Plan.

3. MU-11 (Euclid/Francis Mixed Use) Zoning District. The MU-11 zoning district is hereby established to accommodate a mixture of low-rise (up to 3 stories) retail uses at an intensity of up to 1.0 FAR, and residential uses at a density of 14 to 25 DU/AC, that will create identity and place along the Euclid Avenue corridor. The MU-11 zoning district is consistent with and implements the Euclid and Francis Mixed Use Area land use designation of the Policy Plan component of The Ontario Plan.

D. Industrial Zoning Districts.

1. BP (Business Park) Zoning District. The BP zoning district is hereby established to accommodate industrial-serving commercial and office uses, and very light industrial uses, which may be developed at a maximum intensity of 0.6 FAR. Development within this zoning district is

typically multi-tenant in nature; however, single-tenant buildings are not precluded. The BP zoning district is consistent with, and implements, the Business Park land use designation of the Policy Plan component of The Ontario Plan.

2. IP (Industrial Park) Zoning District. The IP zoning district is hereby established to accommodate a combination of commercial activity and light industrial uses, which may be developed at a maximum intensity of 0.6 FAR, and which support services to nearby industrial uses, technology centers, research and development, “clean” industry, and limited manufacturing activities. The IP zoning district is consistent with, and implements, the Business Park land use designation of the Policy Plan component of The Ontario Plan.

3. IL (Light Industrial) Zoning District. The IL zoning district is hereby established to accommodate lighter manufacturing and assembly activities, storage and warehousing activities, and other similar uses developed at a maximum intensity of 0.55 FAR. This zoning district is typically located within 500 feet of residentially zoned properties, public parks and schools, and mixed-use properties having a residential component. And is intended to serve as a buffer between residentially zoned areas and heavier industrial zoning districts. Allowed uses are expected to have little or no impacts on nearby residential uses with regard to noise, odor, or hazards. The IL zoning district is consistent with, and implements, the Business Park and Industrial land use designations of the Policy Plan component of The Ontario Plan.

4. IG (General Industrial) Zoning District. The IG zoning district is hereby established to accommodate a wide range of manufacturing and assembly activities, storage and warehousing activities, and other similar uses developed at a maximum intensity of 0.55 FAR, which desire to locate in larger buildings and on larger sites. This zoning district is generally located away from residentially zoned properties, public parks and schools, and mixed-use properties having a residential component. The IG zoning district is consistent with, and implements, the Industrial land use designation of the Policy Plan component of The Ontario Plan.

5. IH (Heavy Industrial) Zoning District. The IH zoning district is hereby established to accommodate heavier manufacturing, assembly, storage, warehousing, and other similar industrial activities, as well as adult uses, which may have negative impacts when located near residential or other sensitive land uses, and which may be developed at a maximum intensity of 0.55 FAR. This zoning district is intended to be located away from residentially zoned properties, public parks and schools, and mixed-use properties having a residential component. The IH zoning district is consistent with, and implements, the Industrial land use designation of the Policy Plan component of The Ontario Plan.

E. Specialized Use Zoning Districts.

1. CIV (Civic) Zoning District. The CIV zoning district is hereby established to accommodate permanent public facilities such as City Hall, public libraries, public schools, police and fire stations, and other similar facilities that require significant public investment and are utilized by the public. The CIV zoning district is consistent with, and implements, all land use designation of the Policy Plan component of The Ontario Plan.

2. MHP (Mobile Home Park) Zoning District. The MHP zoning district is hereby established to accommodate communities consisting of mobile homes and manufactured housing at a density range of 5.1 to 8.0 dwelling units per acre. The MHP zoning district is consistent with, and implements, the Low-Medium Density Residential land use designation of the Policy Plan component of The Ontario Plan.

3. ONT (Ontario International Airport) Zoning District. The ONT zoning district is hereby established to accommodate Ontario International Airport and surrounding properties directly impacted by airport operations. This zoning district includes uses such as airport terminals (including commercial and service uses related to the terminals), car rental agencies, and airport-related industrial, and delivery uses developed at a maximum intensity of 0.55 FAR. The ONT zoning district is consistent with, and implements, the Ontario International Airport land use designation of the Policy Plan component of The Ontario Plan.

4. OS-C (Open Space-Cemetery) Zoning District. The OS-C zoning district is hereby established to accommodate cemetery sites. Cemeteries provide visual open space, but not recreational opportunities, and have unique characteristics and activities that warrant a separate zoning designation to address their operational characteristics. The OS-C zoning district is consistent with, and implements, the Open Space-Nonrecreation land use designation of the Policy Plan component of The Ontario Plan.

5. OS-R (Open Space-Recreation) Zoning District. The OS-R zoning district is hereby established to accommodate open space uses such as public parks and recreation centers. The OS-R zoning district is consistent with, and implements, the Open Space-Parkland and Open Space-Water land use designation of the Policy Plan component of The Ontario Plan.

6. PUD (Planned Unit Development) Zoning District. The PUD zoning district is hereby established to accommodate projects that require master plan approval pursuant to The Ontario Plan Policy Plan, which focuses on the character of the development, relationship of uses, public and private access, parking, pedestrian facilities, building form, integration with the roadways and pedestrian ways, public spaces, landscaping, amenities, and unique product types. The PUD zoning district is consistent with, and implements, all land use designation of the Policy Plan component of The Ontario Plan.

7. RC (Rail Corridor) Zoning District. The RC zoning district is hereby established to accommodate permanent rail or fixed transit corridors through the City, and includes stations and ancillary facilities. The RC zoning district is consistent with, and implements, the Railroad land use designation of the Policy Plan component of The Ontario Plan.

8. SP (Specific Plan) Zoning District. The SP zoning district is hereby established to accommodate the adoption of Specific Plans pursuant to this Development Code. The SP zoning district is consistent with, and implements, all land use designation of the Policy Plan component of The Ontario Plan.

9. UC (Utilities Corridor) Zoning District. The UC zoning district is hereby established to accommodate flood control channels, retention and detention basins, electrical transmission corridors and landfills, and may include ancillary recreational facilities, such as public trails in conjunction with the primary use of the site. The UC zoning district is consistent with, and implements, the Open Space-Nonrecreation land use designation of the Policy Plan component of The Ontario Plan.

F. Overlay Districts.

1. AG (Agriculture) Overlay Zoning District. The AG Overlay zoning district is hereby established to accommodate the continuation of agricultural uses within the City, on an interim basis, until such time that development is slated to occur consistent with the Policy Plan component of The Ontario Plan and the underlying zoning district. Furthermore, it is the intent of this overlay zoning district is to permit continued agricultural use of properties or to establish

general agricultural uses, including dairies, which are appropriate for areas of concentrated agricultural uses. The AG Overlay zoning district is consistent with, and implements, all land use designation of the Policy Plan component of The Ontario Plan.

2. EA (Euclid Avenue) Overlay Zoning District. The EA Overlay zoning district is intended to: [i] recognize, protect, and enhance the visual character and quality of Euclid Avenue as a major scenic and historic resource of the City; [ii] recognize and protect Euclid Avenue’s position on the National Register of Historic Places; and [iii] recognize Euclid Avenue as a major contributor to Ontario’s historic downtown area.

3. ES (Emergency Shelter) Overlay Zoning District. The ES Overlay zoning district is hereby established to accommodate Emergency Shelters, Supportive Housing, Transitional Housing, and Transitional Living Centers pursuant to the Housing Element of the Policy Plan component of The Ontario Plan, and GC Section 65583. The ES overlay district is consistent with, and implements, all land use designations of the Policy Plan component of The Ontario Plan.

4. MTC (Multimodal Transit Center) Overlay Zoning District. The MTC Overlay zoning district is hereby established to allow for the interim use of existing industrial buildings located in the Multimodal Mixed-Use land use designation, as shown on the Land Use Plan (Exhibit LU-01) of The Ontario Plan, with general industrial land uses allowed in the IG zoning district pursuant to Table 5.02-1 (Land Use Matrix) of this Division, while at the same time preserving the City’s vision for the development of a multi-modal transit center and supporting mixed-use development. The MTC Overlay zoning district is consistent with, and implements, the Multimodal Mixed-Use land use designation of the Policy Plan component of The Ontario Plan.

5. ICC (Interim Community Commercial) Overlay Zoning District. The ICC Overlay zoning district is hereby established to allow for the interim use of existing commercial buildings, which are nonconforming as to zoning and/or ~~located in the High Density (25.1 to 45 DU/Acre) land use designation as shown on the Land Use Plan (Exhibit LU-01) of The Ontario Plan~~. Property in the ICC Overlay zoning district shall be ~~allowed with Community Commercial the land uses allowed in~~ **subject to the land use requirements of** the CN and CC zoning districts, as shown in ~~pursuant to~~ Table 5.02-1 (Land Use Matrix) of this Division, while at the same time preserving the City’s **long term** vision for the development and use of ~~high density residential projects in the High Density (25.1 to 45 DU/Acre) property consistent with the underlying Policy Plan (general plan)~~ land use designation. The ICC Overlay District is consistent with, and implements, ~~the High Density (25.1 to 45 DU/Acre) all~~ land use designations of the Policy Plan component of The Ontario Plan.

5.01.010: Zoning Map Adoption

The City Council hereby adopts the official zoning map of the City, entitled “City of Ontario Zoning Map” (hereafter referred to as “Zoning Map”). The Zoning Map is hereby incorporated into this Development Code by reference and shall be maintained on file in the office of the Planning Department. The boundaries of the zones as set forth on the Zoning Map are confirmed, adopted and established, and may be amended ~~in accordance with~~ **pursuant to the requirements of Section 4.01.040 (Zone Changes) of** this Development Code.

5.01.015: Zoning District Boundaries

When uncertainty exists as to the boundary of a district shown on the Zoning Map, the following regulations shall control:

- A. Where a boundary line is indicated as following a street or alley, the boundary line shall be construed as following the centerline of the right-of-way;
- B. Where a boundary line follows or coincides approximately with a lot line or property ownership line, the boundary line shall be construed as following the lot line or boundary line;
- C. Where the boundary line is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property ownership line, unless specifically indicated by dimensions on the Zoning Map, the boundary line shall be determined based on the scale of the Zoning Map;
- D. Where uncertainty exists, the Zoning Administrator shall determine in writing, the location of the boundary in question, giving due consideration to the location indicated on the Zoning Map, the objectives of the Development Code, and the specific purposes for each district; and
- E. Where a street or alley is officially vacated or abandoned, the area within the area of vacated street or alley on each side of the centerline shall be classified in the same zoning district as the adjoining property.

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Division 5.02—General Land Use Provisions

Sections:

- [5.02.000](#): Purpose
- [5.02.005](#): Applicability
- [5.02.010](#): Allowed Land Uses, Activities and Facilities

5.02.000: Purpose

The purpose of this Division is to identify those land uses, activities and facilities that may be established in conjunction with any buildings, improvements, lots, or premises that are privately owned, leased, operated, or controlled within the zoning districts established by Section 5.01.005 (Establishment of Base Zoning Districts) of this Development Code, and is to serve as a guide for the establishment of publicly owned land uses, activities and facilities (see Subsection 1.01.015.F (City Properties) of this Development Code.

5.02.005: Applicability

A. Land Use Matrix.

1. Land and facilities thereon shall ~~only~~ be developed, divided and/or used only for those activities and facilities listed in Table 5.02-1 (Land Use Matrix) of this Division. Table 5.02-1 (Land Use Matrix) establishes uses that are permitted, conditionally permitted, administratively permitted, or expressly prohibited, within the zoning districts established by Section 5.01.005 (Establishment of Base Zoning Districts) and identified on the Zoning Map established by Section 5.01.015 (Zoning Map Adoption) of this Chapter. A use that is not specifically allowed by Table 5.02-1 (Land Use Matrix) shall be deemed a prohibited use unless otherwise allowed by the Zoning Administrator pursuant to Subsection C (Land Uses, Activities and Facilities Not Addressed by the Land Use Matrix) of this Section. Notwithstanding any other provision of this Development Code, a medical marijuana dispensary, as defined in Division 9.01 (Definitions) of this Development Code shall be a prohibited use in all zoning districts of the City (see Section 5.03.295 (Medical Marijuana Dispensary) of this Chapter).

2. Table 5.02-1 (Land Use Matrix) further establishes a hierarchy of land uses, activities, and facilities, based upon the North American Industry Classification System (NAICS) — the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy — and identifies the NAICS code for each industry sector (2-number code), subsector (3-number code), group (4-number code), subgroup (5-number code), and use (6-number code), as they are applicable to the City, allowing the user to effectively reference the [NAICS Association web site](#) to obtain definitions for each industry, along with background information and access to various NAICS reference files and tools.

B. Land Use Regulations, Operating Conditions, and Development Standards. The “Additional Regulations” column of Table 5.02-1 (Land Use Matrix) references the location of regulations, operating conditions, and/or development standards that are applicable to the corresponding land uses, activities and facilities.

C. Land Uses, Activities and Facilities Not Addressed by the Land Use Matrix. Land uses, activities, or facilities not addressed by Table 5.02.1 (Land Use Matrix) may be considered by the Zoning Administrator upon the request for a land use determination pursuant to Section 1.02.010 (Interpretations and Land Use Determinations) of this Development Code.

D. Specialized Use and Overlay Zoning Districts. Land uses, activities, and facilities within Specialized Use and Overlay Zoning Districts, which are not addressed in Table 5.02-1 (Land Use Matrix), shall be applied as follows:

1. PUD (Planned Unit Development) Zoning District. The PUD zoning district is established to accommodate the development and use of properties that require Planned Unit Development approval pursuant to Exhibit LU-05 (Additional Plans Map) of the Policy Plan component of The Ontario Plan. Land uses, activities, and facilities within the PUD zoning district shall only be allowed pursuant to the applicable Planned Unit Development document.

2. SP (Specific Plan) Zoning District. The SP zoning district is established to accommodate the adoption of Specific Plans pursuant to Exhibit LU-05 (Additional Plans Map) of the Policy Plan component of The Ontario Plan. All land uses, activities, and facilities within the SP zoning district shall only be allowed pursuant to the applicable Specific Plan document.

3. EA (Euclid Avenue) Overlay District. The EA Overlay District is established to protect Euclid Avenue as a major scenic and historic resource of the City. All land uses, activities, and facilities within the EA Overlay district shall be allowed pursuant to the requirements of the applicable underlying base zoning district.

4. ES (Emergency Shelter) Overlay District. The ES Overlay District is established to accommodate Emergency Shelters, Supportive Housing, Transitional Housing, and Transitional Living Centers within areas of the City predetermined by the Housing Element (contained within the Policy Plan component of The Ontario Plan), pursuant to GC Section 65583. Within the ES Overlay District, Emergency Shelters, Supportive Housing, Transitional Housing, and Transitional Living Centers are permitted by right of being within the correct zoning district, and are subject to the land use standards contained within Section 5.03.400 (Temporary Shelters) of this Chapter and the development standards and guidelines contained within (Division 6.01 (District Standards and Guidelines) of this Development Code, as applicable to the underlying base zoning district.

5. MTC (Multimodal Transit Center) Overlay District. The MTC Overlay District is established to allow for the interim use of existing buildings located within the overly district boundary (established pursuant to Paragraph 5.01.010.F.4 (MTC (Multimodal Transit Center) Overlay District) of this Development Code), while at the same time preserving the City's vision for development of a multi-modal transit center and supporting mixed-use development. To this end, the below-listed land uses shall be permitted within existing buildings located within the MTC Overlay District:

- a. General warehousing, storage, and distribution trades;
- b. Wholesale trades;
- c. Retail trades, limited to 15 percent of the building GFA or 8,000 SF, whichever is less;
- d. Office administrative and business support services; and

e. Other uses approved by the Zoning Administrator that are similar in nature to those uses listed in Subparagraphs B.5.a through d, above, provided all activities are wholly contained within the building and do not have the potential to negatively impact properties in the vicinity, or are consistent with the Vision and Policy Plan components of The Ontario Plan.

E. Mobile Business Activities not addressed by Table 5.02-1 (Land Use Matrix). Any mobile business activity that is not otherwise allowed pursuant to Table 5.02-1 (Land Use Matrix) of this Division, or has been allowed by the Zoning Administrator following a request for a use determination pursuant to Section 1.02.010 (Interpretations and Land Use Determinations) of this Development Code, shall be expressly prohibited.

5.02.010: Allowed Land Uses, Activities and Facilities

A. Land Use Matrix (Table 5.02-1) Symbols. Land and facilities thereon shall only be developed, divided and/or used for those activities listed in Table 5.02-1 (Land Use Matrix) of this Division. The symbols shown in the Land Use Matrix shall have the following meanings:

1. "P" (permitted) shall mean the land use, activity, or facility within the specified zoning district is permitted by right of being in the proper zoning district, and is subject to the each Development Code provision applicable to the specified zoning district and the standards for specific uses, activities, and facilities contained in Division 5.03 (~~Standards For Specific Uses, Activities and Facilities~~ Supplemental Land Use Regulations) of this Development Code.

2. "C" (conditionally permitted) shall mean the land use, activity, or facility within the specified zoning district is subject to the granting of a Conditional Use Permit pursuant to Section 4.02.025 (Conditional Use Permits) of this Development Code, and is subject to each Development Code provision applicable to the specified zoning district and the standards for specific uses, activities, and facilities contained in Division 5.03 (Standards For Specific Uses, Activities and Facilities).

3. "A" (administratively permitted) shall mean the land use, activity, or facility within the specified zoning district is subject to the granting of an Administrative Use Permit pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code, and is subject to Development Code provisions applicable to the specified zoning district and the standards for specific uses, activities and facilities contained in Division 5.03 (Standards For Specific Uses, Activities and Facilities).

4. "---" (prohibited) shall mean the land use, activity, or facility within the specified zoning district is expressly prohibited and shall not be allowed within the specified zoning district unless changed by Development Code Amendment.

B. Consistency with the Policy Plan (General Plan) Component of The Ontario Plan. No land use, activity or facility shall be permitted that is inconsistent with the objectives, polices, general land uses and programs specified in Policy Plan (General Plan) component of The Ontario Plan. A land use is consistent with The Ontario Plan if considering all of its aspects, it is found to further the objectives and policies of The Ontario Plan.

C. Table 5.02-1 (Land Use Matrix) Organization. The land uses addressed in Table 5.02-1 (Land Use Matrix) are organized as follows:

NAICS Codes	Land Uses, Activities and Facilities
	Residential
	Mixed Use
11	Commercial Agriculture
21	Mining, Quarrying, and Oil and Gas Extraction
22	Utilities
23	Construction
31-33	Manufacturing
42	Wholesale Trade
44-45	Retail Trade
48-49	Transportation and Warehousing
51	Information
52	Finance and Insurance
53	Real Estate, Rental and Leasing
54	Professional, Scientific and Technical Services
55	Management of Companies and Enterprises
56	Administrative and Support, and Waste Management and Remediation Services
61	Education Services
62	Health Care and Social Assistance
71	Arts, Entertainment and Recreation
72	Accommodation and Food Services
81	Other Services (except Public Administration)
92	Public Administration
	Temporary and Interim Land Uses, Buildings and Structures

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities	Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts							Additional Regulations										
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-2	MU-11	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C		OS-R	RC	UC							
11	COMMERCIAL AGRICULTURE																																							
111	Commercial Crop Production and Farming (except community gardens, urban farms, and marijuana cultivation)	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	P	P	P	P	P	P							
	• Community Gardens	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	---	---	A	A	A	---	A	A	A	A	A								
	• Urban Farms	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	---	---	A	A	A	A	A								
	• Marijuana Cultivation	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---						
112	Commercial Animal Production and Aquaculture																																							
1121	Cattle Ranching and Farming	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---						
1122	Hog and Pig Farming	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---					
1123	Poultry and Egg Production	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---					
1124	Sheep and Goat Farming	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---				
1125	Aquaculture (includes the cultivation of freshwater and saltwater fish, crustaceans, mollusks, aquatic plants, algae, and other organisms)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---				
1129	Other Animal Production																																							
112910	Apiculture (beekeeping and production)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	P	---	---	---	---	---	---	P						
112920	Horses and Other Equine Production	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---				
112930	Fur-Bearing Animal Production (limited to rabbits, chinchillas, and other similar small, fur-bearing animals)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---				
112990	All Other Animal Production, limited to the following:																																							
	• Kennels and Catteries (includes animals owned by the owner or occupant of the property, and those kept and/or boarded for remuneration)																																							
	[1] Fewer than 8 animals	P	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	P	---	---	---	---	---	---	---	---	---	---					
	[2] 8 or more animals	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	C	---	---	---	---	---	---	---	---	---	---	---	---			
	• Alpaca and Llama Farming	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---			
	• Aviaries	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---			
	• Ostrich, Emu, and Rhea Farming	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
115	Support Activities for Agriculture																																							
115111 115112 115113 115114 115115 115116	Support Activities for Crop Production (includes cotton ginning; soil preparation, planting and cultivating; crop harvesting; postharvest crop activities; farm labor contractors and crew leaders; and farm management services)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---			

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts						Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations															
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					MU-2	MU-11	BP	IP	IL	IG	IH	AG	CIV	MHP		ONT	OS-C	OS-R	RC	UC										
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4																										
515120	Radio and Television Transmission/Antenna Facilities	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---			
517	Telecommunications Facilities																																										
517311	Wired telecommunications Facilities	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	---	P	P	P	P	P	P	P	P	P	P	P	P				
517312	Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
5174	Satellite Facilities	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	C	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---		
5179	All Other Telecommunications (includes telecommunications resellers, radar station operations, and satellite telemetry operations and tracking stations)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---			
518	Data Processing, Hosting and Related Services	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
519	Other Information Services																																										
51911	News Syndicates (office only)	---	---	---	---	---	---	P	P	P	P	P	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
51912	Libraries and Archives	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	C	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
51913	Internet Publishing and Broadcasting	---	---	---	---	---	---	P	P	P	P	P	P	P	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
52	FINANCE AND INSURANCE																																										
522	Credit Intermediation and Related Activities																																										
5221	Depository Credit Intermediation (limited to commercial banking, savings institutions and credit unions)	---	---	---	---	---	P	P	P	P	P	P	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
5222	Nondepository Credit Intermediation (such as: credit card issuing, sales financing, consumer and real estate lending, and secondary market financing, excluding pawn shops and pawn brokers)	---	---	---	---	---	---	P	P	---	P	P	---	---	---	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
522298	Pawnshops and Pawnbrokers	---	---	---	---	---	---	C	C	---	---	C	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
5223	Activities Related to Credit Intermediation																																										
522310	Mortgage and Nonmortgage Loan Brokers	---	---	---	---	---	P	P	P	P	P	P	P	P	P	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
522320	Financial Transactions Processing and Clearinghouse Activities	---	---	---	---	---	---	P	P	---	---	P	P	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
522390	Other Activities Related to Credit Intermediation (limited to check cashing, money order issuance, money transmission and payday advance services)	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
523, 524, 525	Securities, Commodity Contracts, and Other Financial Investments; Insurance Carriers; and Related Activities, Funds, Trusts, and Other Financial Vehicles	---	---	---	---	---	P	P	P	---	P	P	P	P	P	---	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts						Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations								
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					MU-2	MU-11	BP	IP	IL	IG	IH	AG	CIV	MHP		ONT	OS-C	OS-R	RC	UC			
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4																			
713990	Golf Driving Ranges, Miniature and Pitch-N-Put Golf Courses, and Practice Ranges	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
713990	Hookah Establishments and Facilities	---	---	---	---	---	C	C	---	---	---	---	*A	*A	*A	*A	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	* In the MU-1 zoning district, hookah facilities are administratively permitted only in conjunction with a bona fide full-service restaurant. Standalone establishments and facilities shall not be allowed. See Section 5.03.245 (Hookah Establishments)	
713990	Live Entertainment (excludes adult-oriented establishments)																																			
	<ul style="list-style-type: none"> GFA Less than 10,000 5,000 SF 	‡A	‡A	‡A	‡A	---	C	C	C	C	---	---	*A/ **C	*A/ **C	*A/ **C	*A/ **C	---	C	C	C	---	---	---	---	C	---	P	---	---	---	---	---	---	* In the MU-1 zoning district, live entertainment is administratively permitted only in conjunction with a bona fide full-service restaurant or alcoholic beverage manufacturer's tasting room. ** Standalone live entertainment activities/facilities shall be subject to Conditional Use Permit approval and shall be prohibited on property located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.		
	<ul style="list-style-type: none"> GFA 10,000 5,000 or More SF 	---	---	---	---	---	C	C	C	C	---	---	**C	---	---	**C	---	C	C	C	---	---	---	---	C	---	C	---	---	---	---	---	---	‡ Allowed in residential zoning districts only in conjunction with a banquet facility in association with a historic property		
713990	Off-Road Vehicle Riding Facilities (recreational)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
713990	Open Space and Park Lands (publicly owned facilities)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
713990	Shooting and Archery Ranges and Galleries — Indoor Only	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---		
713990	Simulated Racing (limited to go-carts, radio-controlled vehicles and other similar facilities)	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---		
713990	Simulated Shooting Games — Indoor Only (limited to laser tag and paint ball)	---	---	---	---	---	---	C	C	---	---	---	C	---	---	C	---	C	C	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---		
713990	Skating Rinks and Parks (indoor only)	---	---	---	---	---	---	C	C	---	---	---	---	---	---	C	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
713990	Smoking Lounges, Vape Lounges, and Other Similar Facilities (excluding hookah establishments)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
713990	Stables (commercial riding)	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---			

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts						Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations							
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C		OS-R	RC	UC				
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4															MU-2	MU-11		
722410	Bars, Cocktail Lounges, Nightclubs and Taverns, and Other Similar Facilities • GFA less than 5,000 SF • GFA 5,000 or More SF	---	---	---	---	---	---	C	C	C	---	C	**A	**A	**A	C	---	C	C	---	---	---	---	---	---	---	---	P	---	C	---	---	** Standalone bars, taverns, and other similar facilities shall be prohibited on property located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations. See Section 5.03.025 (Alcoholic Beverage Sales)		
7225	Restaurants and Other Eating Places																																		
722511	Full-Service Restaurants (includes ancillary banquet facilities—see NAICS 531120 for standalone banquet facilities)	---	---	---	---	---	P	P	P	P	---	P	P	P	P	P	P	P	P	P	P	P	---	---	---	P	---	P	---	P	---	---	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.		
722513	Limited-Service and Fast Food Restaurants	---	---	---	---	P	P	P	P	P	---	P	P	P	P	P	P	P	P	P	P	P	---	---	---	P	---	P	---	P	---	---	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.		
722514	Cafeterias and Buffets	---	---	---	---	P	P	P	P	P	---	P	P	P	P	P	P	P	P	P	P	P	---	---	---	P	---	P	---	P	---	---	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.		
722515	Snack and Nonalcoholic Beverage Bars	---	---	---	---	P	P	P	P	P	---	P	P	P	P	P	P	P	P	P	P	P	---	---	---	P	---	P	---	P	---	---	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.		
81	OTHER SERVICES (EXCEPT PUBLIC ADMINISTRATION)																																		
811	Repair and Maintenance																																		
8111	Motor Vehicle Repair and Maintenance (Note: See Motor Vehicle Storage (NAICS 493190) for vehicle storage requirements)																																		
811111	Servicing Facilities (limited to retail-oriented services, such as emissions testing, battery replacement and other similar retail activities that involves the limited use of pneumatic tools or equipment that create noise impacts)	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.065 (Automotive Repair and Maintenance—Servicing Facilities)	
811111	General Repair Facilities (includes general motor vehicle mechanical and electrical repair and maintenance of air conditioning, brake, cooling, electric, exhaust, fuel, and suspension systems; and engine, transmission, and drive train)																																		
	• Automobile, Light Truck and Van Repair and Maintenance	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	C	P	P	P	---	---	---	---	---	---	P	---	---	---	---	---	See Section 5.03.060 (Automotive Repair and Maintenance—General Repair Facilities)	
	• Large Truck, Bus and Similarly Large Motor Vehicle Repair and Maintenance	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	---	---	---	---	---	P	---	---	---	---	---		
811121	Automotive Body, Paint, and Interior Repair and Customization																																		
	• Automobile, Light Truck and Van Body, Paint, and Interior Repair and Customization	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	P	P	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.045 (Automotive Body, Paint, and Interior Repair and Customization—Minor Customization Work)
	• Minor Customization Work (limited to the “bolt-on” replacement or addition of parts only -- no body or paint work is allowed)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	P	P	---	---	---	P	---	---	---	---	---	---		
	• Large Truck and Bus Body, Paint, and Interior Repair and Maintenance	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	---	---	---	P	---	---	---	---	---	---		

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts						Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations											
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C		OS-R	RC	UC								
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4															MU-2	MU-11						
	<ul style="list-style-type: none"> Mobile Body and Paint Repair Services 	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.050 (Automotive Body and Paint—Mobile Repair Services)		
811122	Automotive Glass Replacement Shops (limited to stationary and mobile services)	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---	See Section 5.03.055 (Automotive Glass Replacement Shops)			
811191	Automotive Oil Change and Lubrication Shops	---	---	---	---	---	P	P	P	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---		
811192	Car Washes--Full-Service and Self-Service (excludes facilities ancillary to fueling stations)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
	<ul style="list-style-type: none"> Automobiles, Light Trucks and Vans 	---	---	---	---	---	---	C	C	---	---	---	---	C	C	---	C	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---		
	<ul style="list-style-type: none"> Trucks and Similarly Large Vehicles 	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---		
	<ul style="list-style-type: none"> Mobile Washing and Detailing Services 	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.300 (Mobile Washing and Detailing Services)		
811198	All Other Automotive Repair and Maintenance	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
	<ul style="list-style-type: none"> Emissions Testing (test only facilities), and Diagnostic Centers and Safety Inspection Services (without repair) 	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
	<ul style="list-style-type: none"> Rustproofing and Undercoating Shops 	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
	<ul style="list-style-type: none"> Spray-On Bedliner Installation Shops 	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
	<ul style="list-style-type: none"> Tire Sales, Installation, and Repair (except retreading) Services 	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
	<ul style="list-style-type: none"> Plug-In Electric Vehicle (PEV) Charging Facilities (ancillary to an allowed land use) 	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	---			
8112	Electronic and Precision Equipment Repair and Maintenance	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
8114	Personal and Household Goods Repair and Maintenance	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
811411, 811412	Home and Garden Equipment and Appliance Repair and Maintenance	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
811420	Reupholsters and Furniture Repair	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
811430	Footwear and Leather Goods Repair	---	---	---	---	---	P	P	P	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
811490	Other Personal and Household Goods Repair and Maintenance -- Without Retail Sales (limited to garment alteration and repair, gun repair, jewelry repair, key duplicating, musical instrument repair and tailor shops)	---	---	---	---	---	P	P	P	---	---	---	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
811490	Boat Repair and Maintenance Services (no retail sales of new boats)	---	---	---	---	---	---	C	C	---	---	---	---	---	---	C	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
811490	Motorcycle Repair and Maintenance Services (no retail sales of new motorcycles)	---	---	---	---	---	---	C	C	---	---	---	---	---	---	C	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts						Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations							
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-2	MU-11	BP	IP	IL	IG	IH	AG	CIV	MHP		ONT	OS-C	OS-R	RC	UC		
922160	Fire Protection	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
923	Administration of Human Resource Programs (limited to administrative offices for education, public health and veterans' affairs, and other similar facilities)	---	---	---	---	---	---	P	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	
TEMPORARY AND INTERIM LAND USES, BUILDINGS, AND STRUCTURES																																			
	Temporary and Interim Land Uses	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	See Section 5.03.395 (Temporary and Interim Land Uses, Buildings, and Structures)	
	Temporary and Interim Buildings, Structures, and Facilities																																		
	<ul style="list-style-type: none"> Fewer than 5 years 	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	See Section 5.03.395 (Temporary and Interim Land Uses, Buildings, and Structures)	
	<ul style="list-style-type: none"> 5 to 10 years 	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	A	C	C	C	C	C		
	<ul style="list-style-type: none"> More than 10 years 	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	A	---	---	---	---	---	

Division 5.03—~~Standards for Certain Land Uses, Activities, and Facilities~~ Supplemental Land Use Regulations

Sections:

- [5.03.000:](#) Purpose
- [5.03.005:](#) Applicability
- [5.03.010:](#) Accessory ~~Residential Structures~~ Dwelling Units
- [5.03.011:](#) Accessory Residential Structures
- [5.03.015:](#) Adult-Oriented Businesses
- [5.03.020:](#) Air Transportation
- [5.03.023:](#) Alcoholic Beverage Manufacturing
- [5.03.025:](#) Alcoholic Beverage Sales
- [5.03.030:](#) Ambulatory Health Care Services—All Other Miscellaneous Services
- [5.03.035:](#) Apparel Manufacturing
- [5.03.037:](#) Artisan Small-Scale and Micro Manufacturing Facilities
- [5.03.040:](#) Automobile Dealers—New Vehicles Sales and Leasing, and Automobile Rental
- [5.03.045:](#) Automotive Body, Paint, and Interior Repair and Customization—Minor Customization Work
- [5.03.050:](#) Automotive Body and Paint—Mobile Repair Services
- [5.03.055:](#) Automotive Glass Replacement Shops
- [5.03.060:](#) Automotive Repair and Maintenance—General Repair Facilities
- [5.03.065:](#) Automotive Repair and Maintenance—Servicing Facilities
- [5.03.067:](#) Banquet Facilities - Historic Properties
- [5.03.070:](#) Bed-and-Breakfast Inns
- [5.03.075:](#) Billiard Parlors and Pool Halls
- [5.03.080:](#) Boarding, Lodging, and Rooming Houses
- [5.03.085:](#) Bread and Tortilla Manufacturing
- [5.03.090:](#) Business to Business Electronic Markets
- [5.03.095:](#) Caretaker Quarters
- [5.03.100:](#) Child Daycare Services
- [5.03.105:](#) Community Care Facilities for the Elderly—More Than 6 Persons
- [5.03.110:](#) Community Care Facilities for the Elderly—6 or Fewer Persons
- [5.03.115:](#) Computer and Electronic Product Manufacturing
- [5.03.120:](#) Consumer Goods Rental
- [5.03.125:](#) Convenience Markets and Specialty Food Stores
- [5.03.130:](#) Credit Intermediation-Related Activities
- [5.03.135:](#) Cutlery and Hand Tool Manufacturing
- [5.03.140:](#) Data Processing, Hosting, and Related Services
- [5.03.145:](#) Depository Credit Intermediation
- [5.03.150:](#) Drive-Thru Facilities
- [5.03.155:](#) Durable and Nondurable Goods Agents and Brokers
- [5.03.160:](#) Electric Power Generation, Solar and Wind
- [5.03.165:](#) Electrical Equipment, Appliance, and Component Manufacturing
- [5.03.170:](#) Electronic Shopping and Mail Order Houses
- [5.03.175:](#) Electronics and Appliance Stores
- [5.03.177:](#) Employee (Farmworker) Housing
- [5.03.180:](#) Exterminating Services
- [5.03.185:](#) Fabricated Metal Product Manufacturing, All Other Miscellaneous
- [5.03.187:](#) Fertilizer Manufacturing from Manure Operations (FMMO)
- [5.03.190:](#) Food Manufacturing, Other
- [5.03.195:](#) Footwear Manufacturing

- [5.03.200:](#) Freight Transportation Arrangement
- [5.03.205:](#) Funeral Director Services
- [5.03.210:](#) Furniture and Home Furnishings Stores
- [5.03.215:](#) Furniture and Related Product Manufacturing
- [5.03.220:](#) Game Arcades, Internet Cafes, On-Line Internet Gaming, and Similar Facilities
- [5.03.225:](#) Gasoline and Fueling Stations
- [5.03.230:](#) General Rental Centers
- [5.03.235:](#) Hardware Manufacturing
- [5.03.240:](#) Home Occupations
- [5.03.245:](#) Hookah Establishments and Facilities, Smoking/Vaping Lounges, and Smoking/Vaping Retailers
- [5.03.250:](#) Hotels, Motels, Residence Inns, and Other Similar Traveler Accommodation
- [5.03.255:](#) Leather and Allied Product Manufacturing, Other
- [5.03.260:](#) Machine Shops, and Turned Product, Screw, Nut, and Bolt Manufacturing
- [5.03.265:](#) Manufacturing, Miscellaneous
- [5.03.270:](#) Massage Services
- [5.03.275:](#) Material Recovery Facilities (MRF)
- [5.03.280:](#) Marijuana Dispensary
- [5.03.285:](#) Mixed-Use Developments
- [5.03.290:](#) Mobile Food Services
- [5.03.295:](#) Mobilehome Parks
- [5.03.300:](#) Mobile Washing and Detailing Services
- [5.03.305:](#) Motor Vehicle Dealers
- [5.03.310:](#) Motor Vehicle Storage Facilities
- [5.03.315:](#) Personal Fitness Trainer
- [5.03.320:](#) Personal Property Donation Bins
- [5.03.325:](#) Pharmaceutical and Medicine Manufacturing
- [5.03.330:](#) Pharmacies and Drug Stores
- [5.03.335:](#) Plastics Product Manufacturing
- [5.03.340:](#) Recycling Facilities
- [5.03.345:](#) Residential Care Facilities, Other—6 or Fewer Persons
- [5.03.350:](#) Salvage Facilities
- [5.03.355:](#) **Self-Storage Facilities**
- [5.03.360:](#) Senior Citizen Housing Developments
- [5.03.365:](#) Single-Family Dwellings
- [5.03.370:](#) Single Room Occupancy (SRO) Facilities
- [5.03.375:](#) Soap, Cleaning Compound, and Toilet Preparation Manufacturing
- [5.03.380:](#) Sound (Audio) Recording Facilities
- [5.03.385:](#) Spring and Wire Product Manufacturing
- [5.03.390:](#) Tattooing, Body Piercing, Branding, and the Application of Permanent Cosmetics
- [5.03.395:](#) Temporary and Interim Land Uses, Buildings, and Structures
- [5.03.400:](#) Thrift and Secondhand Stores, and Used Goods Stores
- [5.03.405:](#) ~~Transitional Shelter Housing~~ **Temporary Shelters and Supportive Housing**
- [5.03.410:](#) Urban Agriculture
- [5.03.415:](#) Waste Treatment and Disposal—Composting and Anaerobic Digestion Facilities
- [5.03.420:](#) Wireless Telecommunications Facilities
- [5.03.425:](#) Work/Live Units

5.03.000: Purpose

The purpose of this Division is to provide operating, site planning and/or development standards for certain land uses allowed by Division 5.02 (Land Use) of this Development Code, and for activities and facilities that require special standards to mitigate their potential adverse impacts, thereby assuring a land use, activity, and/or facility of stable and desirable character, which is compatible with existing and future development and land uses in the vicinity, and protects the use and enjoyment of neighboring properties consistent with goals and policies of The Ontario Plan.

5.03.005: Applicability

- A. The land uses, activities and facilities addressed by this Division shall be located in compliance with Division 5.02 (Land Use) of this Development Code.
- B. The standards for specific uses, activities and facilities established by this Division shall supplement, and are required in addition to, the applicable development and subdivision regulations contained in Chapter 6.0 (Development and Subdivision Regulations) of this Development Code.
- C. Each and every physical improvement required to be installed or constructed in conjunction with the establishment of a land use, activity or facility addressed by this Division, shall be completed prior to the commencement of the land use.

5.03.010: Accessory Residential Structures Dwelling Units

~~This Section shall govern the development and use of structures that are accessory to primary dwellings, and are attached to, or detached from, the primary dwelling, such as accessory dwelling units, carports, garages, garden and tool sheds, guesthouses, and other similar ancillary structures.~~

~~A. Accessory Dwelling Units~~

~~1. Purpose. The purpose of this Subsection A is to establish standards for the construction and use of Accessory Dwelling Units in conjunction with existing primary dwellings located within single family, multiple family, or mixed use zoning districts. These standards have been established in compliance with GC 65852.2, which governs Accessory Dwelling Units.~~

~~2. Applicability. In compliance with the provisions of State Accessory Dwelling Unit law, the provisions of this Subsection A shall govern the establishment and use of Accessory Dwelling Units within the City of Ontario. An Accessory Dwelling Unit is either [i] an independent dwelling attached to an existing primary dwelling, [ii] a dwelling attached to the primary dwelling, and shares living space; or [iii] an independent unit that is detached from the primary dwelling.~~

~~3. Definitions. As used in this Subsection A, the words or phrases listed below shall have the meanings thereafter specified:~~

~~a. Accessory Dwelling Unit (ADU). An attached or detached dwelling unit with complete independent living facilities for one or more persons, and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot in which an existing primary dwelling is situated. An ADU also includes Efficiency Dwelling Units, and Manufactured Homes as defined by Health and Safety Code Section 18007. The Classifications of ADU are as follows:~~

~~(1) — Standard ADU. An ADU that is an independent unit attached to the existing primary dwelling, or an independent unit that is detached from the existing primary dwelling. A Standard ADU shall comply with the requirements of Paragraph A.5 of this Section.~~

~~(2) — Integrated ADU. An ADU that [i] is on a lot zoned for residential uses, which contains at least one dwelling unit; [ii] is contained within, and shares living area with, the existing primary dwelling or accessory structure; [iii] has independent exterior access from the primary dwelling; and [iv] has side and rear setbacks sufficient for fire safety.~~

~~b. — Efficiency Dwelling Unit (EDU). As provided in HSC Section 17958.1, an ADU having a minimum living area of 150 SF, which is for occupancy by no more than two persons. Furthermore, an EDU shall contain a separate bathroom and an area containing an efficiency kitchen, which, at a minimum, includes a sink, cooking appliance, refrigeration facility, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the EDU.~~

~~4. — Policy Plan (General Plan) and Zoning Consistency. An ADU that conforms to this Subsection A shall:~~

~~a. — Be deemed an accessory residential use or an accessory residential building;~~

~~b. — Be deemed a residential land use that is consistent with the existing Policy Plan Land Use Plan and zoning designations for the lot on which the ADU is located;~~

~~c. — Not be considered to exceed the allowable density for the lot on which the ADU is located; and~~

~~d. — Not be considered in the application of any ordinance, policy, or program to limit residential growth.~~

~~5. — Development Standards for Standard ADUs. Standard ADUs shall comply with the following development standards:~~

~~a. — A Standard ADU shall only be allowed in conjunction with an existing primary dwelling located within any zoning district allowing for residential uses pursuant to Table 5.02-1 (Land Use Matrix) of this Chapter.~~

~~b. — A Standard ADU that is attached to the principal residential structure shall comply with the development standards applicable to the primary dwelling (refer to Section 6.01.010 (Residential Zoning Districts) of this Development Code), except as otherwise provided by this Section.~~

~~c. — A Standard ADU that is attached to the principal residential structure shall not exceed 50 percent of the gross floor area of the existing primary dwelling.~~

~~d. — A Standard ADU that is detached from the principal residential structure shall comply with the development standards contained in Table 5.03-1 (Development Standards for Detached Accessory Dwelling Units), below:~~

Table 5.03-1: Development Standards for Detached Accessory Dwelling Units

Requirements	Residential Zoning Districts				Additional Regulations
	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	
A. Maximum Height					
1. Conditional Use Permit Required	35 FT				Note 1
2. Permitted by Right	16 FT				
B. Maximum Area	850 SF for studio/one-bedroom units 1,000 SF for 2 or more bedroom units				
C. Minimum Setbacks					
1. From Street Side Property Line	10 FT				Notes 2 and 3
2. From Interior Side Property Line	4 FT	4 FT			Notes 2 and 3
3. From Rear Property Line					
a. Width of Structure ≤25 SF	4 FT				Note 2
b. Width of Structure >25 SF	4 FT				Notes 2 and 3
4. Minimum Separation Between Structures	6 FT				Note 4
5. Minimum Separation from Major Pipelines	50 FT				Note 5
D. Off-Street Parking	[1] Comply with the minimum off-street parking requirements for ADUs contained in Table 6.03-1 (Off-Street Parking Requirements) of this Development Code. [2] Required parking spaces for ADUs may be provided as tandem parking on an existing driveway pursuant to the requirements for ADUs in Section 6.03.025 (Tandem Parking) of this Development Code, and may be permitted within setback areas, unless it is determined by the Planning Director to not be feasible based upon specific site, fire, and life safety conditions.				Notes 6 and 7

Notes:

1. Detached Accessory Residential Structures in excess of 16 FT in height shall require Conditional Use Permit (or Certificate of Appropriateness for structures on the Ontario Register of Historic Places) approval.
2. No additional setback is required for an existing garage or other accessory structure, or existing space above an existing garage or other accessory structure, that is converted to an ADU.
3. New floor area constructed above an existing garage or other accessory structure shall not be required a side and/or rear property line setback of more than 4 FT.
4. For child play structures, doghouses, and other similar accessory structures, there shall be no minimum required setback or separation between buildings/structures, provided:
 - a. The accessory structure is located within a side or rear yard area;
 - b. The accessory structure does not exceed 5 FT in length and/or width, and 6 FT in height; and
 - c. The accessory structure is screened from view of public or private streets.
5. Includes major high-pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:

- a.—~~Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and~~
 - b.—~~Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.~~
- 6.—~~No off-street parking is required in any of the following situations:~~
- a.—~~The ADU is located within one-half mile of City and/or local transit authority approved public transit as defined in GC 65852.2;~~
 - b.—~~The ADU is located within an historic district or architectural conservation area established pursuant to Section 4.02.040 (Historic Preservation—Local Historic Landmark and Local Historic District Designations, Historic Resource Tiering, and Architectural Conservation Areas) of this Development Code;~~
 - c.—~~The ADU is built within the existing primary single-family dwelling or an existing accessory structure;~~
 - d.—~~An on-street parking permit is required, but is not offered to the occupant of the ADU; or~~
 - e.—~~A City approved car share vehicle is stationed within one block of the ADU.~~
- 7.—~~When off-street parking required for an existing primary dwelling pursuant to this Development Code, which is uncovered or located in a garage, carport, or covered parking structure, is demolished or otherwise eliminated in conjunction with the construction of an ADU replacement parking is not required.~~

~~e.— A Standard ADU is not intended for sale separate from the primary dwelling; however, the Standard ADU may be leased or rented for a term of no less than 30 days. The short-term rental (less than 30 days) of a Standard ADU is prohibited.~~

~~f.— A Standard ADU is not required to provide fire sprinklers if they are not required for the primary dwelling.~~

~~g.— A Standard ADU may be metered separately from the primary dwelling for gas, electricity, and water services. A sewer connection separate from the primary dwelling may also be provided.~~

~~h.— If an entrance to a Standard ADU is provided separate from the primary dwelling, the entrance shall not be on the same street exterior elevation as the main dwelling.~~

~~i.— No passageway (a pathway that is unobstructed clear to the sky and extends from a street to an entrance of an accessory dwelling unit) shall be required in conjunction with the construction of a Standard ADU.~~

~~j.— A Standard ADU shall comply with the requirements of OMC Title 8 (Building Regulations).~~

~~k.— A lot developed with a Standard ADU shall maintain a useable rear yard that is equal to a minimum of 10 percent of the net lot area. In addition, a traditional single-family dwelling shall maintain a useable rear yard having minimum dimension of 20 FT in any direction, and a small lot single-family dwelling shall maintain a useable rear yard having a minimum dimension of 10 FT in any direction. Notwithstanding the aforementioned requirements, the City shall not prohibit a Standard ADU that does not exceed 800 SF in area and 16 FT high, and maintains a side and rear yard setback of no less than 4 FT.~~

~~6.— Development Standards for Integrated ADUs. Integrated ADUs shall comply with the following development standards:~~

- ~~a. An Integrated ADU shall be permitted only in conjunction with an existing primary dwelling located within a residential or mixed use zoning district.~~
- ~~b. Not more than one Integrated ADU is allowed on a lot; however, this provision does not preclude the conversion of an existing garage or other accessory residential structure to a Standard ADU.~~
- ~~c. An Integrated ADU shall contain no more than 50 percent of the gross floor area of the primary dwelling.~~
- ~~d. An Integrated ADU shall comply with the setback requirements applicable to the principal dwelling or legally established accessory structure in which it is integrated, as prescribed by this Section.~~
- ~~e. An Integrated ADU is not intended for sale separate from the primary dwelling; however, the Integrated ADU may be leased or rented for a term of no less than 30 days. The short term rental (less than 30 days) of an Integrated ADU is prohibited.~~
- ~~f. An Integrated ADU is not required to provide fire sprinklers if they are not required for the primary dwelling.~~
- ~~g. No passageway (a pathway that is unobstructed clear to the sky and extends from a street to an entrance of an ADU) shall be required in conjunction with the construction of an Integrated ADU.~~
- ~~h. An Integrated ADU shall comply with the requirements of OMC Title 8 (Building Regulations).~~

A. Purpose. The purpose of this Section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code Sections 65852.2 and 65852.22.

B. Effect of Conforming. An ADU or JADU that conforms to the standards in this Section will not be:

1. Deemed to be inconsistent with the City's general plan and zoning designation for the lot on which the ADU or JADU is located.
2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
4. Required to correct a nonconforming zoning condition, as defined in Subsection C.7, below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.

C. Definitions. As used in this Section, the words or phrases listed below shall have the meanings thereafter specified:

1. Accessory Dwelling Unit (ADU). An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:

- a. An efficiency unit, as defined by HSC Section 17958.1; and
- b. A manufactured home, as defined by HSC Section 18007.

2. Accessory Structure. A structure that is accessory and incidental to a dwelling located on the same lot.

3. Complete Independent Living Facilities. Permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multiple-family dwelling is or will be situated.

4. Efficiency Kitchen. A kitchen that includes each of the following:

- a. A cooking facility with appliances.
- b. A food preparation counter or counters that total at least 15 square feet in area.
- c. Food storage cabinets that total at least 30 square feet of shelf space.

5. Junior Accessory Dwelling Unit (JADU). A residential unit that:

- a. Is no more than 500 square feet in size;
- b. Is contained entirely within an existing or proposed single-family structure;
- c. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure; and
- d. Includes an efficiency kitchen, as defined in Subsection C.4, above.

6. Living Area. The interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

7. Nonconforming Zoning Condition. A physical improvement on a property that does not conform with current zoning standards.

8. Passageway. A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the AU or JADU.

9. Proposed Dwelling. A dwelling that is the subject of a permit application and that meets the requirements for permitting.

10. Public Transit. A location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

11. **Tandem Parking.** Two or more automobiles parked on a driveway or on any other location on a lot, lined up one behind the other.

D. Approvals. The following approvals apply to ADUs and JADUs under this Section:

1. **Building Permit Only.** If an ADU or JADU complies with each of the general requirements in subsection E below, it is allowed with only a building permit in the following scenarios:

a. **Converted on Single-family Lot.** One ADU as described in this Subsection D.1.a and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

(1) Is either: (a) within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (b) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and

(2) Has exterior access that is independent of that for the single-family dwelling; and

(3) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

b. **Limited Detached on Single-family Lot.** One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under Subsection D.1.a, above), if the detached ADU satisfies each of the following limitations:

(1) The side- and rear-yard setbacks are at least four-feet;

(2) The total floor area is 800 square feet or smaller; and

(3) The peak height above grade is 16 feet or less.

c. **Converted on Multiple-Family Lot.** One or more ADUs within portions of existing multiple-family dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this Subsection D.1.c, at least one converted ADU is allowed within an existing multiple-family dwelling, up to a quantity equal to 25 percent of the existing multiple-family dwelling units.

d. **Limited Detached on Multiple-Family Lot.** No more than two detached ADUs on a lot that has an existing multiple-family dwelling if each detached ADU satisfies both of the following limitations:

(1) The side- and rear-yard setbacks are at least four-feet; and

(2) The peak height above grade is 16 feet or less.

2. ADU Permit.

a. Except as allowed under Subsection D.1 above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in Subsections E and F, below.

b. The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance. The fee for processing and ADU is established by resolution of the City Council.

3. Process and Timing.

a. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.

b. The City must act on an application to create an ADU or JADU within 60 days from the date that the City receives a completed application, unless either:

(1) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or

(2) When an application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU will still be considered ministerially, without discretionary review or a hearing.

E. General ADU and JADU Requirements. The following requirements apply to all ADUs and JADUs that are approved under Subsections D.1D.1 or D.2, above:

1. Zoning.

a. An ADU or JADU subject only to a building permit under Subsection D.1, above, may be created on a lot in a residential or mixed-use zoning district.

b. An ADU or JADU subject to an ADU permit under Subsection D.2, above, may be created on a lot that is zoned to allow single-family dwelling residential use or multiple-family dwelling residential use.

2. Fire Sprinklers. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.

3. Rental Term. No ADU or JADU may be rented for a term that is shorter than 30 days.

4. No Separate Conveyance. An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multiple-family lot).

5. Septic System. If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last 5 years or, if the percolation test has been recertified, within the last 10 years.

6. Owner Occupancy.

a. All ADUs permitted before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was created.

b. An ADU that is permitted after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.

c. All ADUs that are permitted on or after January 1, 2025 are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.

d. All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement in this Subsection E.6.d does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

7. Deed Restriction. Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Planning Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:

a. The ADU or JADU may not be sold separately from the primary dwelling.

b. The ADU or JADU is restricted to the approved size and to other attributes allowed by this Section.

c. The deed restriction runs with the land and may be enforced against future property owners.

d. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Planning Director, providing evidence that the ADU or JADU has in fact been eliminated. The Planning Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Planning Director's determination, consistent with other provisions of this Development Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Development Code.

e. The deed restriction is enforceable by the Planning Director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

8. Income Reporting. In order to facilitate the City's obligation to identify adequate sites for housing in accordance with Government Code Sections 65583.1 and 65852.2, the following requirements must be satisfied:

a. With the building-permit application, the applicant must provide the City with an estimate of the projected annualized rent that will be charged for the ADU or JADU.

b. Within 90 days after each yearly anniversary of the issuance of the building permit, the owner must report the actual rent charged for the ADU or JADU during the prior year. If the City does not receive the report within the 90-day period, the owner is in violation of this Code, and the City may send the owner a notice of violation and allow the owner another 30 days to submit the report. If the owner fails to submit the report within the 30-day period, the City may enforce this provision in accordance with applicable law.

F. Specific ADU Requirements. The following requirements apply only to ADUs that require an ADU permit under Subsection D.2, above.

1. Maximum Size.

a. The maximum size of a detached or attached ADU subject to this Subsection F is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two or more bedrooms.

b. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.

c. Application of other development standards in this Subsection F, such as lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in Subsection F.1.b, above, or lot coverage limit or open-space requirement may require the ADU to be less than 800 square feet.

2. Building Setbacks.

a. An ADU that is subject to this Subsection F must conform to the front yard setback of the zoning district in which it is located.

b. An ADU that is subject to this Subsection F must conform to 4-foot side yard and rear yard setbacks.

c. No setback is required for an ADU that is subject to this Subsection F if the ADU is constructed in the same location and to the same dimensions as an existing structure.

3. Lot Coverage. No ADU subject to this Subsection F may cause the total lot coverage of the lot to exceed the maximum lot coverage of the zoning district in which it is located, subject to Subsection F.1.c, above.

4. Minimum Open Space. No ADU subject to this Subsection F may cause the total percentage of open space of the lot to fall below the requirements specified in Section 6.01.010 (Residential Zoning Districts) of this Development Code, subject to Subsection F.1.c, above.

5. Height. An ADU subject to this Subsection F, which exceeds 16 feet in height above grade, measured to the peak of the structure, shall first obtain Conditional Use Permit approval pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code, prior to the issuance of a building permit.

6. **Passageway.** No passageway, as defined by Subsection C.8, above, is required for an ADU.

7. **Off-Street Parking.**

a. **Generally.** One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by Subsection C.11, above.

b. **Exceptions.** No parking under Subsection F.7.a, above, is required in the following situations:

(1) The ADU is located within one-half mile walking distance of public transit, as defined in Subsection C.10, above.

(2) The ADU is located within an architecturally and historically significant historic district.

(3) The ADU is part of the proposed or existing primary residence, or an accessory structure under Subsection D.1.a, above.

(4) When on-street parking permits are required but not offered to the occupant of the ADU.

(5) When there is an established car share vehicle stop located within one block of the ADU.

c. **No Replacement.** When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

8. **Architectural Requirements.**

a. The materials and colors of the exterior walls, roof, and windows and doors must match the appearance and architectural design of those of the primary dwelling.

b. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.

c. The exterior lighting must be limited to down-lights or as otherwise required by the City's Building or Fire Code.

d. The ADU must have an independent exterior entrance, apart from that of the primary dwelling. The ADU entrance must be located on the side or rear building façade, not facing a public-right-of-way.

e. The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of 7 feet.

f. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line-of-sight.

g. All windows and doors in an ADU are less than 30 feet from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the glass at least 6 feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

9. Landscape Requirements. A Landscape Plan shall be submitted to the City, which provides for evergreen landscape screening, to include trees, shrubs, and groundcovers that shall be planted, permanently irrigated, and fully maintained, and which is located between an ADU and adjacent parcels, and where an ADU impacts a front yard and/or is subject to public views from a public or private street. Evergreen landscape screening shall be provided as follows:

a. A 15-gallon size screening shrubs shall be provided for every 5 linear feet of exterior building wall. Alternatively, a solid fence or wall of at least 6 feet in height may be installed, which constructed pursuant to City standards (refer to Division 6.02 (Walls, Fences, and Obstructions) of this Development Code).

b. Tree specimens must meet the minimum size specifications stipulated in Table 6.05-3 (Minimum Tree Size Specifications) of this Development Code, when installed.

c. ADUs created by garage conversion, which results in the removal of the garage door, shall provide a minimum 3-FT wide foundation landscape planter for the full length of the wall wherein the garage door was removed, which shall be fully landscaped and irrigated, and permanently maintained.

d. All landscaping must be drought tolerant and California friendly.

e. Landscape plans shall be prepared and submitted to the City as prescribed by Section 6.05.015.B (Landscape and Irrigation Construction Documentation Plans) of this Development Code.

10. Historical Protections. An ADU that is on or within 600 feet of real property that is listed in the California Register of Historic Resources shall comply with the Secretary of the Interior's objective Standards for Preservation, Rehabilitation, Restoration, or Reconstruction (refer online to "Four Approaches to the Treatment of Historic Properties," <https://www.nps.gov/tps/standards/four-treatments.htm>), as applicable.

G. Fees. The following requirements apply to all ADUs and JADUs that are approved under Subsections D.1 or D.2, above.

1. Impact Fees.

a. No impact fee is required for an ADU or JADU that is less than 750 square feet in area. For the purposes of this Subsection G.1, the term "impact fee" means a "fee" under the Mitigation Fee Act (GC Section 66000(b)) and a fee under the Quimby Act (GC Section 66477). "Impact fee" as used in this Section, does not include any connection fee or capacity charge for water or sewer service.

b. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit (e.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

2. Utility Fees.

a. If an ADU or JADU is constructed with a new single-family home, a separate utility connection directly between the ADU or JADU and the utility, and payment of the normal connection fee and capacity charge for a new dwelling, are required.

b. Except as described in Subsection G.2.a, above, converted ADUs and JADUs in conjunction with single-family dwellings that are created under Subsection D.1.a, above, are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required.

c. Except as described in Subsection G.2.a, above, all ADUs and JADUs that are not covered by Subsection G.2.b, above, require a new, separate utility connection directly between the ADU or JADU and the utility.

(1) The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU or JADU, based on either the floor area or the number of drainage fixture unit (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.

(2) The portion of the fee or charge that is charged by the City shall not exceed the reasonable cost of providing this service.

5.03.011: Accessory Residential Structures

A. Purpose. The purpose of this Section is to establish standards for the construction and use of Accessory Residential Structures (other than Accessory Dwelling Units allowed pursuant to Subsection A of this Section) in conjunction with existing single-family dwellings located within single-family or multiple-family zoning districts. (Note: The construction and use of Accessory Residential Structures in conjunction with existing multiple-family dwellings shall be subject to the development standards applicable to the primary multiple-family dwellings.)

B. Applicability. For purposes of this Section, the herein established development standards shall apply to Accessory Residential Structures such as garages, carports, guesthouses, storage sheds, pool houses, recreation rooms, etc., which are incidental or subordinate to the primary dwelling.

C. Definitions. As used in this Section, the words or phrases listed below shall have the meanings thereafter specified:

1. *Accessory Residential Structure.* A structure that is incidental or subordinate to the primary dwelling on the same site, or the use of which is incidental or subordinate to the use of the primary dwelling of the site.

2. *Attached Accessory Residential Structure.* An Accessory Residential Structure that is joined to the primary dwelling by means of a shared common wall or is joined by a roof that extends the full width of the smaller of two connecting structures, creating a covered breezeway. An Attached Accessory Residential Structure is deemed to be attached to, and a part of, the primary dwelling.

3. **Breezeway.** A fully roofed, open passage that connects two buildings, such as a house and garage.

D. **General Requirements.** Accessory detached residential structures shall be developed pursuant to the following standards:

1. Accessory Residential Structures shall only be allowed on a lot containing a single-family dwelling, and may be attached to the primary dwelling, or may be an independent structure that is detached from the primary dwelling.

2. An Accessory Residential Structure that is attached to the primary residential structure shall contain no more than 50 percent of the gross floor area of the primary residential structure and shall be subject to the development standards applicable to the primary residential structure (refer to Section 6.01.010 (Residential Zoning Districts) of this Development Code).

3. An Accessory Residential Structure that is detached from the primary residential structure shall comply with the development standards contained in Table 5.03-2 (Development Standards for Accessory Residential Structures), below:

Table 5.03-2: Development Standards for Detached Accessory Residential Structures

Requirements	Residential Zoning Districts				Additional Regulations
	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	
E. Maximum Height					
1. Conditional Use Permit Required	35 FT				Note 1
2. Permitted by Right	14-16 FT				
F. Maximum Area					
1. Conditional Use Permit Required	As deemed appropriate by the Approving Authority				Note 2
2. Permitted by Right	650 SF/1,100 SF				Note 2
3. Guesthouses	650 SF				
G. Minimum Setbacks					
1. From Street Side Property Line	10 FT				Notes 3 and 4
2. From Interior Side Property Line	10 FT	0 FT/5 FT			Notes 3 and 5
3. From Rear Property Line					
a. Width of Structure ≤25 FT	5 FT				Note 3
b. Width of Structure >25 FT	10 FT				Note 3
4. From Alley Property Line (alley-facing garages only)	6 FT				Note 6
H. Minimum Separation Between Structures	6 FT				Note 3
I. Minimum Separation from Major Pipelines	50 FT				Note 7

Notes:

1. Detached Accessory Residential Structures in excess of ~~44~~ 16 FT in height shall require Conditional Use Permit (or Certificate of Appropriateness for structures on the Ontario Register of Historic Places) approval.
2. Detached accessory structures in excess of 650 SF in area shall require Conditional Use Permit or Certificate of Appropriateness approval, as applicable, except that the maximum area allowed without benefit of Conditional Use Permit or Certificate of Appropriateness approval may be increased to 1,100 SF to accommodate garage parking required for uses on the affected property pursuant to Table 6.03-1 (Off-Street Parking Requirements) of this Development Code.
3. For child play structures, doghouses, and other similar accessory structures, there shall be no minimum required setback or separation between buildings/structures; provided, the accessory structure is located within a side or rear yard area and is screened from public view.
 - a. ~~The accessory structure is located within a side or rear yard area;~~
 - b. ~~The accessory structure does not exceed 5 FT in length and/or width, and 6 FT in height; and~~
 - c. ~~The accessory structure is fully screened from view of public or private streets.~~
4. Garages with vehicle doors facing a public street shall be setback a minimum of 20 FT behind the street property line (minimum 18 FT behind the street property line if an overhead rollup garage door is provided).
5. Within the MDR-11, MDR-18, MDR-25, and HDR-45 zoning districts, the interior side setback shall be 5 FT for structures located 75 FT or less from the front property line, and 0 FT for structures located more than 75 FT from the front property line. For a setback less than 3 FT, the Zoning Administrator may require that an easement be provided on the contiguous lot to ensure access to all sides of the structure for the purpose of building maintenance.
6. A detached garage that takes access from a public alley shall be setback a minimum of 6 FT from the property line that is common to the public alley, measured from the wall containing the vehicle access door.
7. Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:
 - a. Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and
 - b. Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.

4. An Accessory Residential Structure that is detached from the primary residential structure shall be located on the rear one-half of the lot on which it is constructed.

5. The sum total of the area of all Accessory Residential Structures on a lot, excepting ADUs conforming to Subsection A (Accessory Dwelling Units) of this Section, shall be equal to no more than 50 percent of the gross floor area of the primary residential structure.

6. An Accessory Residential Structure shall not contain a kitchen or cooking facilities (excluding outdoor kitchens and cooking facilities).

7. The size, footprint, height, bulk, and scale of an Accessory Residential Structure shall be compatible with the primary residential structure, and other Accessory Residential Structures in the surrounding neighborhood.

8. The area of an Accessory Residential Structure shall be the minimum necessary to house, shelter, or secure the use proposed within the structure; however, in no case shall the total gross floor area of all Accessory Detached Residential Structures on a lot exceed the floor area of the primary residential structure, excepting those accessory structures used for animal keeping purposes. In calculating the area of all Accessory Residential Structures on a lot, required parking

within a garage shall be excluded from the calculation, up to a maximum of 3 covered parking stalls (maximum 651 SF).

9. Accessory Residential Structures shall match the primary residential structure with respect to architectural design and detailing, roof material and design, exterior color, exterior finish materials, window and door design, and design and placement of attic vents, excepting those Accessory Detached Residential Structures less than 120 SF in area, and those used solely for animal keeping purposes within the AR-2 and RE-2 zoning districts, and the AG Overlay district. For the purposes of this Section, Accessory Residential Structures intended solely for animal keeping purposes may also be used for the storage of vehicles, machinery, and equipment used in animal keeping.

10. No shipping container or other similar container shall be located on any residentially zoned property to accommodate the on-site storage of tools, vehicles, equipment, and other materials. This provision is not intended to prohibit the conversion of shipping containers into legally established buildings for habitable or non-habitable purposes.

11. Accessory Residential Structures shall not be located within front yards, street side yards of corner lots, or in front of the main dwelling.

12. An Accessory Residential Structure containing mechanical or other fixed equipment capable of creating a noise that is audible beyond the property line shall be placed a minimum of 5 FT from an interior side or rear property line.

13. An Accessory Residential Structure shall only be placed within the interior side or rear yard area of a lot.

14. A lot developed with an Accessory Residential Structure shall maintain a useable rear yard that is equal to a minimum of 10 percent of the net lot area. In addition, a traditional single-family dwelling shall maintain a useable rear yard area having minimum dimension of 20 FT in any direction, and a small lot single-family dwelling shall maintain a useable rear yard having a minimum dimension of 10 FT in any direction.

15. On a reversed corner lot, an Accessory Residential Structure shall comply with the following:

a. The Accessory Residential Structure located within the rear yard area shall not project beyond the minimum required front yard setback of the adjoining key lot, and shall be located no closer than 5 FT from the side property line of the key lot (rear property line of the reverse corner lot); and

b. The Accessory Structure shall be no closer to the rear property line than the minimum required side yard setback on the adjoining key lot.

E. Guesthouses. In addition to the standards applicable to Other Accessory Residential Structures contained in Subsection B of this Section, guesthouses shall comply with the following additional standards:

1. Not more than one Guesthouse shall be permitted per lot containing a primary single-family dwelling, and a Guesthouse shall not be constructed if an Accessory Dwelling Unit exists on the lot.

2. A Guesthouse shall be for the sole use of the family of the occupants of the main dwelling and persons employed on the premises, or for temporary use by non-paying guests for a period not to exceed 90 days within any 120-day period. In addition, Guesthouses shall not be rented or otherwise used as a separate, independent residence.

F. Carports. No Carport shall be allowed within a front or street side yard setback area. Carports shall not be permitted in lieu of a garage required pursuant to the provisions of Table 6.03-1 (Off-Street Parking Requirements) of this Development Code, unless otherwise permitted by this Section.

G. Restrictive Covenant. Prior to the issuance of a building permit for an Accessory Residential Structures, the Planning Director may require that a restrictive covenant running with the land, which is binding on the property owner and their successors in interest, be recorded with the office of the San Bernardino County Recorder, which specifies that the Accessory Residential Structure shall not be used as an independent dwelling unit. Furthermore, restrictions may be included that are intended to ensure on-going compliance with the provisions of this Subsection B.

5.03.015: Adult-Oriented Businesses

The following regulations shall govern the establishment and operation of adult-oriented businesses within the City:

A. Purpose. It is the intent of these Adult-Oriented Business regulations to prevent community-wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods, which can be brought about by locating Adult-Oriented Businesses in close proximity to each other or proximity to other incompatible uses such as schools, churches, and residentially zoned districts or uses. The City Council finds that it has been demonstrated in various communities that the concentration of Adult-Oriented Businesses causes an increase in the number of transients in the area, and an increase in crime, and in addition to the effects described above, can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of these Adult-Oriented Business regulations to establish reasonable and uniform regulations to ameliorate the harmful effects of Adult-Oriented Businesses or their close proximity to incompatible uses, while providing reasonable alternative avenues of communication.

Moreover, it is also the purpose of these Adult-Oriented Business regulations to facilitate regulation of Adult-Oriented Businesses and the performers that may be employed by such establishments pending resolution of the prior permitting issues raised in *Baby Tam & Co., Inc. v. City of Las Vegas*, 154 F.3d 1097 (9th Cir. 1998). The intent of the registration requirements contained in these Adult-Oriented Business regulations is to provide enforcement agencies with sufficient information to assist them in ensuring that criminal elements do not infiltrate Adult-Oriented Businesses, that minors are not employed by such establishments, and that the establishments will comply with the zoning and operational standards imposed by these Adult-Oriented Business regulations.

B. Findings. The City Council of the City of Ontario, California, hereby, finds as follows:

1. The City Council finds that various studies and court decisions presented to the City Council have determined that the establishment of Adult-Oriented Businesses is linked to increases in crime and other adverse effects. The City, in enacting this ordinance, more specifically finds that these studies provide convincing evidence that:

a. Adult-Oriented Businesses are linked to, and associated with, increases in crime rates in those areas in which they are located and in surrounding areas;

b. Both the proximity of Adult-Oriented Businesses to sensitive land uses and the concentration of Adult-Oriented Businesses tend to result in the blighting and deterioration of the areas next to which, and near which, they are located;

c. There is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by Adult-Oriented Businesses, including but not limited to an increase in the crimes of narcotics distribution and use, prostitution, pandering, and violence against persons and property. The studies from other cities establish convincing evidence that Adult-Oriented Businesses that are not regulated as to permissible locations often have a deleterious effect on nearby businesses and residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values;

d. Studies concerning increases in crime surrounding Adult-Oriented Businesses are further supported by the City's own experiences confirming an inordinate amount of police response calls to the City's two existing Adult-Oriented Businesses, "the Reel One" and "the Villa Theater." The police response statistics from the Ontario Police Department for the period from 1996 to 1998 indicate that City police have been called out to these locations over 70 times to investigate solicitation and prostitution activities, lewd conduct, indecent exposure, illegal drug use and possession, use of counterfeit money, thefts, burglaries, and other disturbances;

2. Based on the forgoing, the City Council finds and determines that special regulation of Adult-Oriented Businesses is necessary to ensure that their adverse secondary effects will not cause or contribute to an increase in crime rates or the blighting or deterioration of the areas in which they are located or surrounding areas. The need for such special regulations is based upon the recognition that Adult-Oriented Businesses not only cause adverse secondary effects, but also have seriously objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or located in direct proximity to sensitive uses, thereby having a deleterious effect upon an adjacent area. It is the purpose and intent of these regulations to prevent or mitigate such adverse secondary effects;

3. The protection and preservation of the public health, safety and welfare require that certain distances be maintained between Adult-Oriented Businesses and other sensitive uses, including residential, religious and educational uses, as well as to minimize the adverse secondary effects between the proximity of Adult-Oriented Businesses and other Adult-Oriented Businesses and truck stops. Moreover, the locational requirements established by this Section do not unreasonably restrict the establishment or operation of constitutionally protected Adult-Oriented Businesses in the City. A sufficient and reasonable number of appropriate locations for the operation of Adult-Oriented Businesses will remain available after the enactment of these Adult-Oriented Business regulations.

4. The City Council also finds that locational criteria alone do not adequately protect the health, safety, and general welfare of the citizens of the City, and thus, certain requirements with respect to the ownership and operation of Adult-Oriented Businesses are in the public interest. In addition to the findings and studies conducted in other cities regarding increases in crime rates, decreases in property values, and the blighting of areas in which Adult-Oriented Business are located, the city Council also takes legislative notice of the facts recited in the case of *Kev, Inc., v. Kitsap County* (9th Cir. 1986) 793 F.2d 1053, and *Colacurcio v. City of Kent*, 1998 WL 848036 (9th

Cir.), regarding how live adult entertainment results in adverse secondary effects such as prostitution, drug dealing, and other law enforcement problems;

5. Zoning, permitting, licensing, and other police power regulations are legitimate, reasonable means of accountability to help protect the quality of life in the City and to help assure that owners, operators and performers of Adult-Oriented Businesses comply with reasonable regulations and are located in places that minimize the adverse secondary effects that naturally accompany the operation of Adult-Oriented Businesses;

6. The City Council recognizes that possible harmful effects on children and minors exposed to the secondary effects of Adult-Oriented Businesses, the deterioration of respect for family values, and the need and desire of children and minors to stay away from, and avoid, Adult-Oriented Businesses, which causes children to be fearful and cautions when walking through or visiting the immediate neighborhood of these businesses. The City Council desires to: minimize and control the adverse secondary effects associated with the operation of Adult-Oriented Businesses and thereby protect the health, safety, and welfare of the citizens of Ontario, and in particular, the health, safety, and welfare of children and minors in the City; protect the citizens from increased crime; preserve their quality of life; preserve property values and the character of surrounding neighborhoods and businesses; deter the spread of urban blight and protect against the threat to health from the spread of communicable and sexually transmitted diseases;

7. Nothing in these Adult-Oriented Business regulations is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use that violates any applicable City ordinance or any statute of the State of California relating to public nuisances, unlawful or indecent exposure, sexual conduct, lewdness, obscene or harmful matter, or the exhibition or public display thereof;

8. The City Council further finds the following, in part, based upon its understanding of the judicial decisions and the reports, studies and other documents in the public record:

a. Evidence indicates that the existence of Adult-Oriented Businesses that permit nudity have been shown in some cities to increase the secondary effects of crime and decrease property values;

b. Evidence has demonstrated that Performers employed by Adult-Oriented Businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;

c. Evidence indicates that performers at Adult-Oriented Businesses have been found to engage in acts of prostitution with patrons of the establishment;

d. Evidence indicates that fully enclosed booths, individual viewing areas, and other small rooms whose interiors cannot be seen from public areas of the Adult-Oriented Business regularly have been found to be used as locations for engaging in unlawful sexual activity; and

e. As a result of Subparagraphs B.8.a through d, above, and the increase in the incidence of AIDS and Hepatitis B, which are both sexually transmitted diseases, the City Council has a substantial interest in adopting regulations that will reduce to the greatest extent possible, the possibility for the occurrence of casual sex acts at Adult-Oriented Businesses;

9. In regulating nudity and semi-nudity in Adult-Oriented Businesses, the City Council does not intend to proscribe the communication of erotic messages or any other communicative element or activity, but rather only to regulate nudity and semi-nudity in Adult-Oriented Businesses due to the adverse secondary effects associated therewith, including prostitution, sexual assault, and associated crimes;

10. The City Council further finds, as a wholly independent basis, that it has a substantial public interest in preserving societal order and morality, and that such interest is furthered by the regulation of nudity and semi-nudity in Adult-Oriented Businesses;

11. While the City Council desires to protect the rights conferred by the United States and California Constitutions on Adult-Oriented Businesses, it does so in a manner that ensures the continued and orderly development of property within the City and diminishes, to the greatest extent feasible, those undesirable secondary adverse effects which the Studies have shown to be associated with the development and operation of Adult-Oriented Businesses; and

12. In enacting nudity and semi-nudity regulations pursuant to these Adult-Oriented Business regulations, the City Council declares that the regulations do not create or regulate a criminal offense, and the City Council has not provided a criminal penalty for a violation of these regulations;

13. The City Council finds that preventing the direct exchange of money between Performers and Patrons also reduces the likelihood of drug and sexual transactions occurring in Adult-Oriented Businesses;

14. Requiring a 10-FT separation between performers and patrons reduces the likelihood that these persons will negotiate narcotics sales, or negotiate for the purpose of engaging in sexual activities or obtaining sexual favors within the Adult-Oriented Businesses; and

15. Enclosed or concealed booths and dimly lit areas within Adult-Oriented Businesses greatly increase the potential for misuse of the premises, including unlawful conduct of a type that facilitates transmission of disease. Requirements that all indoor areas be open to view by management at all times and that adequate lighting be provided are necessary in order to reduce the opportunity for, and, therefore, the incidence of illegal conduct within Adult-Oriented Businesses, and to facilitate the inspection of the interior of the premises thereof by law enforcement personnel.

C. Definitions. As used in these Adult-Oriented Business regulations, the following words, terms, and phrases are defined as follows:

1. Applicant. A person who is required to file an application for a registration certificate under these Adult-Oriented Business regulations, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of an Adult-Oriented Business.

2. Bar. Any commercial establishment licensed by the State Department of Alcoholic Beverage Control to serve any alcoholic beverages on the premises.

3. Chief of Police. The Chief of Police of the City of Ontario or his or her designee.

4. City Council. The City Council of the City of Ontario.

5. Day. A calendar day and not business day. Whenever “day” is used to identify requirements of these Adult-Oriented Business regulations to be performed on a particular day, which day falls upon a holiday, Saturday or Sunday, the day for performance of the requirements of these Adult-Oriented Business regulations will be the next business day after the holiday, Saturday or Sunday.

6. Distinguished or Characterized by an Emphasis Upon. The dominant or essential theme of the object described by the phrase. For example, when the phrase refers to films “which are distinguished or characterized by an emphasis upon “the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas.

7. Establishment of an Adult-Oriented Business. Means and includes any of the following:

a. The opening or commencement of any Adult-Oriented Business as a new business;

b. The conversion of an existing business, whether or not an Adult-Oriented Business, to any Adult-Oriented Business defined herein;

c. The addition of any of the Adult-Oriented Businesses defined herein to any other existing Adult-Oriented Business; or

d. The relocation of any Adult-Oriented Business.

8. Figure Model. Any person who, for pecuniary compensation, consideration, hire or reward, poses in a modeling studio to be observed, sketched, painted, drawn, sculptured, photographed or otherwise depicted.

9. Health Officer. The Health Officer of the County of San Bernardino, or his or her duly authorized representative.

10. Nudity or State of Nudity. The showing of the human male or female genitals, pubic area, buttocks or anus with less than a full opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.

11. Patron. A customer of an Adult-Oriented Business.

12. Permit. Any permit or registration certificate issued pursuant to these Adult-Oriented Business regulations.

13. Permittee. Any person to whom an Adult-Oriented Business registration certificate is issued.

14. Person. Any individual, partnership, copartnership, firm, association, joint stock company, corporation, or combination thereof, in whatever form or character.

15. Regularly Features. With respect to an adult theater, adult cabaret, adult arcade or adult motion picture theater, a regular and substantial course of conduct. Performances that

are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities, occur on 2 or more occasions within a 30 day period; 3 or more occasions within a 60 day period; or 4 or more occasions within a 180 day period shall, to the extent permitted by law, be deemed to be a regular and substantial course of conduct.

16. Religious Institution. A structure that is used primarily for religious worship and related religious activities.

17. School. Any child or daycare facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

18. Semi Nude or Semi-Nudity. State of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices.

19. Adult-Oriented Businesses. Any one of the following:

a. *Adult Arcade*. An establishment that, for any form of consideration, provides one or more still or motion picture projectors, or similar machines, for viewing by patrons and which shows films, computer generated images, motion pictures, video cassettes, slides, or similar photographic reproductions, more than 30 percent of which showings are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

b. *Adult Bookstore*. An establishment having a substantial and a significant portion of its business derived from the sale or rental of books, magazines, periodicals or other printed matter, or of photographs, films, motion pictures, video cassettes, slides, tapes, or other form of visual or audio representations that are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, or sexually oriented merchandise. The fact that more than 30 percent of the establishment inventory is composed of such materials, 30 percent of its floor area is devoted to such materials, or that 30 percent of its gross income is derived from such materials, or that the establishment advertises itself as "adult" in nature, shall, to the extent permitted by law, be evidence that the establishment is an "Adult Bookstore."

c. *Adult-Oriented Business*. Any business establishment or concern which operates as an Adult Bookstore, Adult Video Store, Adult Arcade, Adult Cabaret, Adult Theater, Adult Motion Picture Theater, Adult Motel, Escort Agency, Massage Establishment, Modeling Studio, Sexual Encounter/Rap Studio, Sexual Novelty Store or any other business or concern that regularly features or offers to its patrons as a substantial significant portion of its business, products, merchandise, services, or entertainment that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, but not including those uses or activities the regulation of which is preempted by State law. "Adult-Oriented Business" also includes any establishments, which as a regular and substantial course of conduct, provides or allows performers, models, or employees to appear in any public place dressed only in lingerie. "Adult-Oriented Business" does not include those uses, businesses or

activities of licensed professionals who are otherwise exempt from classification as a "Massage Establishment" pursuant to this Development Code.

d. *Adult Cabaret or Adult Theater.* A nightclub, restaurant, or business establishment that regularly features live performances that are distinguished or characterized by an emphasis upon the display of specified sexual activities; regularly featured persons who appear semi-nude; or that shows films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

e. *Adult Hotel or Motel.* A hotel, motel, or similar business establishment offering public accommodations for any form of consideration, which provides patrons with closed circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for less than a 6-hour period, or rents, leases, or lets any single room more than twice in a 24-hour period.

f. *Adult Motion Picture Theater.* A business establishment where, for any form of consideration, films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

g. *Escort Agency.* A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

h. *Massage Establishment.* An establishment having a fixed place of business where any person association, firm, or corporation engages in, conducts, or carries on or permits to be engaged in, conducted, or carried on, any business of giving Turkish, Russian, Swedish vapor, sweat, electric, salt, or any other kind of character of baths and where alcohol rubs, fomentations, baths, or manipulations of the body, or similar procedures, are given including acupuncture clinics or establishments.

i. *Modeling Studio.* A business that regularly features, for pecuniary compensation, monetary, or other consideration, hire or reward figure models who, for the purposes of sexual stimulation of patrons, display specified anatomical areas to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. "Modeling Studio" does not include schools maintained pursuant to standards set by the State Board of Education, or a studio or similar facility owned, operated or maintained by an individual artist or group of artists, that does not provide, permit, or make available "specified sexual activities."

20. Adult-Oriented Business Operator or Operator. A person who supervises, manages, inspects, directs, organizes, controls, or in any other way is responsible for or in charge of the premises of an Adult-Oriented Business, or the conduct or activities occurring on the premises thereof.

21. Adult-Oriented Business Performer or Performer. Any person who is an employee or independent contractor of the Adult-Oriented Business, and any person who, with or without any

compensation or other form of consideration, performs live entertainment dressed in no more than a state of semi-nudity for patrons of an Adult-Oriented Business.

22. Sexually Oriented Merchandise. Sexually oriented implements and paraphernalia, including, but not limited to: dildos, auto-sucks, sexually oriented vibrators, edible underwear, ben-wah balls, inflatable orifices, anatomical balloons with orifices, simulated and battery-operated vaginas, and similar sexually oriented devices, or any other merchandise characterized by an emphasis on sexual activities or specified anatomical parts.

23. Sexually Oriented Merchandise. Sexually oriented implements and paraphernalia, including, but not limited to: dildos, auto-sucks, sexually oriented vibrators, edible underwear, ben-wah balls, inflatable orifices, anatomical balloons with orifices, simulated and battery-operated vaginas and similar sexually oriented devices, or other merchandise characterized by an emphasis on sexual activities or specified anatomical parts.

24. Specified Anatomical Areas. Means and includes any of the following less than completely and opaquely covered human:

- a. genitals or public region;
- b. buttocks;
- c. female breast below a point immediately above the top of the areola;
- d. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- e. Any device, costume or covering that simulates any of the body parts included in Subparagraphs B.24.a or b, above.

25. Specified Sexual Activities. Means and include any of the following, whether performed directly or indirectly through clothing or other covering:

- a. The fondling or other erotic touching of human genitals, public region, buttocks, anus, or female breast;
- b. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
- c. Masturbation, actual or simulated; or
- d. Excretory functions as part of or in connection with any of the other activities described in Subparagraphs B.25.a through c, above.

26. Studies. The studies and reports prepared by other cities and judicial rulings referred to in Paragraph B.1 herein of these Adult-Oriented Business regulations, including studies and reports prepared by the City relating to the adverse secondary impacts of existing Adult-Oriented Businesses.

D. Minimum separation and locational requirements.

1. No Adult-Oriented Business shall be located within 1,500 FT of any property located within a residential or mixed-use zoning district, or any property located within a residential or mixed-use land use district of an adopted Specific Plan.

2. No Adult-Oriented Business shall be located within 1,000 FT of the following:

a. Any church, chapel, or similar place of worship, whether inside or outside of Ontario city limits;

b. Any school or daycare establishment, or public or private park or playground, whether inside or outside of Ontario city Limits;

c. Any retirement or convalescent hospital, whether inside or outside of Ontario city limits;

d. Any recreational facility, such as game arcade, bowling alley, skateboard rink, skating rink, or similar area where minors regularly congregate, whether inside or outside Ontario city limits;

e. City Hall, City offices, and other government buildings normally open to the public;

f. Libraries, whether inside or outside Ontario city limits;

g. Any truck stops, whether inside or outside Ontario city limits.

3. No Adult-Oriented Business shall be located within 300 FT of another Adult-Oriented Business, whether inside or outside Ontario city limits;

4. For purposes of the regulations contained herein, all distances shall be measured in a straight line, without regard for intervening structures, from the nearest property line for which the Adult-Oriented Business is proposed to be located to the nearest property line of a use or district identified in these Adult-Oriented Business regulations.

E. Adult-Oriented Business Development and Performance Standards. The following development and performance standards shall be applicable to Adult-Oriented Businesses in the City:

1. No Adult-Oriented Business shall be operated in any manner that permits the observation of any materials or activities depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas from any public way or from any location outside the building or area of such establishment. No Adult-Oriented Business shall be operated in any manner that permits the observation of any live performance depicting, describing or relating to specified sexual activities or semi-nudity from any public way, or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.

2. All off-street parking area and premise entries of the Adult-Oriented Business shall be illuminated from dusk to closing hours of operation with a lighting system that provides an average maintained horizontal illumination of one footcandle of light, measured on the parking surface or walkway. The required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the Adult-Oriented Business for the personal safety of patrons and employees, and to reduce the incidence of vandalism and criminal conduct.

3. The premises within which the Adult-Oriented Business is located shall provide sufficient sound-absorbing insulation so that noise generated inside the premises shall not be audible anywhere on any adjacent property or public right-of-way, or within any other building or other separate unit within the same building.

4. Except for those businesses also regulated by the California Department of Alcoholic Beverage Control, an Adult-Oriented Business shall be open for business only between the hours of 8:00AM and 12:00PM (midnight) on any particular day.

5. The building entrance to an Adult-Oriented Business shall be clearly and legibly posted with a notice indicating that persons under 18 years of age are precluded from entering the premises. The notice shall be constructed and posted to the satisfaction of the Chief of Police. No person under the age of 18 years shall be permitted within the premises at any time.

6. All indoor areas of the Adult-Oriented Business within which patrons are permitted, except restrooms, shall be open to view by the management at all times.

7. Any Adult-Oriented Business that is also an Adult Arcade that provides viewing area(s), shall comply with the following additional requirements:

a. Each Adult Arcade shall have at least one manager's station. It shall be the duty of the operator(s) to ensure that at least one employee is on duty and situated at each manager's station at all times that any patron is present inside the Adult Arcade.

b. The interior of the Adult Arcade shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the Adult Arcade to which any patron is permitted access for any purpose, excluding restrooms. If the Adult Arcade has two or more manager's stations designated, then the interior of the Adult Arcade shall be configured in such a manner that there is an unobstructed view of each area of the Adult Arcade to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the manager's stations. The view required by this Subparagraph shall be by direct line of sight from the manager's station. There shall be a security system that visually records each viewing booth at all times that the business is open or occupied for business.

c. It shall be the duty of the operator(s) and also the duty of all employees present in the Adult Arcade to ensure that the individual viewing areas remain unobstructed by any doors, walls, persons, merchandise, display rack or other materials at all times and to ensure that no patron is permitted access to any area of the Adult Arcade that has been designated as an area in which patrons will not be permitted.

d. No individual viewing area may be occupied by more than one person at any one time. "Individual viewing area" shall mean a viewing area designed for occupancy by one person. Individual viewing areas of the Adult Arcade shall be operated and maintained

without any hole or other opening, or means of direct communication, or visual or physical access between the interior spaces of two or more Individual viewing areas.

e. No individual viewing area shall contain booths, stalls, or partitioned portions of individual viewing area used for the viewing of sexually oriented material or other forms of entertainment having doors, curtains, or portal partitions, unless the individual viewing areas containing booths, stalls, or partitioned portions have at least one side open to the manager’s station and is visible to the manager’s station. Any booth, stall, or partitioned portion of an individual viewing area authorized under this subparagraph shall be constructed to allow 12 inches of open space between the bottom of the stall or partition and the floor. The open space shall remain unobstructed at all times.

f. The Adult Arcade shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, but such lighting shall not be of an intensity as to prevent the viewing of the sexually oriented material.

g. It shall be the duty of the operator(s) and all employees present at the Adult Arcade to ensure that the illumination described in Subparagraph E.7.f, above, is maintained at all times that any patron is present in the Adult Arcade.

h. The floors, seats, walls, and other interior portions of all booths shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen or saliva in any such booths shall be evidence of improper maintenance and inadequate sanitary controls.

8. All areas of the Adult-Oriented Business that are accessible to the public shall be illuminated at the following minimum footcandles, which shall be minimally maintained and evenly distributed at ground level, pursuant to Table 5.03-3 (Minimum Lighting Requirements for Adult-Oriented Businesses), below.

Table 5.03-3: Minimum Lighting Requirements for Adult-Oriented Businesses

<i>Area</i>	<i>Minimum Foot-Candles</i>
Bookstores and other retail establishments:	20
Theaters and cabarets (except during performances, at which time lighting shall be at least 1.25 foot-candles):	5
Arcades:	10
Motels/Hotels (in public areas):	20
Modeling Studios:	20

9. Patrons and employees shall not use the same restrooms. The Adult-Oriented Business shall provide and maintain separate restroom facilities for male patrons and employees, on the one hand, and female patrons and employees, on the other. Male patrons and employees shall be prohibited from entering any restroom for females, and female patrons and employees shall be prohibited from entering any restroom for males, except when an employee carries out duties of repair, maintenance, or cleaning of the restroom facilities. All restrooms shall be free from any sexually oriented materials. No restrooms shall contain television monitors or other motion picture or video projection, computers, recording, or reproduction equipment. The foregoing provisions of this Paragraph shall not apply to an Adult-Oriented Business that deals exclusively with sale or rental of sexually oriented materials that are not used or consumed on the premises,

such as an Adult Bookstore or Adult Video Store, and which does not provide restroom facilities to its patrons or the public.

10. The following additional requirements shall pertain to Adult-Oriented Businesses that provide live performances in Adult Cabarets or Adult Theaters:

a. No person shall perform live entertainment for patrons of an Adult-Oriented Business except upon a stage at least 2 FT above the level of the floor, which is separated by a distance of at least 10 FT from the nearest area occupied by patrons, and no Patron shall be permitted within 10 FT of the stage while the stage is occupied by an Adult-Oriented Business performer.

b. The Adult-Oriented Business shall provide separate dressing room facilities for performers that are exclusively dedicated to the performers' use. No public access shall be permitted to any dressing room facility.

c. The Adult-Oriented Business shall provide an entrance and exit for performers that is separate from the entrance and exit used by patrons.

d. The Adult-Oriented Business shall provide access for performers between the stage and dressing rooms, which are completely separated from the patrons. If separate access is not physically feasible, the Adult-Oriented Business shall provide a minimum 3-FT wide walk aisle for performers between the dressing room area and the stage, with a railing, fence, or other barrier separating the patrons and the performers capable of, and which actually results in, preventing any physical contact on the premises of the Adult-Oriented Business.

e. No performer, either before, during, or after performances, shall have any physical contact with any Patron, and no patron shall have physical contact with any performer before, during, or after performances by a performer. This Subparagraph shall only apply to physical contact on the premises of the Adult-Oriented Business.

f. Fixed guardrails at least 30 inches in height shall be maintained establishing the separations between performers and patrons required by the herein-stated Adult-Oriented Business Development and Performance Standards.

g. No patron shall directly pay or give any gratuity to any performer, and no performer shall solicit any pay or gratuity from any patron.

11. No operator, owner, or other person with managerial control over an Adult-Oriented Business shall permit any person on the premises of an Adult-Oriented Business to engage in a live showing of any specified anatomical areas. This provision may not be complied with by applying an opaque covering simulating the appearance of the specified anatomical areas required to be covered. Notwithstanding any other penalties that may be provided in this Development Code or the Ontario Municipal Code, a violation of this Subparagraph shall be grounds for revocation of an Adult-Oriented Business registration certificate.

12. No Adult-Oriented Business performer on the premises of an Adult-Oriented Business shall engage in a live showing of any specified anatomical areas. This provision may not be complied with by applying an opaque covering simulating the appearance of the specified anatomical areas required to be covered. Notwithstanding any other penalties that may be provided in this Development Code or the Ontario Municipal Code, a violation of this

Subparagraph shall be grounds for revocation of an Adult-Oriented Business registration certificate.

13. Adult-Oriented Businesses shall employ security guards in order to maintain the public peace and safety, and to prevent any illegal activity from occurring on the premises, based upon the following standards:

a. Adult-Oriented Businesses featuring live entertainment shall provide at least one security guard at all times while the business is open. If the occupancy limit of the premises is greater than 35 persons, an additional security guard shall also be on duty at all times while the business is open.

b. Security guards for other Adult-Oriented Businesses may be required if it is determined by the Chief of Police that their presence is necessary in order to maintain public peace and safety, and to prevent any illegal activity from occurring on the premises.

c. Security guards shall be charged with preventing violations of law and enforcing compliance by patrons of the requirements of these regulations. Each security guard shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state law. No security guard required pursuant to this Subparagraph shall act as a door person, ticket seller, ticket taker, admittance person, or sole occupant of the manager's station while acting as a security guard.

14. The Adult-Oriented Business shall provide a security system that visually records and monitors all parking lot areas at all times that the business is open or occupied for business.

15. Views of parking areas and doorways of Adult-Oriented Businesses shall be unobstructed so as to allow visibility of these areas from public rights-of-way.

16. The Adult-Oriented Business shall comply with the City's sign regulations.

17. The Adult-Oriented Business shall comply with the development, parking, and design requirements of the underlying zone for the specific underlying use. All exterior areas of an Adult-Oriented Business, including buildings, landscaping, and parking areas shall be maintained in a clean and orderly manner.

F. Employment of and Services Rendered to Persons Under the Age of 18 Years Prohibited.

1. It shall be unlawful for any operator or other person in charge of any Adult-Oriented Business to employ any person who is not at least 18 years of age.

2. It shall be unlawful for any operator or other person in charge of any Adult-Oriented Business to permit to enter, or remain within the Adult-Oriented Business, any person who is under the age of 18.

G. Inspection and Operators. All operators shall permit the Chief of Police, representatives of the San Bernardino County Health Department, and the City of Ontario Fire Department to conduct unscheduled inspections of the premises of the Adult-Oriented Business for the purpose of insuring compliance with the laws, and the development and performance standards applicable to Adult-Oriented Businesses at any time it is occupied or opened for business.

H. Regulations Nonexclusive. The provisions of this Development Code regulating Adult-Oriented Businesses are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of businesses as adopted by the City Council.

5.03.020: Air Transportation

A. ONT (Ontario International Airport).

1. Development Standards. The following standards are established to accommodate further development of Ontario International Airport and surrounding properties directly impacted by airport operations. All development within the ONT zoning district shall be designed and constructed pursuant to the standards contained in Table 5.03-4 (ONT Development Standards), below.

Table 5.03-4: ONT Development Standards

Requirements	Standards	Additional Regulations
A. SITE DEVELOPMENT STANDARDS		
1. Minimum Lot Size	10,000 SF	Note 1
2. Maximum Floor Area Ratio (FAR)	0.55	Notes 2 and 3
3. Minimum Landscape Coverage	Interior Lots: 10 percent; Corner Lots: 15 percent for	
4. Minimum Parking Space and Drive Aisle Separations		
a. Parking Space or Drive Aisle to Street Property Line	10 FT	
b. Parking Space or Drive Aisle to Interior Property Line	0 FT	
c. Parking Space to Buildings, Walls and Fences	5 FT	
<u>Exceptions</u> : Within enclosed loading and storage yard areas	0 FT	
d. Drive Aisle to Buildings, Walls, and Fences	10 FT to office elements; 5 FT to all other building walls	
<u>Exceptions</u> : Within enclosed loading and storage yard areas	0 FT	
e. Enclosed Loading and Storage Yards to Buildings, Walls, and Fences	0 FT	
5. Walls, Fences, and Obstructions	Refer to Section 6.02.020 (Design Standards for Industrial Zoning Districts).	
6. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading).	
7. Landscaping	Refer to Division 6.05 (Landscaping).	

Table 5.03-4: ONT Development Standards

Requirements	Standards	Additional Regulations
8. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance).	
9. Signs	Refer to Division 8.1 (Sign Regulations).	
10. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).	
11. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).	
12. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.	
B. BUILDING DEVELOPMENT STANDARDS		
1. Minimum Building Setbacks		
a. From Front Property Line	10 FT, plus one additional FT for each FT in excess of 35 FT	
b. From Street Side Property Line	10 FT	
c. From Interior Side Property Line	0 FT	
d. From Rear Property Line	0 FT	
2. Minimum Building Separations	0 FT	
3. Maximum Building Height	55 FT	Note 3

Notes:

- [1] An existing lot of record that is substandard as to minimum “lot” area and/or dimension(s) shall be granted all development rights of the zoning district in which it is located (refer to Subsection 3.01.010.B of this Development Code).
- [2] Reviewing Authority approval is required for an FAR exceeding 0.45.
- [3] The maximum building/structure height and FAR may be restricted pursuant to the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP). Refer to the ALUCP for properties affected by airport safety zones.

2. Exceptions to Development Standards. The following exceptions from the industrial zoning district development standards stipulated in Table 5.03.-4 (ONT Development Standards) shall be permitted:

a. *Popouts and Other Horizontal Architectural Projections.* Popouts and other horizontal architectural projections may extend into a required street or interior property line setback area a maximum of 25 percent of the required setback, not to exceed 2.5 FT.

b. *Signs.* Signs and advertising structures may encroach into a required front street setback area pursuant to Division 8.1 (Sign Regulations) of this Development Code.

c. *Towers and Other Vertical Architectural Projections.* Towers and other vertical architectural projections may be erected to a height of up to 25 percent above the

prescribed height limit of the base zoning district, provided said projections do not extend over more than 10 percent of the horizontal building area.

d. *Walls, Fences, and Obstructions.* Walls, fences, and obstructions may be permitted within required setback areas pursuant to the provisions of Division 6.02 (Fences, Walls and Obstructions) of this Development Code.

3. Other Development Requirements. The following regulations are applicable to all uses and structures within the ONT zoning district:

a. Except as otherwise provided herein, required setback areas adjoining streets may only be used for landscaping, access drives, walkways, and lighting standards (poles).

b. The outdoor storage of materials and equipment is permitted only within an area surrounded by a wall or fence at least 8 FT in height, with gates capable of being locked. Within such areas, except for trucks or other vehicles necessary for the operation or use, no such materials are to be stored to a height greater than 8 FT. Where the storage area is visible by the public, or from adjoining properties developed with residential, mobilehome park, office, public, or institutional land uses, the storage area is to be screened by a minimum 8-FT high decorative masonry block wall, with view-obstructing gates, along each side of the storage area that is visible to the public or applicable land use.

c. Any use employing toxic or hazardous substances as a part of processes or uses, a security fence or wall at least 8 FT in height, with gates capable of being locked, shall be provided at the perimeter of the area within which the process or activity is conducted. The gate(s) shall be kept closed and locked when not in use or under direct supervision.

(1) All processes and activities shall be conducted within a completely enclosed building or structure, excepting the outdoor storage of materials and finished products, subject to required screening and location requirements, and outdoor dining areas. The outdoor display of building materials and similar large equipment is prohibited.

d. Exterior mechanical equipment, heating and ventilating equipment, air conditioning equipment, tanks, and other mechanical devices, shall be fully screened, and shall be treated with a neutral color when visible to the public or adjoining properties developed with residential, mobilehome park, office, public, or institutional land uses.

B. *Helipads/Heliports.* Within the CR, IG, and IH zoning districts, helipad/heliport facilities shall only be allowed in conjunction with a permitted or conditionally permitted land use. Standalone helipad/heliport facilities shall be prohibited within these zoning districts.

5.03.023: Alcoholic Beverage Manufacturing

The following regulations shall govern the establishment and operation of alcoholic beverage manufacturing uses and activities, as follows:

A. *Alcoholic Beverage Manufacturing in the MU-1 (Downtown Mixed Use) Zoning District.* Alcoholic beverage manufacturing facilities established within LUA-1, LUA-2 North, and LUA-2 South areas of the MU-1 zoning district shall comply with the following:

1. Land use approval shall be subject to the approval of an Administrative Use Permit pursuant to the requirements of Section 4.03.015 (Administrative Use Permits) of this Development Code;

2. The GFA of an alcoholic beverage manufacturing facility shall be less than 10,000 SF;

3. An alcoholic beverage manufacturer shall not be permitted unless the licensed alcoholic beverage manufacturer also sells alcoholic beverages to consumers for consumption on the premises, within a tasting room that complies with Subsection D of this Section, or in a bona fide restaurant that is located on the licensed premises, or at a bona fide restaurant that is contiguous to the licensed premises;

4. No video, electronic or other amusement devices or games shall be permitted;

5. Outdoor storage in conjunction with an alcoholic beverage manufacturer shall be prohibited.

B. Sewer Study May Be Required for Alcoholic Beverage Manufacturers in the MU-1 (Downtown Mixed Use) Zoning District. Alcoholic beverage manufacturing facilities established within the CC, CR and CCS zoning districts shall comply with the following:

1. Land use approval shall be subject to the approval of a Conditional Use Permit pursuant to the requirements of Section 4.02.015 (Conditional Use Permits) of this Development Code;

2. The GFA of an alcoholic beverage manufacturer shall be less than 10,000 SF;

3. An alcoholic beverage manufacturer shall not be permitted unless the licensed alcoholic beverage manufacturer also sells alcoholic beverages to consumers for consumption on the premises, within a tasting room that complies with Subsection D of this Section, or in a bona fide restaurant that is located on the licensed premises, or at a bona fide restaurant that is contiguous to the licensed premises.

4. No video, electronic or other amusement devices or games shall be permitted.

5. Outdoor storage in conjunction with an alcoholic beverage manufacturer shall be prohibited.

C. Conditional Use Permit Required for Tasting Rooms in the IL (Light Industrial), IG (General Industrial) and IH (Heavy Industrial) Zoning Districts. Within the IL, IG and IH zoning districts, the establishment of a tasting room in conjunction with an alcoholic beverage manufacturer shall require the approval of a Conditional Use Permit pursuant to the requirements of Section 4.02.015 (Conditional Use Permits) of this Development Code. Tasting rooms shall be designed in compliance with the requirements of Subsection D of this Section.

D. Tasting Rooms Not to Exceed 1,000 SF Unless Otherwise Permitted by a Conditional Use Permit. A tasting room shall not exceed 1,000 SF in area, except that within the MU-1 zoning district, tasting rooms in excess of 1,000 SF may be permitted by Conditional Use Permit approval. The tasting room floor area shall include any indoor area within the alcoholic beverage manufacturing licensed premises where alcoholic beverages are consumed, including any bar and seating areas, but shall exclude restrooms serving the tasting room and any outdoor patio areas. Outdoor

patio areas may be permitted, provided they are not located in any required parking space or access way, and do not exceed 1,000 SF in total area.

E. Use of Grain Silos. A grain silo may be located outside of a building occupied by an alcoholic beverage manufacturing use, which shall comply with the following:

1. The grain silo shall not be located in any required parking space, driveway or drive aisle, or situated so as to adversely affect the pedestrian path of travel.

2. One sign identifying the alcoholic beverage manufacturing use may be placed on the grain silo, having a maximum area of 9 SF. The silo sign is permitted in addition to any wall signs or monument signs allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Development Code.

F. Outdoor Utility Equipment Shall Be Completely Screened. Outdoor utility equipment associated with an alcoholic beverage manufacturing use shall be completely screened from public view.

G. Property Shall Be Permanently Maintained. The real property upon which an alcoholic beverage manufacturing use is operated shall be permanently maintained in an orderly fashion by the provision of regular landscape maintenance, removal of trash and debris, and removal of graffiti within 24 hours from the time of occurrence.

H. Roof-Mounted or Ground-Mounted Mechanical Equipment Shall Be Completely Screened. Any proposed roof-mounted or ground-mounted mechanical equipment shall be completely screened from public view. Equipment screening information shall be specifically shown on the plans submitted for building permit issuance.

I. Security Plan Required. A security plan, in a form satisfactory to the Ontario Police Department, shall be submitted to and approved by the Police Chief prior to building permit issuance. The security plan shall be formulated to deter unlawful conduct of employees and patrons, to promote the safe and orderly assembly and movement of persons and vehicles, and to prevent disturbances to surrounding land uses and the neighborhood in general, by excessive noise created by patrons entering or leaving the alcoholic beverage manufacturer's licensed premises.

J. On-Site Lighting Required to Provide a Safe and Secure Environment. Parking lots, driveways, circulation areas, aisles, passageways, recesses, and grounds contiguous to buildings occupied by an alcoholic beverage manufacturing use shall be provided with enough lighting to illuminate and make clearly visible, the presence of any person on or about the alcoholic beverage manufacturer's licensed premises during the hours of darkness, and shall provide a safe and secure environment for all persons, property, and vehicles on and around the premises.

K. Admission Fee, Cover Charge, and Minimum Purchase Requirements. It shall be unlawful to require the payment of an admission fee or cover charge or require a minimum purchase.

L. Alcoholic Beverage Signs Required. Signs shall be posted inside the business, near the exit door, which states "NO ALCOHOLIC BEVERAGE ALLOWED BEYOND THIS POINT."

M. Maximum Occupancy Load Shall Not Be Exceeded. The number of persons shall not exceed the maximum occupancy load as determined by the Ontario Fire Department. Signs

indicating the maximum occupant load shall be posted in a conspicuous place on an approved sign near the main exit from the room.

N. No Live Entertainment or Dancing Permitted without First Obtaining **Conditional Land Use Permit** Approval. There shall be no live entertainment or dancing permitted on the alcoholic beverage manufacturer's licensed premises at any time, without first obtaining **land use** approval for the activities pursuant to the requirements of this Development Code.

O. Display of Alcoholic Beverages. The display of alcoholic beverages shall not be located outside of a building or within 5 FT of any public entrance to the building.

P. Alcoholic Beverages Distributed By Competing Alcoholic Beverage Manufacturers Shall Not Be Served. An alcoholic beverage manufacturer shall not serve brands of alcoholic beverages distributed by a competing alcoholic beverage manufacturer. The alcoholic beverages served shall be limited to the products that are authorized to be sold by the alcoholic beverage manufacturer under its license issued by the California Department of Alcoholic Beverage Control.

5.03.025: Alcoholic Beverage Sales

A. Purpose. The purpose of this Section is to establish standards governing the establishment and operation of alcoholic beverage sales within the City.

B. Applicability.

1. Conditional Use Permit and/or Administrative Use Permit Required.

a. The retail sales of alcoholic beverages, whether intended for consumption on or off the premises wherein the beverage is sold, shall require the approval of a Conditional Use Permit pursuant to Development Code Section 4.02.015 (Conditional Use Permit), or the approval of an Administrative Use Permit pursuant to Development Code Section 4.03.015 (Administrative Use Permits), as applicable, prior to the establishment of the use, excepting temporary alcoholic beverage sales allowed by Paragraph B.2, of this Section.

b. The violation of any provision of this Section shall be grounds for, and may result in, the modification or revocation of such Conditional Use Permit by the City, pursuant to Division 2.05 (City Initiated Modification or Revocation) of this Development Code.

c. A Conditional Use Permit and/or Administrative Use Permit for alcoholic beverage sales may be granted only in conjunction with, and shall be ancillary to, those legally established land uses identified in Subsections D (Alcoholic Beverage Sales for Consumption on the Premises) and E (Alcoholic Beverage Sales for Consumption off the Premises) of this Section.

2. Alcoholic Beverage Sales and/or Tasting in Conjunction with a Temporary Activity. Temporary alcoholic beverage sales and/or tasting may be allowed, provided an Administrative Use Permit issued pursuant to Section 4.03.015 (Administrative Use Permit) of this Development Code is first obtained prior to the establishment of the temporary activity, and the temporary activity is in full compliance with Subsection D (Temporary Alcoholic Beverage Sales) of Section 5.03.395 (Temporary and Interim Land Uses, Buildings, and Structures) of this Division.

3. Undue Concentration of Alcoholic Beverage Licenses within a Census Tract. A Conditional Use Permit for the retail sale of alcoholic beverages shall not be issued for a business located within a census tract that has been determined to contain an undue concentration of alcoholic beverage licenses, as defined in BPC Section 23958.4, unless a determination of public convenience or necessity is made by the Reviewing Authority pursuant to Subsection F (Public Convenience or Necessity Determination) of this Section.

C. Compliance with State of California Department of Alcoholic Beverage Control (ABC) Regulations. Any business engaging in the retail sales of alcoholic beverages shall first obtain the appropriate retail license from ABC and shall operate such business in strict compliance with the Alcoholic Beverage Control Act (commencing with BPC Section 23000 et seq.), and all applicable ABC rules, regulations, and orders.

D. Alcoholic Beverage Sales for Consumption on the Premises (On-Sale Alcoholic Beverage Sales). On-sale alcoholic beverage sales comprises establishments properly licensed by the Department of Alcoholic Beverage Control of the State of California (ABC), which sell alcoholic beverages of varying types, as allowed by the type of ABC license held by the establishment, for consumption on the premises in which they are sold. Typical uses include, but are not limited to, bars, brew pubs, nightclubs, wine bars, and restaurants that serve alcoholic beverages.

Establishments engaged in on-sale alcoholic beverage sales shall comply with the following:

1. Conditional Use Permit approval shall be required for an on-sale alcoholic beverage sales activity, and/or for the on premise tasting of any alcoholic beverage in conjunction with a legally established and ABC-licensed wine grower, beer manufacturer, brandy manufacturer, or distilled spirits manufacturer, except that within the MU-1 (Historic Downtown Mixed Use) zoning district, Administrative Use Permit approval shall be obtained from the City prior to establishing an on-sale alcoholic beverage sales use or activity.

2. Any business engaged in on-sale alcoholic beverage sales or on-premises tasting of any alcoholic beverage in conjunction with a legally established and ABC-licensed wine grower, beer manufacturer, brandy manufacturer, or distilled spirits manufacturer, shall not allow any alcoholic beverage to be consumed outside of the enclosed building, except within an outdoor area that has been designed to be separated from direct public contact/access by a wall, fence or other barrier acceptable to the City. The design of said outdoor area and required wall, fence or other barrier shall be subject to review and approval by the Planning Director and Police Chief.

E. Alcoholic Beverage Sales for Consumption off the Premises (Off-Sale Alcoholic Beverage Sales). Off-sale alcoholic beverage sales comprises establishments properly licensed by the Department of Alcoholic Beverage Control of the State of California (ABC), which sell alcoholic beverages of varying types, as allowed by the type of ABC license held by the establishment for consumption off the premises in which they are sold. Typical uses include, but are not limited to, convenience stores, grocery stores, and liquor stores.

Establishments engaged in off-sale alcoholic beverage sales shall comply with the following:

1. Conditional Use Permit approval shall be required for off-sale alcoholic beverage sales.

2. Establishments engaged in the concurrent sale of motor vehicle fuel with alcoholic beverage sales shall comply with all of the following conditions pursuant to BPC Section 23790.5:

- a. No beer or wine shall be displayed within 5 FT of the cash register or the front door unless it is in a permanently affixed cooler.
- b. No advertisement of alcoholic beverages shall be displayed at motor fuel islands;
- c. No sale of alcoholic beverages shall be made from a drive-up window;
- d. No display or sale of beer or wine shall be made from an ice tub;
- e. No beer or wine advertising shall be located on motor fuel islands and no self-illuminated advertising for beer or wine shall be located on buildings or windows; and
- f. Employees on duty between the hours of 10 p.m. and 2 a.m. who sell beer or wine shall be at least 21 years of age.

3. The on-premises consumption of an alcoholic beverage shall be prohibited.

F. **Public Convenience or Necessity Determination.** BPC Section 23958.4 provides that the City shall have authority to review a retail alcoholic beverage license application proposed within an area having an “undue concentration” (high density of alcoholic beverage sales locations) of licenses; determine whether public convenience or necessity would be served by license issuance; and inform ABC of the determination.

1. Purpose. The purpose of this Subsection is to establish a procedure by which the public convenience or necessity may be determined, as provided by State law, and establish the criteria by which the determination shall be made.

2. Applicability. In considering a Conditional Use Permit or Administrative Use Permit (as applicable) application for alcoholic beverage sales, it shall be the responsibility of the Reviewing Authority prescribed by Table 2.02-1 (Review Matrix) of this Development Code, to make a determination of public convenience or necessity, if required pursuant to this Subsection.

3. Determining Public Convenience or Necessity for On-Sale Alcoholic Beverage Sales Licenses. Within a census tract having an undue concentration of on-sale ABC licenses, whether the public convenience or necessity would be served by an ABC license issuance shall be determined as follows:

a. *Alcoholic Beverage License Issuance in Conjunction with a Bona Fide Restaurant.* The issuance of an alcoholic beverage license in conjunction with a bona fide restaurant is hereby deemed to be provided as convenience to business patrons. The Reviewing Authority shall, therefore, establish that the public convenience would be served by the issuance of an ABC license in such cases;

b. *All Other On-Sale Alcoholic Beverage Licenses.* For all other on-sale alcoholic beverage licenses, the Approving Authority shall determine whether public convenience or necessity would be served by ABC license issuance on a case-by-case basis, upon a thorough review of the facts pertaining to the proposed use.

4. Criteria for Determining Public Convenience or Necessity for Off-Sale Alcoholic Beverage Sales Licenses. Within a census tract having an undue concentration of off-sale ABC licenses, the City desires to strike a balance between the number of off-sale ABC licenses and the convenience of business patrons. Consequently, the Approving Authority is hereby granted authority to make determinations of public convenience and necessity, and shall rely upon the following factors in making such determinations:

a. The proposed retail alcohol license is not located within a high crime area, which is defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole), including, but not limited to, disturbing the peace, public intoxication, assault and battery, prostitution, vandalism, graffiti, loitering, pan-handling, all BPC violations, drug violations, and driving while intoxicated or under the influence;

b. The proposed retail alcohol license is not located within close proximity (600 FT or less, as measured in a straight line from any point along the outer boundaries of the building GFA containing the business) of an existing or proposed ~~residential or~~ sensitive land use (as provided in BPC Section 23789), including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate;

c. The anticipated amount (percentage) of retail sales to be derived from alcoholic beverages is clearly incidental to the primary land use, making-up no more than one-third of anticipated gross retail sales;

d. If the business for which the retail alcoholic beverage license application is proposed is a grocery store, it shall contain at least 12,000 SF of GFA;

e. No more than 10 percent of the retail business' GFA shall be devoted to alcoholic beverage display and sale;

f. At least 10 percent of the retail business' GFA shall be devoted to food display and sales. (Note: Food preparation areas shall not be counted toward the food sales floor area calculation); and

g. The building or property wherein the proposed business is located has no outstanding building or health code violations, is not an active Code Enforcement Department case, and complies with applicable Development Code regulations, including, but not limited to, property maintenance, building improvements, off-street parking (design and number of spaces provided), and landscape and lighting improvements.

5. Criteria for Determining Public Convenience or Necessity for Off-Sale Alcoholic Beverage Sales in Conjunction with Alcoholic Beverage Manufacturing Uses. Within a census tract having an undue concentration of off-sale ABC licenses, the Reviewing Authority is hereby granted authority to make determinations of public convenience and necessity for off-sale alcoholic beverage sales in conjunction with an alcoholic beverage manufacturing uses, and shall rely upon the following factors in making such determinations:

a. The proposed alcoholic beverage manufacturing use is not located within a high crime area, which is defined as an area characterized by a high ratio of Police Department

calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole), including, but not limited to, disturbing the peace, public intoxication, assault and battery, prostitution, vandalism, graffiti, loitering, pan-handling, all BPC violations, drug violations, and driving while intoxicated or under the influence;

b. The proposed retail alcohol license is not located within close proximity (600 FT or less, as measured in a straight line from any point along the outer boundaries of the building GFA containing the business) of an existing or proposed residential or sensitive land use (as provided in BPC Section 23789), including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate;

c. The retail sales of alcoholic beverages is ancillary to the primary alcoholic beverage manufacturing use; and

d. The building or property wherein the proposed business is located has no outstanding building or health code violations, is not an active Code Enforcement Department case, and complies with applicable Development Code regulations, including, but not limited to, property maintenance, building improvements, off-street parking (design and number of spaces provided), and landscape and lighting improvements.

G. Deemed Approved Alcoholic Beverage Sales Regulations. The provisions of this Subsection shall be known as the Ontario Deemed Approved Alcoholic Beverage Sales Regulations.

1. Purpose. The general purposes of the Deemed Approved Alcoholic Beverage Sale Regulations are to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of the citizens of the City by requiring that alcoholic beverage sales commercial activities that were legal nonconforming Activities immediately prior to the effective date of the Deemed Approved Alcoholic Beverage Sale Regulations are operated to achieve the following objectives:

a. Protect residential, commercial, industrial, and civic areas from nuisance, and minimize the adverse impacts of nonconforming and incompatible uses;

b. Provide opportunities for Alcoholic Beverage Sale Activities to operate in a mutually beneficial relationship to each other, and to other commercial and civic services;

c. Provide mechanisms to address problems often associated with the public consumption of alcoholic beverages, such as litter, loitering, graffiti, unruly behavior, and escalated noise levels;

d. Assure that Alcoholic Beverage Sale Commercial Activities are not the source of undue public nuisances in the community;

e. Encourage properly maintained alcoholic beverage sale establishments so that negative impacts generated by these activities are not harmful to the surrounding environment in any way; and

f. Monitor deemed approved activities to ensure they do not substantially change in mode or character of operation.

2. Applicability.

a. The Deemed Approved Alcoholic Beverage Sale regulations shall be applicable, to the extent permissible under other laws, to the following:

(1) All Legal Nonconforming Alcoholic Beverage Sale Commercial Activities within the City;

(2) The Nonconforming Use provisions contained in Division 3.01 (Nonconforming Lots, Uses, Structures, and Signs) of this Development Code; and

(3) A Conditional Use Permit operated pursuant to its conditions of approval.

b. Whenever any provision of the Deemed Approved Alcoholic Beverage Sale regulations and any other provision of law, whether set forth in this Development Code, or in any other law, ordinance, or resolution of any kind, imposes overlapping or contradictory regulations, or contain restrictions covering any of the same subject matter, the provision that is more restrictive, or imposes a higher standard, shall control, except as otherwise expressly provided by the Deemed Approved Alcoholic Beverage Sale Regulations.

3. Zoning Administrator. The Zoning Administrator shall conduct public hearings and make recommendations intended to encourage and achieve the compliance of particular sites with the provisions of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section, as appropriate. This Paragraph is not intended to restrict the powers and duties otherwise pertaining to other City officers or bodies, in the field of monitoring and ensuring the harmony of Alcoholic Beverage Sale Commercial Activities in the City. These parties shall have the powers and duties assigned to them by the Development Code, by the zoning regulations, by other codes and ordinances, or by valid administrative authority.

4. Definitions. For the purposes of this Section, the words or phrases listed below, in correct alphabetical order, shall have the meanings hereafter specified:

Alcoholic Beverage. Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, which contains 0.5 percent or more of alcohol by volume and which is fit for beverage purposes, either alone or when diluted, mixed, or combined with other substances, and sales of which requires an ABC license.

Alcoholic Beverage Sales Commercial Activity. The retail sale, for on-site or off-site consumption, of liquor, beer, wine, or other alcoholic beverages at establishments including, but not limited to, stores, liquor stores, specialty wine shops, restaurants, restaurant/bars, bars, taverns, brew pubs, cabarets, and businesses with temporary or permanent licenses from ABC to sell alcoholic beverages to the general public.

Deemed Approved Activity. Any Legal Nonconforming Alcoholic Beverage Sales Commercial Activity, as defined in this section, where the activity was in existence immediately prior to the effective date of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section. These activities shall be considered a Deemed Approved Activity as long as the establishment conducting the Deemed Approved Activity complies with the provisions of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section.

a. *Deemed Approved Status.* The permitted use of land for a Deemed Approved Activity. Deemed Approved Status replaces legal nonconforming status with respect to Alcoholic Beverage Sales Commercial Activity.

b. *Illegal Activity.* An activity that has been finally determined to be in noncompliance with the Deemed Approved performance standards contained in Paragraph G.6 (Performance Standards and Deemed Approved Activities), of this Section. Such an activity shall lose its Deemed Approved Status and shall no longer be considered a Deemed Approved Activity.

c. *Legal Nonconforming Alcoholic Beverage Sales Commercial Activity (Legal Nonconforming Activity).* An Alcoholic Beverage Sales Commercial Activity that was a nonconforming use pursuant to the Nonconforming Use regulations contained in Division 3.01 (Nonconforming Lots, Uses, Structures, and Signs) of this Development Code, and for which a valid ABC license had been issued and used in the exercise of the rights and privileges conferred by the license, at a time immediately prior to the effective date of the Deemed Approved Alcoholic Beverage Sale Regulations. The Activity shall be considered a Deemed Approved Activity, and shall no longer be considered a Legal Nonconforming Activity, except the Activity shall be subject to those zoning regulations relating to nonconforming uses as specified in Division 3.01 (Nonconforming Lots, Uses, Structures, and Signs), as of the effective date of the Deemed Approved Alcoholic Beverage Sale Regulations.

d. *Low-End Fortified Wine.* A class of inexpensive fortified wines. In contrast to table wine, which may be enjoyed as an accompaniment to a meal, or high-end fortified wine, enjoyed as an aperitif, low-end fortified wines are generally considered suitable only for intoxication.

e. *Off-Sale Alcohol Outlet.* An establishment that conducts retail sales of Alcoholic Beverages for consumption off the premises where sold.

f. *On-Sale Alcohol Outlet.* An establishment that conducts retail sales of Alcoholic Beverages for consumption on the premises where sold.

g. *Performance Standards.* Regulations prescribed in the Deemed Approved Performance Standards contained in Paragraph G.6 (Performance Standards and Deemed Approved Activities) of this Section, regulating the business practice, activities and land use for locations with Deemed Approved Status, or those further requirements imposed by the Zoning Administrator to achieve these goals. Performance Standards constitute requirements that shall be complied with by an establishment in order for the establishment to retain its Deemed Approved Status.

h. *Premises.* The building and land surrounding it considered as a single business engaged in Alcoholic Beverage Sales Activities. The premises shall include parking areas, outdoor patios and similar features.

i. *Supplemental Conditions of Approval.* Those requirements imposed by the Zoning Administrator following a public hearing conducted pursuant to the provisions of Paragraph G.8 (Violations of Performance Standards, Supplemental Conditions of Approval, or Other Provisions of this Article—Public Hearing) et seq. of this Section. Supplemental Conditions of Approval constitute requirements that shall be complied with by an establishment in order for the establishment to retain its Deemed Approved Status.

5. Automatic Deemed Approved Status.

a. All Alcoholic Beverage Sales Commercial Activities that were Legal Nonconforming Activities immediately prior to the effective date of the Deemed Approved Alcoholic Beverage Sale Regulations shall automatically become Deemed Approved Activities as of the effective date of the Deemed Approved Alcoholic Beverage Sale regulations and shall no longer be considered Legal Nonconforming Activities.

b. Each establishment with Deemed Approved Status shall retain its Deemed Approved Status; provided, it complies with the Deemed Approved performance standards as set forth in Paragraph G.6 (Performance Standards and Deemed Approved Activities) of this Section, or as promulgated by the Zoning Administrator. However, any change in the State Department of Alcoholic Beverage Control license type, revocation of the ABC license, or a substantial physical change of character of the establishment, as defined in CCR Title 4, Section 64.2(b), shall terminate the Deemed Approved Status for the establishment and shall thereafter require a Conditional Use Permit or other applicable entitlements allowing Alcoholic Beverage Sales Commercial Activity to continue the activity.

c. If any establishment with Deemed Approved Status discontinues operation, is suspended from operations, or surrenders the premises for more than 90 consecutive days, the Deemed Approved Status is subject to revocation per the requirements of Division 3.01 (Nonconforming Lots, Uses, Structures, and Signs) of this Development Code. Any subsequent Alcoholic Beverage Sales Commercial Activity may only be resumed upon the granting by the City of a Conditional Use Permit allowing such Activity. Revocation of Deemed Approved Status pursuant to this Section may be made following a public hearing by the Zoning Administrator pursuant to the provisions of Paragraph G.8 (Violations of Performance Standards, Supplemental Conditions of Approval or Other Provisions of this Article – Public Hearing) et seq. of this Section.

6. Performance Standards and Deemed Approved Activities. A Deemed Approved Activity shall retain its Deemed Approved Status only if it conforms to each of the following Deemed Approved Performance Standards:

a. The Deemed Approved Activity shall not result in adverse impacts to the health, peace or safety of persons residing or working in the surrounding area;

b. The Deemed Approved Activity shall not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area;

c. The Deemed Approved Activity shall not result in nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, sales to minors, curfew violations, lewd conduct, or police detentions and arrests;

d. The Deemed Approved Activity shall comply with all applicable provision of any local, state, or federal regulation, ordinance or statute, including, but not limited to, those of the ABC, BPC Sections 24200, 24200.6 and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual City business taxes and alcohol sales administrative program fees imposed pursuant to the OMC; and

e. The upkeep and operating characteristics of the Deemed Approved Activity shall be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

7. Notification to Owners of Establishments Conducting Deemed Approved Activities. The Zoning Administrator shall notify the owner of each establishment conducting a Deemed Approved Activity, and the property owner, if different from the Deemed Approved Activity, of the establishment's Deemed Approved Status. The notice shall be sent via certified mail return receipt requested; shall include a copy of the performance standards contained in Paragraph G.6 (Performance Standards and Deemed Approved Activities), above, with the requirement that these be posted in a conspicuous and unobstructed place, which is visible from the entrance of the establishment for public review; notification that the establishment is required to comply with all performance standards; that a review fee is required, as adopted by separate resolution of the City Council, and the amount of the fee that is required to be paid; and that the activity is required to comply with all other aspects of the Deemed Approved Alcoholic Beverage Sale Regulations. Should the notice be returned, it shall then be sent via regular U.S. Mail.

8. Violations of Performance Standards, Supplemental Conditions of Approval or Other Provisions of this Article—Public Hearing.

a. Upon receipt of a complaint that an establishment conducting a Deemed Approved Activity is in violation of the Performance Standards set forth in Paragraph G.6 (Performance Standards and Deemed Approved Activities) of this Section, or other conditions promulgated by the Zoning Administrator, or any other provision of these Deemed Approved Alcoholic Beverage Sales Regulations, and once it is reasonably determined by the City that the violations have occurred, or are occurring, then the Deemed Approved Status of the establishment in question shall be reviewed by the Zoning Administrator at a public hearing. Notification of the public hearing shall be provided pursuant to Paragraph G.10 (Notification of Public Hearing) of this Section.

b. The purpose of the public hearing is for any interested party to submit evidence to the Zoning Administrator concerning whether the operating methods of the establishment conducting the Deemed Approved Activity is violating the Performance Standards, Supplemental Conditions of Approval, other provisions of these Deemed Approved Alcoholic Beverage Sales Regulations, or are causing a nuisance in the area surrounding the establishment. Within 10 days of completion of the hearing, the Zoning Administrator shall render a written decision. The Zoning Administrator's decision may allow the Deemed Approved Status to continue for the establishment in question, to impose Supplemental Conditions of Approval pursuant to Paragraph G.9 (Supplemental Conditions of Approval) of this Section, that are, in the judgment of the Zoning Administrator, necessary to ensure compliance with the Performance Standards or the provisions of these Deemed Approved Alcoholic Beverage Sales Regulations, or to suspend or revoke the establishment's Deemed Approved Status. The decision of the Zoning Administrator shall be based upon information and evidence submitted by staff, evidence submitted by the business establishment owner and evidence submitted by any other interested parties. Supplemental Conditions of Approval shall be made a part of the Deemed Approved Status, and the establishment shall be required to comply with these Supplemental Conditions of Approval in order to retain its Deemed Approved Status. The determination of the Zoning Administrator shall become final 10 calendar days after the date of decision, unless appealed to the Planning Commission pursuant to Division 2.04 (Appeals) of this Development Code.

9. Supplemental Conditions of Approval.

a. The Zoning Administrator may impose Supplemental Conditions of Approval relating to one or more of the following (may not apply to Wineries with a Type 02 ABC license):

- (1) Entertainment uses, activities, or amusement devices on the premises;
- (2) Separation, monitoring, or design of area devoted to alcohol sales;
- (3) Security measures for both the interior and exterior of the premises;
- (4) Lighting, litter, trash receptacles, graffiti or nuisance abatement, or other similar requirements; or
- (5) Maintenance.

b. Specific Supplemental Conditions of Approval that may be imposed, include, but are not limited to, the following:

(1) **Sound Walls.** If the Deemed Approved Activity abuts residential areas, a sound wall may be required between the establishment conducting the Deemed Approved Activity and the abutting residential areas. The sound wall shall comply with all state and local requirements for construction and location and shall not obstruct the view of the building and parking areas from the street. Vegetation may be required to be planted along the sound wall to improve the appearance of the sound wall.

(2) **Trash Receptacles.** Permanent, non-flammable trash receptacles, may be required to be located at convenient locations, appropriately screened from view, outside the establishment and in the establishment's parking area (if any). The operators of the business may be required to remove on a daily basis, or more frequently if needed to maintain a litter-free environment, all trash from these receptacles and from the sidewalk adjacent to the establishment. The operators of the business also may be required to remove, at least three times per week, all trash originating from its establishment deposited on public property within 250 FT of any boundary of its premises.

(3) **Pay Telephones.** Pay telephones on the site of the establishment may either be (a) prohibited; or (b) required to be of the type that only allow outgoing calls and be located in a visible and well-lighted location.

(4) **Program.** A "complaint response-community relations" program established and maintained by the establishment conducting the Deemed Approved Activity may be required. The program may include the following:

(a) Posting at the entry of the establishment providing the telephone number for the area commander of the local law enforcement substation to any requesting individual.

(b) Coordinating efforts with the Police Department to monitor community complaints about the establishment's activities.

(c) Having a representative of the establishment meet with neighbors or the applicable neighborhood association on a regular basis and at their request, attempt to resolve any neighborhood complaints regarding the establishment.

(5) Activities. If appropriate, the following activities may be prohibited on the premises: pool or billiard tables, pinball games, arcade style video or electronic games, or coin-operated amusement devices.

(6) Prohibited Products. To discourage nuisance activities, an Off-Sale Alcohol Outlet may be prohibited from selling one or more of the following products or may be required to sell products in the manner prescribed below:

(a) Malt beverage products with alcohol content greater than 5-1/2 percent by volume;

(b) Wine with an alcoholic content greater than 18 percent by volume. No sales of low-end fortified wine are permitted;

(c) Containers of beer or malt liquor larger than 39 ounces;

(d) Distilled spirits in bottles or containers smaller than 375 milliliters;

(e) Cooler products, either wine- or malt-beverage-based, in less than manufacturer pre-packaged multi-unit quantities;

(f) No beer or malt beverage products shall be sold, regardless of container size, in quantities of less than manufacturer pre-packaged multi-unit quantities;

(g) Wine in less than 750 milliliter volume containers, specialty wine products in less than 375 milliliter volume containers, or in less than manufacturer pre-packaged multi-unit quantities; and/or

(h) Wine coolers, beer coolers, or pre-mixed distilled spirit cocktails shall be sold in manufacturer pre-packaged multi-unit quantities. No sales of single containers of wine coolers, beer coolers, or pre-mixed spirit cocktails are permitted.

(7) Alcoholic Beverage Sales/Delivery Restricted to Building Confines. The sales and/or delivery of alcoholic beverages shall be restricted to and within the confines of the building portion of the premises.

(8) Alcoholic Beverage Sales/Delivery through a Pass-Through Window. The sales and/or delivery of alcoholic beverages through any pass-through window is prohibited.

(9) Exterior Advertising or Signage that Promotes or Indicates the Availability of Alcohol Beverages. There shall be no exterior advertising or sign of any kind or type (other than business identification), including advertising directed to the exterior from within, promoting or indicating the availability of alcohol beverages (interior displays of alcoholic beverages or signs that are clearly visible to the exterior shall constitute a violation of this condition).

(10) Chilled Alcoholic Beverages. An Off-Sale Alcohol Outlet may be prohibited from maintaining refrigerated or otherwise chilled alcoholic beverages on the premises.

(11) Hours of Operation. In an On-Sale or Off-Sale Alcohol Outlet, the sale of alcoholic beverages may be restricted to certain hours of each day of the week and may be limited further by ABC.

(12) Paper or Plastic Cups. In Off-Sale Alcohol Outlets, the sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging may be prohibited.

(13) Signs. The following signs may be required to be prominently posted in a readily visible manner in English, Spanish, and the predominant language of the patrons:

(a) “California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age”; and

(b) “It is illegal to possess an open container of alcohol in the vicinity of this establishment.”

(14) Presentation of Documents. A copy of all Conditions of Approval and the California Department of Alcoholic Beverage Control license may be required to be kept on the premises and presented to any law enforcement officer or authorized state or county official upon request.

(15) Mitigating Alcohol-Related Problems. The establishment may be required to operate in a manner appropriate with mitigating alcohol-related problems that negatively impact those individuals living or working in the neighborhood, including but not limited to: sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug dealing, drug use, loud noise, and litter.

(16) Employee Training. The owners and all employees of the Deemed Approved Activity may be required to attend a Deemed Approved regulations training class and to complete an approved course in “responsible beverage service training.” Owners and employees of the Deemed Approved Activity may thereafter be required to attend these training classes once every three years. All salesclerks in On-Sale Alcohol Outlets and Off-Sale Alcohol Outlets may be required, within 90 days of the beginning of employment, to attend these same classes. The establishment may be required to provide evidence of the employee’s completion of this training to city, county or state authorities within 10 days following completion of training.

(17) Drug Paraphernalia. An Off-Sale Alcohol Outlet may be prohibited from selling drug paraphernalia products as defined in HSC Section 11014.5 and Section 11364.5. “Drug Paraphernalia” means all equipment, products and materials of any kind that are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act (commencing with HSC Section 11000).

(18) Loitering. The establishment’s operators or employees may be required to discourage loiterers and to ask persons loitering longer than 15 minutes to leave the

area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to do so.

(19) Security Cameras. A minimum of two 24-hour time-lapse security cameras may be required to be installed and properly maintained on the exterior of the building at locations recommended by the Police Department. All criminal and suspicious activities recorded on this surveillance equipment shall be reported to local law enforcement. To the extent allowed by law, the establishment's operators may be required to provide any tapes or other recording media from the security cameras to the police department.

(20) Prohibited Vegetation. No exterior vegetation may be planted or maintained that could be used as a hiding place for persons on the premises. Exterior vegetation may be planted and maintained in a manner that minimizes its use as a hiding place.

(21) Security Guards. An establishment may be required to retain a specified number of security guards. The number of security guards shall vary based upon the specific facts and circumstances of each establishment's site and operation. All security guards shall have all required state and City permits and licenses.

c. An On-Sale Alcohol Outlet may also be required to comply with the following supplemental conditions:

(1) Sales and delivery of alcoholic beverages to customers shall be made from behind a counter or bar where an establishment employee will obtain the product;

(2) No self-service of alcoholic beverages will be permitted. This does not include pouring the beverage for oneself or another after an establishment employee has served the alcoholic beverage to a patron;

(3) Sales, delivery and consumption of alcoholic beverages shall be restricted to and within the confines of the building portion of the premises or other approved areas, such as enclosed patios;

(4) The premises shall be maintained as a bona fide food restaurant, as defined by applicable provisions of the BPC, and shall provide a menu containing an assortment of foods normally offered in such restaurants; and

(5) No alcoholic beverages shall be consumed on any property adjacent to the premises under the control of the On-Sale Alcohol Outlet.

10. Notification of Public Hearing.

a. The Zoning Administrator shall notify the owner of each establishment conducting the Deemed Approved Activity, and shall notify the property owner, if different from the Deemed Approved Activity, of the time and place of the public hearing. The notice shall be personally delivered or sent via certified mail return receipt requested and shall include notification that the Deemed Approved Status of the establishment conducting the Deemed Approved Activity will be considered before the Zoning Administrator. The public hearing notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within 300 FT of the subject property. No notice shall be given less than 10 days prior to the date set for the hearing, if such is to be held. Fees for

notification shall be pursuant to Paragraph G.11 (Annual Inspection Applicability) of this Section and paid for by the establishment in question that is conducting Deemed Approved Activity.

b. Notice by mail is deemed given on the date the notice is placed into the U.S. Mail system.

11. Annual Inspection Applicability. Annual inspections shall be conducted at all alcohol sales facilities, including all existing On-Sale and Off-Sale Deemed Approved facilities, as well as existing and future On-Sale and Off-Sale alcohol sales facilities operating under a Conditional Use Permit.

12. Fees Schedule. Fees including annual inspection, appeal, and reinspection fees shall be pursuant to the City master fee schedule.

13. Official Action. All officials, departments, and employees of the City, which are vested with the authority to issue permits, certificates, or licenses, shall adhere to, and require conformance with, the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section.

14. Violations and Penalties.

a. *Violations of Deemed Approved Alcoholic Beverage Sale Regulations.* Any person who violates, causes, or permits another person to violate any provision of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section is guilty of either an infraction or misdemeanor, as determined by OMC Section 1-2.01 (Punishment for Violation). Either any person convicted of an infraction or misdemeanor under the provision of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section shall be punished by a fine, imprisonment, or both, according to state law.

b. *Separate Offenses for Each Day.* Any violator shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of these regulations is committed, continued, permitted, or caused by such violator and shall be punishable accordingly.

c. *Any Violation a Public Nuisance.* In addition to the penalties provided in this section, any use or condition caused or permitted to exist in violation of any of the provisions of these regulations shall be and is declared to be a public nuisance and may be abated as such by the City.

d. *Injunction as Additional Remedy.* Any violation of any provision of these regulations shall be and is declared to be contrary to the public interest and shall, at the discretion of the City, create a cause of action for injunctive relief.

e. *Administrative Penalties.* In addition to any other penalties provided in this section, a person who violates, causes, or permits another person to violate any provision of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section may be issued an administrative citation pursuant to the provisions of OMC Title 1, Chapter 5 (Administrative Citations). Violations of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section are subject to the "health and safety penalties" listed in OMC Section 1-5.04 (Amount of Fines).

f. *Assessment of Additional Penalties.* There will be no additional penalties assessed to owners other than those provided above.

g. *Liability for Expenses.* In addition to the punishment provided by law, a violator is liable for such costs, expenses, and disbursements paid or incurred by the City or any of its contractors in correction, abatement, and prosecution of the violation. Reinspection fees to ascertain compliance with previously noticed or cited violations shall be charged against the owner of the establishment conducting the Deemed Approved Activity or owner of the property where the establishment is located. Fees shall be in the amount described in Paragraph G.11 (Annual Inspection Applicability) of his Section, for charged reinspections. The inspection official shall give the owner or other responsible party of such affected premises a written notice showing the itemized cost of such chargeable service and requesting payment thereof. Should the bill not be paid in the required time, the charges shall be placed as a lien against the property.

15. Enforcement. The City shall designate the appropriate personnel to enforce the provisions of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section.

16. Inspection and Right of Entry. The officials responsible for enforcement of the provisions of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section, other provisions of the Development Code, or their duly authorized representatives, may enter on any site or into any structure for the purpose of investigation, provided they shall do so in a reasonable manner, whenever they have cause to suspect a violation of any provision of the Deemed Approved Alcoholic Beverage Sale Regulations, or whenever necessary to the investigation of violations to the Deemed Approved performance standards or conditions of approval prescribed in these regulations. All inspections shall be conducted in compliance with the Fourth Amendment to the United States Constitution.

5.03.030: Ambulatory Health Care Services—All Other Miscellaneous Services

The following standards shall govern the establishment and operation of “all other miscellaneous ambulatory health care services”:

- A. “All other miscellaneous ambulatory health care services” shall include blood pressure screening, health screening, hearing testing, industrial clinics, pacemaker monitoring, physical fitness evaluation, and smoking cessation program services.
- B. Within the OL zoning district, operating hours shall be limited to 7:00AM to 7:00PM, daily.
- C. Within the MU-1 zoning district, the use shall not be allowed on the ground floor of storefronts that directly front on to Euclid Avenue.
- D. Within the BP, IP, IL, IG, and ONT zoning districts, services shall only be limited to industrial clinics.

5.03.035: Apparel Manufacturing

Within the BP and IP zoning districts, the development of new apparel manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.037: Boutique/Artisan Small-Scale and Micro Manufacturing Facilities

The following standards shall govern the establishment and operation of "boutique/artisan small-scale and micro manufacturing facilities":

- A. Boutique/artisan small-scale and micro manufacturing facilities shall not exceed 10,000 SF in GFA;
- B. Storage of materials and production activities shall be maintained within a completely enclosed structure; and
- C. The use shall not include the bulk storage of flammable materials for use or sale, or the bulk storage of hazardous waste.

5.03.040: Automobile Dealers—New Vehicles Sales and Leasing, and Automobile Rental

- A. Automobile Dealers—New Vehicles Sales and Leasing. For new automobile dealers, up to a maximum of 49 percent of the total number of vehicles on-site at any one time, which are available for sale or lease, may consist of previously owned vehicles.
- B. Vehicle Rental and Leasing.
 - 1. Passenger car and light truck, utility trailer, recreational vehicle and truck rental and leasing may be conditionally permitted as a freestanding land use pursuant to Table 5.02-1 (Land Use Matrix).
 - 2. Passenger car and light truck rental shall be permitted by right pursuant to Table 5.02-1 (Land Use Matrix), when established in conjunction with, and ancillary to, new motor vehicle sales, motor vehicle general repair facilities, motor vehicle body and paint facilities, or full-service hotels.
 - 3. It is intended that passenger car, truck, utility trailer, and recreational vehicle rental facilities allowed pursuant to Table 5.02-1 (Land Use Matrix), shall be permitted to maintain an on-site rental vehicle fleet, provided adequate off-street parking facilities are provided pursuant to the requirements of Division 6.03 (Off-Street Parking and loading) of this Development Code.

5.03.045: Automotive Body, Paint, and Interior Repair and Customization—Minor Customization

Minor customization work shall be limited to the "bolt-on" replacement or addition of parts only. No body or paintwork shall be permitted, except as may be allowed pursuant to Section 5.03.050 (Automotive Body and Paint—Mobile Repair Services) of this Division.

5.03.050: Automotive Body and Paint—Mobile Repair Services

The following standards shall govern the establishment and operation of mobile automotive body and paint repair services:

- A. The mobile operation shall be based at a fixed location within the City pursuant to Table 5.02-1 (Land Use Matrix). The use shall not be licensed as a home occupation.
- B. Comply with all applicable requirements of the South Coast Air Quality Management District (SCAQMD). Compliance with SCAQMD regulations shall be demonstrated to the Planning Department prior to business license issuance by the City.
- C. Mobile body and paint repair services shall be limited to minor dent and blemish removal/repair on motor vehicles, and the performing of minor reparative and touch-up painting to damaged or blemished areas of motor vehicles.
- D. Mobile body and paint repair services shall only be performed for automobile dealerships, car rental agencies and fleet vehicle operators, within zoning districts allowing these land uses. Repair services shall not be provided to individuals.
- E. All work shall be performed within areas that are completely screened from public view.
- F. Paint shall be applied using a high volume, low pressure coating delivery and application system utilizing a turbine motor to produce high volumetric flow rates at a low pressure, not to exceed 5 pounds per square inch.
- G. Prior to business license issuance, the business owner or operator shall provide to the Planning Department for review and approval, written policies and procedures and for:
1. The storage, use and disposal of cleaning solvents and thinners used in conjunction with painting and repair activities pursuant to federal, state, county and local laws, regulations, ordinances and orders;
 2. The recording of daily use of solvents, thinners, coating materials and formulations used in conjunction with painting and repair activities;
 3. The packaging, handling and transportation of hazardous materials used in conjunction with painting and repair activities;
 4. The control of solids and liquids produced during grinding, sanding or coating, to prevent contact with the ground and potentially contaminating storm water runoff;
 5. The storage, handling and disposal of hazardous wastes created as a result of painting and repair activities, pursuant to federal, state, county and local laws, regulations, ordinances and orders; and
 6. Workspace safety and organization.
- H. As a condition of business operations, the licensee shall fully comply with the approved policies and procedures established by Subsection G of this Section, and shall consent to the following requests by the authorized representatives of the City's Police Department, Fire Department, Planning Department, Engineering Department or Code Enforcement Officers, during regular business hours, for the purpose of making reasonable unscheduled inspections to observe and enforce compliance with the applicable regulations, laws, and provisions of this Ordinance:

1. Review of business records pertaining to the daily use of solvents, thinners, coating materials and formulations used in conjunction with painting and repair activities;
 2. Observation of vehicle repair and painting activities; and
 3. Inspection of vehicles, materials and equipment used in conjunction with painting and repair activities.
- I. Failure to comply with the mobile body and paint repair services standards contained in this Section may result in business license revocation by the City.

5.03.055: Automotive Glass Replacement Shops

The following standards shall govern the establishment and operation of automotive glass replacement shops:

- A. Automotive glass replacement shops shall include both stationary and mobile services.
- B. Mobile services shall be licensed to a fixed location within the City and shall not be licensed as a home occupation.

5.03.060: Automotive Repair and Maintenance—General Repair Facilities

Automotive general repair facilities shall include mechanical and electrical repair such as air conditioning, brake, cooling, electric, exhaust, and suspension systems repair, and engine, transmission, and drive train repair and maintenance activities.

5.03.065: Automotive Repair and Maintenance—Servicing Facilities

Automotive servicing facilities shall include mechanical and electrical retail-oriented services such as emissions testing, battery replacement and other similar retail activities that do not involve the use of pneumatic tools or equipment that create noise impacts.

5.03.067: Banquet Facilities - Historic Properties

The following standards shall govern the establishment and operation of banquet facilities on historically designated properties that are located outside of zoning districts that would otherwise allow the activity:

- A. A banquet facility shall be allowed in all zoning districts within a commercial structure or on property designated as a local historic landmark, or a contributing structure within a designated historic district, established pursuant to Section 4.02.040 (Historic Preservation—Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservations Areas) of this Development Code, and shall be subject to the regulations therein during the life of the permit.

- B. The minimum number of parking spaces required shall be provided pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code. A parking demand study may be prepared by a qualified traffic consultant or engineer to support a reduction in the required number of parking spaces. The intent is to provide lower, flexible parking standards wherever possible and appropriate. Consideration shall be given to shared parking systems, on and off-street parking resources, compatibility with historic patterns of development, and the availability of mass transit resources.
- C. Live entertainment shall be prohibited. Request for live entertainment shall require conditional use permit approval by the Zoning Administrator. Karaoke, DJs, live musical acts, and other similar forms of entertainment are considered live entertainment. Amplified prerecorded music may be permitted; however, the sound emitted from the premises shall not be audible beyond the property lines of the business establishment.
- D. Alcohol beverage sales shall be prohibited. Request for service of alcohol beverage sales shall require a conditional use permit by the Zoning Administrator.
- E. The applicant shall comply with all applicable building code regulations related to the change of use of the structure to a banquet facility.

5.03.070: Bed-and-Breakfast Inns

The following standards shall govern the establishment and operation of bed-and-breakfast inns:

- F. A bed-and-breakfast inn shall be allowed only within a structure designated as a local historic landmark, or a contributing structure within a designated historic district, established pursuant to Section 4.02.040 (Historic Preservation—Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservations Areas) of this Development Code, and shall be subject to the regulations therein during the life of the permit.
- G. The inn structure shall serve as the primary residence of the bed-and-breakfast inn owner(s), or the majority shareholder if the facility is owned by a corporation.
- H. The bed-and-breakfast inn shall be accessory to the residential use of the property.
- I. The lot upon which the bed-and-breakfast inn is operated shall conform to the standards of the zoning district in which it is located, and the applicable land use and operational requirements of this Development Code.
- J. No long-term rental of rooms shall be permitted. The maximum length of stay for any guest shall be 14 days within any 30-day period.
- K. Guests may check in only between the hours of 9:00AM and 9:00PM.
- L. Breakfast shall be the only full meal served, excepting light snacks and refreshments, and may only be served to guests of the bed-and-breakfast inn. Restaurants are prohibited, and no cooking facilities shall be allowed within any guestroom.
- M. The applicant shall comply with all applicable building code regulations related to the change of use of the structure to a bed-and-breakfast inn.

5.03.075: Billiard Parlors and Pool Halls

The following standards shall govern the establishment and operation of billiard parlors and pool halls:

- A. All billiard and pool tables are to be located so as to be visible at all times by one or more employees of the business.
- B. Unless otherwise specifically approved by Conditional Use Permit, billiard and pool tables shall be limited to a size not typically used for regular professional tournament play (9 FT long by 4.5 FT wide), as established by the World Billiard Congress, World Pool-Billiard Association, American Pool Players Association, and other similar professional organizations.
- C. Billiard parlors and pool halls shall be located a minimum of 300 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, to any residentially zoned property or sensitive land use, including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate.
- D. Minors shall not be permitted to enter or remain in a billiard parlor and pool hall during the following periods, unless accompanied by a parent or legal guardian:
 - 1. Monday through Friday, between 8:00AM and 3:00PM, or after 10:00PM; and Saturday and Sunday, after 10:00PM.
 - 2. The weekday daytime hours of restriction shall not apply to school vacation days or holidays, as established by any public school district or private elementary, middle (junior high) or high school operating within the City.
 - 3. Notice of the herein specified hours of restriction for minors shall be posted at the facilities entrance(s), in lettering of at least 2 inches in height.
- E. The establishment shall not be open to customers, patrons or any member of the public between the hours of 2:00AM and 6:00AM.
- F. "No Loitering" signs shall be posted at the front and rear of the business.
- G. The facility shall have a minimum of one managing employee at least 21 years of age during all working hours.
- H. Occupancy shall not exceed the number required under the City's building and fire codes, and the maximum occupancy load shall be posted at the main entrance.
- I. The establishment shall maintain and operate a video surveillance system during all business hours, which is capable of storing a minimum of 186 hours (7 days) of video surveillance.
 - 1. The video surveillance system shall cover the entire interior of the premises and all entrances and exits of the establishment, and shall be capable of delineating upon playback of the system, the activity and physical features of persons or areas within the premises.

2. The business owner shall permit City Police and/or Code Enforcement officers to inspect the stored video surveillance during normal business hours, upon demand.
 3. The video surveillance system shall be maintained in good working order.
 4. A sign shall be posted inside and at the entrances to the establishment indicating that the premises are under video surveillance.
- J. The business owner shall submit and receive approval of a Fire Exit Plan from the Fire Department. The plan shall address all requirements of the City's building and fire codes, including, but is not limited to, showing all necessary dimensions, equipment location, aisle locations/path of travel, building exiting, and panic hardware.
- K. Window areas shall not be covered or made opaque in any way. All windows and entrances shall be unobstructed at all times so as to allow an unimpaired line-of-sight by police officers.
- L. The Chief of Police is hereby authorized to require the business owner/operator provide a security guard on the premises in the event that there are significant calls for service relating to assaults, gang-related activity, weapons offenses, disturbances, juvenile related crime and truancy, or other good causes. The decision of the Chief of Police may be appealed to the City Council pursuant to Division 2.04 (Appeals) of this Development Code.
- M. No exterior pay phones shall be allowed on a property containing a billiard parlor or pool hall.

5.03.080: Boarding, Lodging, and Rooming Houses

The following standards shall govern the establishment and operation of boarding, lodging and rooming houses:

- A. All boarding, lodging, and rooming houses shall require the submittal and approval of an Administrative Use Permit or Conditional Use Permit, and business license, prior to establishing the use.
- B. No more than one Federal, State or Youth Authority parolee shall be allowed to live in a boarding, lodging, or rooming house.
- C. The application submitted for approval of a boarding, lodging, or rooming house shall identify whether any boarders are currently Federal, State, or Youth Authority parolees. That information shall be provided by the landlord to each lessee or renter upon signing a lease or other rental agreement. Owners and/ or operators of approved boarding, lodging or rooming houses shall update the information required by this Section anytime a person that is a Federal, State, or Youth Authority parolee is provided accommodation in the approved boarding, lodging, or rooming house.
- D. All boarding, lodging, and rooming houses shall require boarders to sign a Crime Free Lease Addendum to their lease or rental agreement. The Crime Free Lease Addendum shall provide that any criminal violations perpetrated by boarders shall be grounds for termination of the written or oral lease, sublease, or agreement.

E. Boarding, lodging, or rooming houses shall be operated and maintained in full compliance with all applicable requirements of this Development Code and the Ontario Municipal Code, prior to the issuance of an Administrative Use Permit or Conditional Use Permit authorizing the use, and at all times following permit issuance. Violation of any local, State, or Federal laws by individual boarders while on the premises, shall be grounds for revocation of the permit, including, but not limited to, violations of PC Section 3003.5.

F. No boarding, lodging, or rooming house shall be maintained as a nuisance.

G. The violation of any provision of this Section shall be grounds for revocation of the Administrative Use Permit or Conditional Use Permit authorizing the boarding, lodging, or rooming house use. In revoking an Administrative Use Permit or Conditional Use Permit, the procedures contained in Division 2.05 (City Initiated Modification or Revocation) of this Development Code shall be followed.

H. All boarding, lodging, and rooming houses shall be required to pay to the City, an administrative fee in an amount determined by separate resolution of the City Council, to cover the costs of Administrative Use Permit or Conditional Use Permit review and issuance, and inspection of the facilities.

I. Boarding, lodging, and rooming houses may provide rented, leased, or subleased accommodations for occupancy by no more than 6 individuals, excluding a resident owner, agent, or manager. The operator may seek relief from the strict application of this provision by submitting a request for reasonable accommodation pursuant to Section 4.02.035 (Fair Housing and Reasonable Accommodation) of this Development Code.

5.03.085: Bread and Tortilla Manufacturing

Within the IP zoning district, bread and tortilla manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.090: Business to Business Electronic Markets

Within the BP zoning district, the development of business to business electronic markets shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) developments.

5.03.095: Caretaker Quarters

The following standards shall govern the establishment and operation of caretaker quarters:

A. Caretaker quarters may be allowed in conjunction with, and accessory to, an allowed land use, when determined by the Reviewing Authority to be essential to providing 24-hour on-site property security and surveillance.

B. Caretaker quarters shall not exceed 600 SF in gross floor area and shall contain no more than one bedroom.

C. Caretaker quarters shall be for occupancy by the business owner or an employee of the business.

5.03.100: Child Daycare Services

The following standards shall govern the establishment and operation of child daycare services:

A. Child Daycare Centers.

1. No City permit for a child daycare center shall be effective until satisfactory evidence has been provided to the City demonstrating that all necessary State licenses and permits have been obtained.

2. Child daycare centers shall not be allowed in conjunction with a residential land use.

3. Within industrial zoning districts, child daycare centers shall be limited to employer-provided services, which are only for employee use. Such centers may also be established by a group of industrial businesses, which are located within close proximity, to serve their employees at an on-site or off-site location.

4. Comply with all fire and life safety standards required by the State Fire Marshall and the Ontario Fire Department.

5. All areas designated for active play, or any play structures, shall only be permitted within a side yard or rear yard area. In addition, all play areas shall be enclosed by a 6 FT high decorative fence or wall. Property line fences or walls may be used to fulfill this requirement.

6. Landscaping and decorative masonry block walls shall be used to buffer noise inside and rear yard areas when abutting a residential zoning district.

7. Outdoor play areas shall be located at least 25 FT from any residential structure located on an abutting residentially zoned lot.

8. Any swimming pool, pond, wading pools, or similar bodies of water greater than 18 inches in depth shall be fully enclosed by a minimum 5 FT high non-climbable fence. Additionally, all entrances and exits shall have self-closing and latching gates. All latches shall be located at least 54 inches above adjacent grade.

9. All trash receptacles and air-conditioning units located outdoors and adjacent to any play area shall be fully enclosed by a wall or fence.

10. A daycare center shall not be located within any area in which the measurable exterior noise level is 65 CNEL or greater.

B. Family Child Daycare ~~Homes, Large Family.~~

1. To prevent over concentrations of family child daycare homes that would impair the integrity of residential neighborhoods, a minimum 300-FT separation shall be provided between ~~a large family daycare home and any other~~ dwellings licensed with the California

Department of Social Services as a family child daycare home. The distance between any structure used as a family child daycare home and another structure used as a family child daycare home shall be measured in a straight line, without regard to intervening structures, from the closest property line of the structure used as a family child daycare home to the closest property line of another structure used as a family child daycare home.

~~2. A family child daycare home shall only be allowed in conjunction with a single family dwelling.~~

3. A family child daycare home shall be clearly incidental and subordinate to the primary residential use of the dwelling.

4. No family child daycare home shall commence until City permit for a family child daycare home shall be effective until satisfactory evidence has been provided to the City demonstrating that all necessary State licenses and permits have first been obtained from the California Department of Social Services.

~~5. In addition to those off-street parking spaces required of the primary residential land use, one off-street parking space shall be provided for each employee of the daycare provider. The driveway may be used to fulfill this requirement.~~

~~6. The applicant shall submit a plan showing the location of a loading and unloading area for children.~~

~~7. Play equipment shall not be located within the front yard area. All areas designated for active play, or any play structures, shall only be permitted in a side yard or rear yard. In addition, all play areas shall be enclosed by a 6 FT high decorative fence or wall. Property line fences or walls may be used to fulfill this requirement.~~

~~8. Comply with all fire and life safety standards required by the State Fire Marshall and the Ontario Fire Department.~~

~~9. Any swimming pool, pond, wading pools, or similar bodies of water greater than 18 inches in depth shall be fully enclosed by a minimum 5 FT high non-climbable fence. Additionally, all entrances and exits shall have self-closing and latching gates. All latches shall be located at least 54 inches above adjacent grade.~~

~~10. All trash receptacles and air-conditioning units located outdoors and adjacent to any play area shall be fully enclosed by a wall or fence.~~

~~11. Trash receptacles shall be maintained in a sanitary condition with no odor detectable from adjacent properties.~~

5.03.105: Community Care Facilities for the Elderly—More Than 6 Persons

The following standards shall govern the development and/or operation of community care facilities for the elderly, which are designed for occupancy by more than 6 persons:

A. Within residential and mixed-use zoning districts, the maximum density of a community care facility for the elderly that incorporates shared or common kitchen facilities, if proposed at a density greater than allowed by the underlying zoning district, shall be determined based upon a

study of equivalent impact, assessing factors of traffic generation, water usage, and sewerage generation, in comparison to a multiple-family residential development on the same site, constructed at maximum density. Applicants for community care facilities for the elderly shall be responsible for all City costs incurred in preparation of the study.

B. Within commercial zoning districts, the maximum allowed density of a community care facility for the elderly shall be based a study of equivalent impact, assessing traffic/transportation, water usage, and sewerage generation, in comparison to a typical commercial development on the same site. Applicants for community care facilities for the elderly shall be responsible for providing appropriate traffic, water usage and sewerage generation information to the City to assist in determining allowed densities.

C. Community care facilities for the elderly should be located where public transit linkages are available, such as bus or transit facilities on or adjacent to the site, regular shuttle service to a regular transit route, or equivalent alternative methods as approved by the Planning Director.

D. A minimum of 75 SF of private open space and 75 SF of common open space shall be provided per dwelling or room used for dwelling purposes. Common spaces shall be provided with recreation room(s), swimming pools, lawn bowling courts and similar recreational facilities, based upon the size of proposed facility and the anticipated needs of its occupants.

E. Common or individual laundry, eating and/or kitchen facilities may be provided.

F. Occupancy of a community care facility for the elderly may be age restricted by means of a deed restriction or an agreement acceptable to the City Attorney.

G. Occupancy of community care facility for the elderly shall not be granted by the City until satisfactory evidence has been provided to the City demonstrating that all necessary State licenses and permits have been obtained for the use.

5.03.110: Community Care Facilities for the Elderly—6 or Fewer Persons

Community care facilities for the elderly, for 6 or fewer persons, may only be established in conjunction with a single-family dwelling.

5.03.115: Computer and Electronic Product Manufacturing

Within the IP zoning district, the development of new computer and electronic product manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.120: Consumer Goods Rental

The following standards shall govern the establishment and operation of consumer goods rental services:

- A. Consumer goods rental services shall include the rental of consumer electronics and appliances, costumes, formal wear, furniture rental, home health equipment, musical instrument rental, party and banquet accessories, recreational goods, and video tapes and discs.
- B. Outdoor storage shall be prohibited in conjunction with consumer goods rental services.

5.03.125: Convenience Markets and Specialty Food Stores

The following standards shall govern the establishment and operation of convenience markets and specialty food stores:

- A. Within the CS zoning district, hours of operation shall be limited to between 7:00AM and 10:00PM, daily.
- B. All convenience markets and specialty food stores that sell prepared or prepackaged food items shall provide and maintain outdoor trash receptacles adjacent to the business entry, for use by customers.
- C. Where a convenience market or specialty food store abuts a residential zoning district, no commercial loading activity is permitted between the hours of 7:00PM and 7:00AM.

5.03.130: Credit Intermediation-Related Activities

The following standards shall govern the establishment and operation of credit intermediation-related activities:

- A. Credit intermediation-related activities include check cashing, money order issuance, money transmission and payday advance services.
- B. Within the MU-1 zoning district, credit intermediation-related activities shall only be allowed in conjunction with a permitted or conditionally permitted land use. Standalone credit intermediation-related activities within the MU-1 zoning district shall be prohibited.

5.03.135: Cutlery and Hand Tool Manufacturing

Within the IP zoning district, the development of new cutlery and hand tool manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.140: Data Processing, Hosting, and Related Services

Within the OL and OH zoning districts, data processing, hosting, and related services shall only be allowed in conjunction with a permitted or conditionally permitted land use. Standalone data processing, hosting, and related services shall be prohibited within these zoning districts.

5.03.145: Depository Credit Intermediation

The following standards shall govern the establishment and operation of depository credit intermediation uses:

- A. Depository credit intermediation shall include commercial banking, savings institutions, and credit unions.
- B. Drive-thru facilities in conjunction with depository credit intermediation shall be permitted subject to the provisions of Section 5.03.150 (Drive-Thru Facilities) of this Division.

5.03.150: Drive-Thru Facilities

The following standards shall govern the establishment and operation of drive-thru facilities, and are intended to result in facilities that are well designed, encourage pedestrian activity, and enhance the commercial areas in which they located:

A. Location Standards.

1. Drive-thru facilities shall be permitted in conjunction with the below-listed land uses, except that such facilities ~~shall be prohibited~~ located within the MU-1(Downtown Mixed-Use) zoning district ~~shall not be visible from Euclid Avenue, as demonstrated in Figure 5.03-1 (Street-Oriented Example Site Plan), below.~~

- a. Pharmacies and Drug Stores;
- b. Banks and Credit Unions;
- c. Restaurants and other eating places;
- d. Drycleaning and Laundry Services; and
- e. Other land uses deemed appropriate by the Zoning Administrator, as determined pursuant to the procedures established in Section 1.02.010 (Interpretations and Land Use Determinations) of this Development Code.

2. Drive-thru ~~businesses~~ facilities shall not disrupt the pedestrian activity of adjacent or nearby commercial uses or commercially zoned property. Furthermore, ~~the use~~ drive-thru facilities shall not interfere with the normal use of adjoining properties or the potential for a planned commercial development.

B. Development Standards. Uses incorporating drive-thru facilities shall comply with each of the following development standards:

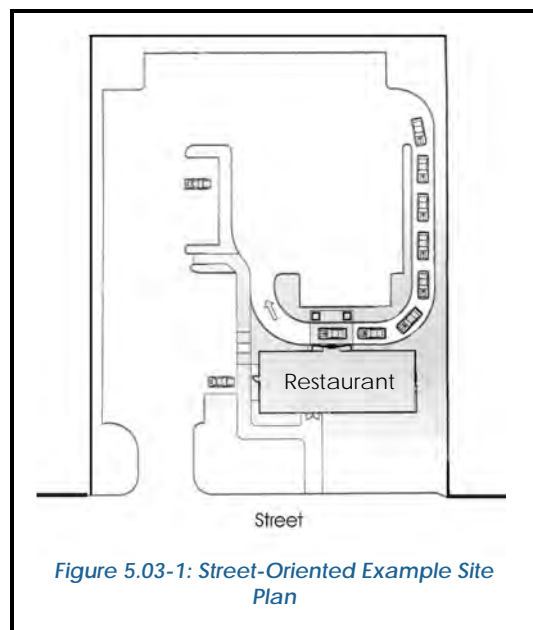


Figure 5.03-1: Street-Oriented Example Site Plan

1. Lot Area. Drive-through businesses shall be located on lots having a minimum area of one-acre. This area may be reduced when the business is within an integrated shopping center.
2. Lot Coverage. The lot coverage shall not exceed 40 percent of the lot area.
3. Floor Area. The minimum GFA for a business incorporating a drive-thru shall be ~~3,000~~ 2,000 SF (including ~~enclosed~~ gross floor area ~~within~~ of the building and ~~associated~~ outdoor seating areas), with a minimum interior floor area of ~~2,500~~ 1,500 SF.
4. Setbacks.
 - a. Setbacks shall be provided pursuant to the requirements of the underlying zoning district in which the drive-thru facility is proposed.
 - b. A minimum 25-FT landscaped setback shall be maintained between any drive-thru facility, including drive-up windows, drive-thru lane and menu/order stations, and any adjacent residentially zoned property or residential land use.
 - c. The building shall maintain a minimum 20-FT landscaped setback from street property lines. Design elements, such as trellises, may encroach into the setback when well-integrated with the landscape.
5. Building Orientation. Buildings incorporating drive-thru facilities should be oriented toward the street, as demonstrated in Figure 5.03-1 (Street-Oriented Example Site Plan).
6. Access. Each developed site shall not have more than one drive approach per street frontage. Drive-thru ingress and egress aisles shall not take direct access from a public street or thoroughfare, but instead shall take access from a parking area or on-site drive aisle, as demonstrated in Figure 5.03-1 (Street-Oriented Example Site Plan).
7. Building Height. Buildings ~~with drive-thru facilities~~ shall not exceed a height of 35 FT.
8. Site Design.
 - a. Buildings shall be oriented toward the street, with drive-thru lanes, pick-up windows, and off-street parking facilities oriented toward the rear yard or side yard areas.
 - b. Decorative low garden walls shall be provided to screen the parking lot and drive-thru aisle from view of the public street.
 - c. All service and loading areas shall be screened from public view, to the extent possible.
 - d. Restrooms shall not be accessed from outside the structure.
 - e. Ladders for roof access shall be mounted on the inside of the building or shall be completely concealed from public view.
 - f. The site design shall minimize pedestrian/vehicle conflicts by creating opportunities for courtyards, plazas, outdoor dining, and landscaped pathways that promote safe and convenient pedestrian movement.

9. Drive-Thru Lane Design.

a. Drive-thru lanes in conjunction with restaurants shall have a minimum length of 144 FT, measured from entry to pick-up window, which accommodates a minimum of 6 vehicles. (Note: The Planning Director may require an increased drive-thru stacking length to accommodate businesses known to generate a higher drive-thru demand.)

b. Drive-thru lanes shall have a minimum width of 11 FT on straight sections and 12 FT on curved sections.

c. Drive-thru lanes shall be screened from view of a public street through building orientation, landscaping, low screen walls, and trelliswork.

C. Maintenance.

1. The premises shall be kept clean, and the operator shall make all reasonable efforts to see that no trash or litter originating from the use is deposited on adjacent properties.

2. Adequate trash containers shall be provided, and, on a daily basis, employees shall be required to pick up trash originating from the site, both on site and within 50 FT of the perimeter of the site.

3. No undesirable odors shall be generated on-site.

4. All merchandise, wares, crates in the form of temporary and permanent storage, displays, and goods offered for sale shall be maintained wholly within the building. Storage of any kind shall be contained completely within an enclosed structure.

D. Noise. Noise emanating from sound systems, including intercom and public address systems, shall not be audible beyond the property line.

E. Signs. All signs shall conform to the sign provisions of Division 8.1 (Sign Regulations) of this Development Code. Facilities within an integrated shopping center or plan shall comply with the uniform sign program as established in the center. Menu signs will be limited to two 6-FT high signs, having a maximum area of 24 SF each. Menu board signs shall not obscure vehicular visibility.

F. Design Guidelines. The following design guidelines are intended as a reference to assist the designer in understanding the City's goals and objectives for high quality commercial development. The guidelines compliment the mandatory development standards contained in Subsection B (Development Standards), above, by providing good examples of potential design solutions and by providing design interpretations of the various mandatory regulations.

The design guidelines are general in nature and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized during the City's development review process to encourage the highest level of design quality, while at the same time providing the flexibility necessary to encourage creativity on the part of the project designer(s). However, unless there is a compelling reason, these design guidelines shall be observed.

1. Architecture.

a. Style. The construction of the building should depict a specific architectural style by distinctive elements and features consistent with the chosen style. Accessory structures

should portray the style through their features as well. The style of the building should also reflect and complement the styles of surrounding commercial buildings. Architectural treatment should be employed over the entire building exterior (360-degree architecture), and the building should be individually designed for its site. The use of standardized corporate architectural styles is highly discouraged.

b. *Materials.* A variety of quality building materials should be incorporated into the building, such as brick, finished wood, natural stone, tinted/textured concrete masonry, and ceramic tile, which have a substantial and long-lasting appearance. Veneers having a prefabricated or false appearance shall not be used.

c. *Structure.* Drive-up windows should be covered by a structure that reflects the style of the building and is substantial in character; however, it should remain subsidiary to the main structure. Entries should project 10 to 12 FT from the building in order to add depth and variation to the façade.

d. *Entry Design.* Gables, awnings, sign locations, or other features should clearly express the location of doorways. Greater attention should be given to materials and detailing adjacent to entries.

e. *Arcades and Awnings.* Outdoor arcades are encouraged to protect pedestrians from summer heat and winter rain. Where an arcade is not provided, a separate awning or other architectural feature should be used for each business to enhance the individual identity of small shops. Because they can quickly deteriorate, canvas awnings are discouraged, or should be properly maintained.

f. *Roof Forms.* Roof forms should reflect the architectural style and internal organization of buildings. Hipped and gable roofs are encouraged. Flat roof parapets should be accompanied by a cornice or other shadow-creating detail at its "top."

g. *Drive-Up Windows.* Construct roofs or trellises over drive-up windows. Posts supporting roofs or trellises should be substantial in appearance and fully integrated into the architecture of the building. The stacking area for drive-up windows should be screened from the street through a combination of low walls and landscaping.

h. *Lighting.*

(1) On-site lighting shall be directed away or shielded from adjacent freeways, roads, streets, and adjacent properties. All exterior lighting shall be of an indirect nature, coming from under eaves and canopies, or at ground level, with in landscaped areas.

(2) Exterior lighting fixtures should be a decorative and reinforce the architectural style of the building.

(3) Light standards less than 15 FT in height (including lighting bollards) should illuminate all street sidewalks and connecting walkways and are encouraged throughout the project.

i. *Landscaping.*

(1) The minimum amount of on-site landscaping, including defined plazas and courtyards, shall equal 15 percent of the net lot area. Landscaping should be used on

the site to show transition from adjacent uses, define a circulation pattern on the lot, screen the parking lot from the street, highlight entries, provide shade for parking as well as outdoor seating areas, and to soften the appearance of the building.

(2) At a minimum, landscaping shall include 15-gallon trees planted no more than 20 FT on center, within minimum 5-FT wide planters. A suitable plant material (grasses, ivy, etc.) should be used as ground cover. Minimum 10-FT wide planters containing a combination of hedges and low walls shall be used to screen drive-thru lanes from view of public streets.

(3) Pedestrian walkways should not intersect drive-thru lanes; however, in the event this occurs, adequate visibility for pedestrians and vehicles shall be provided, and pedestrian crossings shall be clearly marked with signs.

j. *Play Structures.*

(1) Play structures should be placed indoors, becoming an integral part of the architecture, yet remaining a subordinate element. If located outside, play structures shall be oriented away from the public street and properly screened, and shall be no more than 11 FT in height.

(2) Indoor restaurant playground facilities shall be ancillary to the restaurant use. Scale and massing shall not dominate the main structure and the height of the playground facility shall not exceed the height of the main roof of the main structure.

5.03.155: Durable and Nondurable Goods Agents and Brokers

Within the BP and IP zoning districts, business to business electronic markets shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.160: Electric Power Generation, Solar and Wind

Solar and wind electric power generation facilities shall only be allowed in conjunction with a permitted or conditionally permitted land use, except that standalone facilities shall be allowed within the OS-U zoning district.

5.03.165: Electrical Equipment, Appliance, and Component Manufacturing

Within the IP zoning district, electrical equipment, appliance, and component manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.170: Electronic Shopping and Mail Order Houses

A. Within the IP, IL, IG, and IH industrial zoning districts, direct business to consumer sales via the internet, direct mail, or telephone shall only be allowed ancillary to a permitted or conditionally permitted land use, such as manufacturing, warehousing, wholesaling, and/or distribution activities.

B. Standalone (office only) business to consumer sales via the internet, direct mail, or telephone shall be allowed as a primary land use only within the CN, CC, CR, OL, and OH commercial zoning districts; the MU-1, MU-2, and MU-11 mixed-use zoning districts; and the BP industrial zoning district.

5.03.175: Electronics and Appliance Stores

Within the CN zoning district, only small-scale (GFA of 5,000 SF or less) electronics and appliance stores may be established.

5.03.177: Employee (Farmworker) Housing

Where allowed pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, Employee (Farmworker) Housing units and complexes shall be subject to the below-listed requirements.

A. General Requirements.

1. Every person, or agent, or officer thereof, which constructs, operates, or maintains Farmworker Housing, shall comply with the requirements of this Section, and all applicable health, safety, and building codes and standards.

2. Farmworker Housing shall be designed, constructed, and maintained in conformance with the Employee Housing Act (commencing with HSC Section 17000), CCR Tiles 24 and 25, and the California Building Code.

3. A Farmworker Housing unit providing accommodations for 6 or fewer employees, or for one employee and their respective household, shall be deemed a single-family structure.

4. A Farmworker Housing Complex consisting of up to 36 beds in a group quarters, or 12 units or spaces designed for use by a single family or household, shall be deemed an agricultural use.

5. Farmworker Housing shall not include hotels, motels, boarding houses, bed and breakfast inns, rooming houses, dormitories, or other similar uses that would imply that the employee housing is a business run for profit, or differs in any way from a single-family dwelling or an agricultural use.

6. Farmworker housing provided by the employer and maintained in connection with the work, or place where work is being performed, shall comply with all provisions of HSC Section 17008(a). Farmworker housing not maintained in connection with any workplace, and provided by someone other than an agricultural employer, shall comply with all provisions of HSC Section 17008(b).

7. Farmworker Housing for agricultural employees and their families shall be allowed subject to the same fees applicable to any other agricultural use. In the event the Farmworker Housing is converted to another use, the units shall be subject to all applicable Development Code standards in existence at the time of conversion. For the purposes of this Section, the term "agricultural employee" shall mean a person who works full or part-time (24 or more hours per

week) in the service of bona fide commercial agricultural operations, in any of the branches of farming

8. All Farmworker Housing shall comply with all City regulations and permitting requirements, including, but not limited to, building construction, sewage disposal, water supply, NPDES, and storm water quality control, prior to occupancy of the housing units.

9. No person shall construct, reconstruct, erect, install, relocate, or alter any building used for human habitation, building accessory thereto, or other housing accommodations, intended to be used for Farmworker Housing, or any electrical, mechanical, or plumbing equipment installed in Farmworker Housing, without first obtaining all necessary City permits.

10. Farmworker housing is not required to be located on the same site as the qualifying agricultural operation where the farmworkers are employed.

11. The minimum lot size for Farmworker Housing shall be 10 acres.

B. Farmworker Dwelling Units.

1. Housing for up to 6 agricultural employees or one farm employee and his or her household is an allowed use in the AG Overlay District and all residential and mixed use zoning districts that allow single-family dwellings.

2. A farmworker dwelling unit is subject to all requirements relevant to this Development Code, which are applicable to single-family dwellings, including, but not limited to, site and building development standards, off-street parking requirements, security standards, wall and fencing requirements, and landscaping requirements. At least one off-street parking space shall be provided for each dwelling unit.

3. A farmworker dwelling unit provided pursuant to Paragraph B.4, below, shall not be required to be located on the same site as the qualifying agricultural operation where the farmworkers are employed.

4. A farmworker dwelling unit shall meet the standards for single-family dwellings contained in Section 6.01.010 (Residential Zoning Districts) of this Development Code, and applicable requirements of the Ontario Building Code.

5. A farmworker dwelling unit shall not be subdivided from the primary lot on which it is located.

6. At least one off-street parking space shall be provided for each farmworker dwelling unit.

C. Farmworker Housing Complex.

1. A farmworker housing complex, with up to 36 beds in group quarters or 12 units designed for use by single families or households, which comply to the standards for single-family dwellings contained in Section 6.01.010 (Residential Zoning Districts) of this Development Code, is an allowed use in the AG Overlay District.

2. A minimum of 50 SF of floor area shall be provided for sleeping purposes for each occupant of group living quarters, such as barracks and bunkhouses, within a farmworker housing complex.

3. At least one off-street parking space shall be provided for each dwelling unit, or one parking space for each 3 beds, whichever is greater, plus one off-street parking space for each farmworker housing complex employee.

D. Farmworker Verification.

1. All new permanent farmworker dwelling units and farmworker housing complexes shall require the completion of a Farmworker Housing Verification Form prior to building permit application submittal.

2. The Farmworker Housing Verification Form shall include information regarding the housing type, number of dwelling units or beds, length of occupancy, number of occupants, occupants' employment information, and, for farmworker housing for 5 or more workers, proof that a permit to operate from HCD has been obtained and maintained (see Paragraph C.8 of this Section).

3. The verification form shall be submitted annually, by May 15th of each year, to the Planning Director, in a form acceptable to the Planning Director, that all the dwelling units or sleeping quarters are being rented to, and occupied by, persons who meet the following agricultural employee employment criteria:

a. Tilling and cultivation of the soil associated with commercial crop production;

b. Raising, production, and cultivation of commercial livestock for the production of food and/or fiber;

c. Growing and harvesting of any commercial agricultural or horticultural commodities;

d. Commercial raising of bees, fur-bearing animals or poultry;

e. Preparation and processing of farm products for market; or

f. Timber or forestry operations.

4. At a minimum, the verification form shall contain the following information:

a. Entity responsible for housing maintenance and upkeep;

b. Description of whether the housing will be based on a permanent, temporary, and/or seasonal basis;

c. Total number of people to be housed on-site at any one time;

d. Description of the housing, including, whether the structures will be permanent and/or temporary, intended as units for families, one person or several persons, and cost of the units and utilities to the workers;

e. Location(s) where the employees will work;

f. Assessment of how much water will be used by the proposed development and description of how water is proposed to be supplied to the housing and how the water system complies with all applicable state and local potable water supply requirements; and

g. Description of the sewage disposal method, such as septic systems, to be used to service the housing, and how the sewage disposal method complies with all applicable state and local potable water supply requirements.

E. Location of Housing.

1. Farmworker housing shall be located no less than 75 FT from barns, pens, or other structures that house livestock or poultry.

2. Farmworker housing shall be located off prime and productive agricultural land, unless no other alternative locations exist on-site.

3. Farmworker housing shall be set back a minimum of 200 FT from the property line of any adjacent residential zoning district.

F. Maximum Floor Area for Farmworker Dwelling Units. The maximum floor area allowed for a farmworker dwelling unit shall be 650 SF. As used in this Paragraph, the term "floor area" shall mean the living area of a dwelling, exclusive of any garage or carport, which is measured from the outside surfaces of exterior walls or walls between living areas and a garage.

G. Removal of Housing. Farmworker housing is subject to removal (or conversion to another approved use) within 45 days following cessation of the agricultural employment for which the farmworker dwelling units are needed. This provision shall not apply if it can be shown that elimination of the agricultural use for no more than 24 months is related to the long-term functioning of agriculture on the site(s) used to establish the farmworker housing need (e.g., crop rotation, disease, replanting, etc.).

H. State Reporting Requirements. Farmworker housing for 5 or more employees is subject to permitting requirements of the California Employee Housing Act. The property owner shall obtain and maintain all required permits from HCD, pursuant to the Employee Housing Act and CCR, Title 25, Division 1, Chapter 1, Section 600 through Section 940, prior to the occupancy of the farmworker housing units. A copy of the HCD permit shall be provided to the Planning Director within 14 days following permit issuance, or at the time of building permit application submittal, whichever is earlier.

I. Maximum Number of Housing Units Allowed. No more than 36 beds in a group quarters or 12 farmworker dwelling units or spaces designed for use by a single family or household shall be allowed on a single lot of record. The Planning Commission may authorize additional beds or units, or a combination thereof, by issuance of a Conditional Use Permit pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code, based upon specific findings that document the necessity for the number of approved beds and/or farmworker dwelling units requested.

J. Facilities to Accommodate Recreational Vehicles, Tents or Other Mobile Camping Equipment.

1. Permits for the installation of appropriate permanent facilities to accommodate mobilehomes and recreational vehicles shall be obtained from the City prior to installation.

2. The use of tents, recreational vehicles, or other mobile camping equipment by farmworkers shall not occur for a period of more than 30 days within any 180 day period. Incidental camping shall be conducted so as not to create any health, fire or other safety hazards. For 5 or more workers, a permit to operate from HCD shall be obtained and maintained pursuant to Paragraph C.8 of this Section.

5.03.180 Exterminating Services

The following standards shall govern the establishment and operation of exterminating services:

A. A copy of the Emergency Business Contingency Plan and/or Risk Management Prevention Program filed with the San Bernardino County Fire Department shall be filed with the Ontario Fire Department. No changes in practices or procedures, or the type and/or maximum quantity of material shall occur without first notifying the Ontario Fire Department and appropriate amendments made to the Business Emergency/Contingency Plan and/or Risk Management Prevention Program on file with the San Bernardino County Fire Department.

B. The outdoor storage of hazardous chemicals or materials is prohibited. Furthermore, the storage of chemicals or service trucks within a 100-year flood zone shall be prohibited.

C. The storage and handling of hazardous materials shall be limited to those quantities specified in the City's building and fire codes.

D. At all times, all operations shall be in full compliance with all federal, state and local regulations pertaining to containment, including restricting use/storage to designated areas, stacking height limitations of materials, and the provision of appropriate pre-approved containment walls where required.

E. A list of all types and amounts of chemical used or stored on the site shall be submitted to the Ontario Engineering Department as well as a Chemical Spillage Control Plan.

F. Hazardous chemicals and their containers shall be disposed of at an approved hazardous materials disposal site and not in City sewers or within solid waste dumpsters.

G. Individuals and firms operating businesses relating to exterminating services shall be licensed by the State of California according to their particular discipline.

H. Access to and the handling of hazardous chemicals and materials shall be limited to properly trained and authorized personnel.

5.03.185: Fabricated Metal Product Manufacturing, All Other Miscellaneous

Within the BP and IP zoning districts, the development of all new “all other miscellaneous fabricated metal product manufacturing” shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.187: Fertilizer Manufacturing from Manure Operations (FMMO)

The following standards shall govern the establishment and operation of Fertilizer Manufacturing from Manure Operation (FMMO):

A. All driveways and employee parking areas shall be paved to create an all-weather surface, to the satisfaction of the Planning Director and City Engineer.

B. Inorganic chemical additives shall be limited to 10 percent of the total FMMO raw material inventory.

C. The FMMO establishment and operation shall comply with the rules, regulations and orders of all appropriate regulatory agencies including, but not limited to, the South Coast Air Quality Management District and the Regional Water Quality Control Board.

D. FMMO stockpile areas shall be enclosed by a minimum 8-FT high wall or fence, and shall be fully screened with closely spaced, fast-growing trees, upon review and approval by the Planning Director.

E. Except for the stockpiling of raw materials, all FMMO operations, including screening, grinding, mixing, adding, and sacking, shall be wholly contained inside a building.

F. All FMMO windrows/stockpiles shall confine their rainstorm runoff waters so they do not drain onto adjoining properties and public rights-of-way.

G. Appropriate facilities shall be installed to collect or divert drainage from surrounding lands, away from stockpile areas.

H. FMMO windrows/stockpiles shall be at least 120 FT from street property lines and 35 FT from interior side and rear property lines.

I. FMMO windrows/stockpiles shall not exceed a 25 FT in height, 150 FT in width, and 250 FT in length; however, the Approving Authority may require a lesser maximum stockpile dimensions so as not to cause a nuisance to neighboring properties and/or to protect the public health and safety.

J. Windrows/stockpiles shall be separated from adjacent stockpiles by approved apparatus roads, minimum 20 FT in width.

K. FMMO stockpiles and/or any processing of manure shall not occur within 150 FT of a milking barn or milk house of a producer dairy, or a dwelling on adjoining property. The Approving Authority may require greater distances upon determining the direction and magnitude of prevailing winds at the site.

L. Approved material-handling equipment shall be maintained on-site for moving windrow/stockpile materials during emergency or firefighting operations.

M. The FMMO owner or operator shall develop and submit a plan to the Ontario Fire Department Fire Prevention Bureau for review and approval, which shall include, but not be limited to, methods and policies for:

1. Monitoring, controlling and extinguishing spot fires;
2. Emergency contact information for personnel who are able to respond to the FMMO location 24 hours a day, 7 days a week;
3. On-site equipment to assist with firefighting operations (e.g., dozers, water tenders, large tractors, etc.); and
4. Special considerations for fire safety during extreme weather conditions.

N. Noise levels from the FMMO shall not exceed local ambient levels found for general agricultural uses, when adjoining occupied dwellings.

O. Vehicles carrying materials to and from the site, shall be adequately covered to confine the contents and prevent materials from being windblown or otherwise scattered.

P. No public nuisance shall occur as a result of the FMMO establishment and operation.

5.03.190: Food Manufacturing, Other

The following standards shall govern the establishment and operation of “other food manufacturing” facilities:

A. “Other food manufacturing” shall include snack foods, roasted nuts and peanut butter, coffee and tea, flavoring syrup and concentrate, seasoning and dressing, spice and extract, and all other miscellaneous food manufacturing.

B. Within the BP and IP zoning districts, the development of new “other food manufacturing” shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.195: Footwear Manufacturing

Within the BP and IP zoning districts, the development of all new footwear manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.200: Freight Transportation Arrangement

Freight transportation arrangement shall include shipping agents and brokers. Within the BP and IP zoning districts, such use shall be limited to offices only. Within the IG and IH zoning districts,

freight transportation arrangement shall only be allowed as an ancillary use to a truck transportation use (NAICS 448).

5.03.205: Funeral Director Services

Within the IL, IG, and IH zoning districts, funeral director services shall only be allowed as an ancillary use to funeral parlors, mortuaries and embalming services.

5.03.210: Furniture and Home Furnishings Stores

Within the CN zoning district, only small-scale (GFA of 5,000 SF or less) furniture and home furnishings stores may be established.

5.03.215: Furniture and Related Product Manufacturing

Within the IP zoning district, the development of new furniture and related product manufacturing (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) shall be limited to small-scale manufacturers.

5.03.220: Game Arcades, Internet Cafes, Internet Gaming, and Similar Facilities

The following standards shall govern the establishment and operation of any business with a primary business activity consisting of the operation of game arcades, cyber cafes, internet gaming, and similar facilities:

A. All video games, pinball machines, computers, gaming stations and similar devices are to be located so as to be visible at all times by one or more employees of the business.

B. Game arcades, cyber cafes, internet gaming, and similar facilities shall be located a minimum of 1,000 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from a public or private elementary, middle (junior high) or high school, public park, recreation center, sports park, or any other similar facility where minors (persons under 18 years of age) regularly congregate.

C. Minors shall not be permitted to enter or remain in a game arcade, cyber cafe, on-line internet gaming facility, or any similar facility during the following periods, unless accompanied by a parent or legal guardian:

1. Monday through Friday, between 8:00AM and 3:00PM, or after 10:00PM; and Saturday and Sunday, after 10:00PM.

2. The weekday daytime hours of restriction shall not apply to school vacation days or holidays, as established by any public school district or private elementary, middle (junior high) or high school operating within the City.

3. Notice of the herein specified hours of restriction for minors shall be posted at the facilities entrance(s), in lettering of at least 2 inches in height.

- D. The establishment shall not be open to customers, patrons or any member of the public between the hours of 12:00AM and 7:00AM.
- E. "No Loitering" signs shall be posted at the front and rear of the business. In addition, a waiting area with not less than 8 seats shall be provided for customers waiting to use a computer or game/gaming station. No outside waiting or seating area is permitted.
- F. No person shall be permitted to consume or sell alcohol on the premises.
- G. Employees shall be at least 21 years of age. There shall be a minimum of one employee managing the facility during all working hours. If the business has more than 20 games/gaming stations or computers, the business is required to add one additional employee for every additional 20 computers, or portion thereof, and for every 20 computers thereafter, or any portion thereof. During each employee's working hours, the employee shall wear a badge identifying the business and the employee's full name.
- H. Occupancy shall not exceed that required under the City's building and fire codes, and the maximum occupancy load shall be posted at the main entrance.
- I. The establishment shall maintain and operate a video surveillance system during all business hours, which is capable of storing a minimum of 186 hours (7 days) of video surveillance.
1. The video surveillance system shall cover the entire interior of the premises and all entrances and exits of the establishment and shall be capable of delineating upon playback of the system, the activity and physical features of persons or areas within the premises.
 2. The business owner shall permit City Police and/or Code Enforcement officers to inspect the stored video surveillance during normal business hours, upon demand.
 3. The video surveillance system shall be maintained in good working order.
 4. A sign shall be posted inside and at the entrances to the establishment indicating that the premises are under video surveillance.
- J. The business owner shall submit and receive approval of a Fire Exit Plan from the Fire Department. The plan shall address all requirements of the City's building and fire codes, including, but is not limited to, showing all necessary dimensions, equipment location, aisle locations/path of travel, building exiting, and panic hardware.
- K. Any display of or access to adult-oriented materials for minors is prohibited. Access to adult-oriented materials, if permitted by the business owner, shall be limited to the hours of 10:30PM to 12:00AM.
- L. Window areas shall not be covered or made opaque in any way. All windows and entrances shall be unobstructed at all times so as to allow an unimpaired line-of-sight by police officers.
- M. The Chief of Police is authorized to require a specific owner/operator to provide a security guard on the premises in the event that there are significant calls for service relating to assaults, gang-related activity, weapons offenses, disturbances, juvenile related crime and truancy, or

other good causes. The decision of the Chief of Police may be appealed to the City Council pursuant to Division 2.04 (Appeals) of this Development Code.

- N. No exterior pay phones shall be permitted.
- O. No gaming tournaments for cash prizes shall be permitted.

5.03.225: Gasoline and Fueling Stations

The below-listed standards shall govern the establishment and operation of gasoline and fueling stations and are intended to result in facilities that are well-designed, appropriate in scale, and enhance the surrounding community.

A. Self-Serve and Full Service Fueling Stations. The following standards shall govern the establishment and operation of self-serve and full service fueling stations:

1. A service station shall only be located at:
 - a. The intersection of 2 arterial streets;
 - b. The intersection of an arterial and collector street; or
 - c. The intersection of an arterial street and a freeway.
2. The project site shall have a minimum area of 22,500 SF.
3. The project site shall have a minimum width and depth of 150 FT.
4. The project site shall not have more than one access per street frontage.
5. Landscaping shall comprise a minimum of 20 percent of the site area.
6. Provide enhanced pavement sections to relieve visually dominant asphalt surfaces.
7. A self-serve or full service fueling station may include a fully automated car wash (e.g., roll-over or express car wash), which is incidental to the primary fueling station activity.
8. An automated car wash which is ancillary to a self-serve or full service fueling station shall be setback a minimum of 100 FT from any residential zoning district or any residential dwelling in a mixed-use project.
9. A full-service fueling station may include general repair and servicing facilities (maximum 2 service bays), and automotive parts, accessories and tire sales, which is incidental to the primary fueling station activity.

B. Automated Fueling Facilities. The following standards shall govern the development and/or operation of automated fueling facilities:

1. Automated (card lock) fueling facilities shall be located with least one street frontage on an arterial street.

2. Automated (card lock) fueling facilities shall not locate within 1,000 FT of a residential zoning district and shall not interfere with the normal use of adjoining properties.

3. The project site shall have a minimum area of 40,000 SF.

4. Automated (card lock) fueling facilities located at the intersection of two street shall not have more than one access per street frontage. Mid-block facilities may be allowed two accesses on the same street.

5. Landscaping shall comprise a minimum of 40 percent of the site area.

6. All pump island areas shall be covered by a canopy, which shall not exceed 17 FT in overall height.

C. Conversion of Gasoline and Fueling Stations. A property originally improved as a gasoline or fueling station, and which is proposed to be converted so as to facilitate another allowed use, shall require upgrading and remodeling of the gasoline or fueling station. Necessary upgrading and remodeling shall include, but is not limited to, the following:

1. Removal of all fuel appurtenances;

2. Removal of canopies;

3. Removal of pump islands;

4. Removal of fuel storage tanks;

5. Removal of overhead doors;

6. Additional off-site street improvements or modification of existing improvements to conform to access requirements in effect at the time of conversion;

7. Exterior remodeling of the building;

8. Additional on-site landscaping and parking improvements to conform with requirements in effect at the time of conversion; and

9. Conformance with all standards and guidelines contained in this Development Code, which are applicable to the base zoning district.

5.03.230: General Rental Centers

The following standards shall govern the establishment and operation of general rental centers:

A. General rental centers shall include home and garden tool and equipment rental services.

B. Within commercial and mixed-use zoning districts, general rental centers shall only be allowed in conjunction with "Building Materials, Garden Equipment and Supplies Stores," Standalone general rental centers shall be prohibited within these zoning districts.

- C. All outdoor storage of equipment shall be screened from public view.

5.03.235: Hardware Manufacturing

Within the IP zoning district, hardware manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.240: Home Occupations

A. **Purpose.** The purpose of these provisions is to allow for the operation of home-based businesses that are incidental to and compatible with residential land uses. A Home Occupation represents a legal income producing activity by the occupant of a residential dwelling unit.

B. **Applicability.**

1. **License Required.** No person shall engage in a Home Occupation unless such person holds a valid business license issued by the City.

2. **Prohibited Uses.** The following list represents example uses that are not considered to be incidental to and/or compatible with residential activities, and for which a Home Occupation permit shall not be issued:

- a. Gun/munitions repair or sales;
- b. Ammunition loading or sales;
- c. Barber and beauty shops;
- d. Businesses involving the harboring, training, breeding, raising or grooming of cats, dogs or other animals on the premises, except as otherwise permitted in the AR-2 zoning district;
- e. Carpentry and cabinet making;
- f. Medical and dental offices or clinics;
- g. Repair or fix-it shops;
- h. Storage of equipment, materials and other accessories to the construction or service trades;
- i. Motor vehicle repair (body or mechanical), upholstery or painting;
- j. Welding or machining;
- k. On-site sales of motor vehicles (new or used);
- l. Massage services, excepting out-call services;

m. Mobile motor vehicle service and repair; such as detailing and vehicle repair; and

n. Any other use determined by the Zoning Administrator that is not incidental to and/or compatible with residential activities.

C. Operating Requirements. Home Occupations shall comply with the following operating standards:

1. A Home Occupation shall be clearly incidental and subordinate to the primary residential use.

2. Only the occupants of the dwelling may engage in the Home Occupation.

3. Not more than one client/customer shall visit the premises at any one time, excepting in-home educational activities, including, but not limited to, music lessons, academic tutoring or religious instruction, provided no more than 3 students are present at any one time and each of the operating requirements enumerated herein are complied with.

4. There shall be no change in the outward appearance of the premises.

5. There shall be no advertising that identifies the home occupation by street address.

6. The Home Occupation shall be conducted within an enclosed structure, completely confined to one room of the dwelling and occupying no more than 10 percent of the GFA of the dwelling, except as follows:

a. Floriculture may be conducted outdoors in conjunction with a single-family dwelling located in the appropriate zoning district. All activities shall take place within the rear one-half of the lot and occupy no more than 10 percent of the net lot area.

b. Within the AR-2 zoning district, kennels and catteries (limited to fewer than 8 animals) shall be conducted in conjunction with a single-family residential land use, within the rear one-half of the lot, and all applicable requirements of Section 5.03.410.C (Animal Keeping and Production) of this Division shall be complied with.

7. Only one vehicle specifically associated with the Home Occupation, no larger than a one-ton pick-up truck or van, may be maintained on the property.

8. There shall be no use or storage of materials, chemicals, compounds or equipment not typically recognized as being part of a normal household or hobby use.

9. Activities conducted, and equipment or material used, shall not change the fire safety or occupancy classifications of the premises.

10. The Home Occupation shall not generate vehicular or pedestrian traffic in greater volumes than normal in a residential neighborhood.

11. The home occupation shall not involve the use of commercial vehicles for delivery of materials either to or from the premises, excepting the use of standard parcel delivery services.

12. No equipment or processes shall be used that creates noise, odor, smoke, glare, dust, fumes, vibration, or result in interference with radio or television reception detectable to the normal senses outside the dwelling unit in which the Home Occupation is conducted.

13. If the Home Occupation is to be conducted on rental property, the property owner's written authorization shall be provided on the home occupation application.

14. No home occupation shall be conducted without a current City business license.

D. Internet, Direct Mail, and Telephone Retail Sales.

1. Direct business to consumer retail sales via internet, direct mail or telephone, including wine sales (Type 85 ABC license) conducted pursuant to BPC Sections 23393.5, 23661.7, 24045.18, 25503.56, and 25503.9, shall be permitted as a Home Occupation.

2. No items intended for retail sale shall be stored on the premises, or packaged and shipped from the premises, in quantities greater than typical for single-family dwellings.

3. The business premises shall not be open to the public for the purchase or pickup of retail items.

E. Change in Information or Circumstance. If during the life of a home occupation, the applicant has any change in information or circumstance concerning the original application, notification shall be made to the Planning Department, in writing, within 30 days of the change occurring.

F. Inspections. Authorized representatives of the City's Planning Department, Police Department, Building Department, Fire Department, and/or Code Enforcement Officers shall have the right to enter the property upon which a home occupation permit has been granted, during normal business hours, for the purpose of making reasonable unscheduled inspections to observe and enforce compliance with applicable regulations, laws and provisions of this Development Code and the Ontario Municipal Code.

5.03.245: Hookah Establishments, Smoking/Vaping Lounges, and Smoking/Vaping Retailers

The following standards shall govern the establishment and operation of hookah establishments:

A. Purpose. The purpose of this Section is to help mitigate negative impacts associated with smoking and vaping uses, in order to serve the public health, safety, and welfare of City residence, and City businesses and their patrons. Furthermore, this Section is specifically intended to reduce the impact of smoking and vaping uses on minors, as an abundance of such uses increases the potential for minors to associate smoking and vaping with a normative lifestyle.

B. Applicability. All smoking and vaping businesses throughout the City shall comply with the regulations and requirements of this Section.

C. Definitions. For the purposes of this Section, the words or phrases listed below, in correct alphabetical order, shall have the meanings hereafter specified:

1. Electronic Cigarette (E-Cigarette). An electronic device, which is typically battery-operated, designed to deliver a nicotine-based liquid, or other substance, that is vaporized and

then inhaled (called "vaping"), simulating the experience of smoking tobacco. Such devices are manufactured to resemble traditional tobacco cigarettes, cigars, pipes, or even everyday items, such as pens or USB memory sticks. The term includes any such device manufactured, distributed, marketed, or sold as an electronic cigarette or e-cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. The term does not include any medical inhaler prescribed by a licensed physician.

2. Hookah Establishments. Any facility or location whose business operation, whether a primary or accessory use, is characterized as a commercial establishment where patrons gather to share in the smoking of flavored tobacco (shisha) from a communal hookah, including, but not limited to, establishments known variously as a hookah lounge or bar, or shisha bar or den.

3. Hookah. A single or multi-stemmed instrument for smoking flavored tobacco (or shisha), whose vapor or smoke is passed through a water basin before inhalation.

4. Smoking/Vaping Lounge. Any facility or location whose business operation, whether a primary or accessory use, is characterized by the sale, offering, and/or preparation of smoking tobacco, cigars, electronic cigarettes, or similar products, including, but not limited to, establishments known variously as smoking lounges, vaping lounges, or cigar bars.

5. Smoking/Vaping Retailer. A smoke shop, tobacco store, electronic cigarette retailer, or any other retail business where more than 25 percent of the gross floor area is dedicated to the sale of tobacco or tobacco products, electronic cigarettes, or related products, for consumption off the premises.

D. Operating Requirements. Hookah establishments, smoking/vaping lounges, and smoking/vaping retailers shall comply with the following operating standards:

1. Hookah Establishments. The following standards shall govern the establishment and operation of hookah establishments:

a. A hookah establishment may be established within an outside patio area that is open to the sky, either: [i] as a standalone establishment, [ii] in conjunction with a sit-down restaurant, or [iii] in conjunction with an ABC-licensed bona fide eating establishment.

b. A hookah establishment shall not be established in conjunction with live entertainment.

c. A hookah establishment shall not be established in conjunction with a bar or nightclub.

d. A hookah establishment shall operate in compliance with all applicable State laws and regulations pertaining to smoking facilities (limitation on numbers of paid staff shall meet CAL-OSHA requirements for air filtration and circulation and meet fire standards for smoking lounges).

e. A hookah establishment shall dispose of ash and coals pursuant to the requirements of the Ontario Fire Department.

f. A hookah establishment shall be located a minimum of 1,000 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any residentially zoned property or sensitive land use, including

hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate.

g. A hookah establishment shall be located a minimum of 1,000 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any other hookah establishment, or a smoking/vaping lounge or smoking/vaping retailer.

2. **Smoking/Vaping Lounges.** The establishment and operation of smoking/vaping lounges shall be prohibited, excepting hookah establishments established pursuant to Paragraph D.1 (Hookah Establishments) of this Section.

3. **Smoking/Vaping Retailers.** The following standards shall govern the establishment and operation of smoking/vaping retailers:

a. A smoking/vaping retailer shall be located a minimum of 1,320 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any residentially zoned property or sensitive land use, including residential land uses within mixed use developments, hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate; and

b. A smoking/vaping retailer shall be located a minimum of 1,320 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any other smoking/vaping retailer, or a hookah establishment.

c. No smoking/vaping shall be permitted in conjunction a smoking/vaping retailer.

5.03.250: Hotels, Motels, Residence Inns, and Other Similar Traveler Accommodation

The following standards shall govern the establishment, construction, and operation of hotels, motels, residence inns, and other similar traveler accommodation:

A. **Kitchens, kitchenettes, and Other Cooking Facilities.** Kitchens, kitchenettes, and other cooking facilities shall not be permitted within guestrooms, excepting the manager's unit and residence inns.

B. **Minimum Number of Guestrooms Required.** A hotel, motel, residence inn, or other similar traveler accommodation shall contain no fewer than 6 guest rooms.

C. **Market Feasibility Report Required.** A Conditional Use Permit application to establish a hotel, motel, residence inn, or other similar traveler accommodation, shall be accompanied by a market feasibility report prepared by a professional economist, and shall include the following information:

1. A complete listing of proposed facilities, amenities, and services (i.e.: number and type of rooms, meeting space square footage, recreational amenities, business services such as

data ports-workstations-etc., refrigerators in room, laundry service, restaurant-coffee shop-food service, etc.);

2. History of proposed developer and potential operators (i.e.: years in business, principals, capitalization, experience, listing of projects, number of units owned, average rates charged, occupancy rates, etc.);

3. Analysis of economic environment projecting likely future economic conditions as they relate to the operation of the subject hotel;

4. Subjects competitive market (i.e.: identification of their market, 3 and 5 year history of occupancy-average daily rate-revenue per available room trends for that market, estimated share of the market the hotel will capture during the first five years of operation, etc.);

5. Analysis of the economic impacts on existing hotel markets within Ontario (i.e.: estimate of the dilution of the market due to addition of proposed hotel, etc.). Note: new hotel projects should only be approved if competitive market occupancy remains at or above 65 percent for a five year projection period;

6. Relationship to demand generators (i.e.: airport, convention center, corporate market, shopping and entertainment); and

7. Public cost/revenue projections.

D. Minimum Amenity Package. No Development Plan and/or Conditional Use Permit shall be approved for a hotel, motel, residence inn, or other similar traveler accommodation, unless the following amenities are provided:

1. Each guestroom shall include voicemail, wired or wireless internet access, desk with chair, hairdryer, retractable magnifying (10X) and lighted makeup mirror, iron and ironing board, ~~color~~ high definition television, and alarm clock or wake-up service;

2. Minimum of 15 SF of meeting space per guestroom for limited -service hotels and 30 SF for full-service hotels;

3. The following minimum active and passive leisure amenities shall be provided:

a. A swimming pool, except that the Approving Authority may approve smaller boutique hotels, motels, residence inns, or other similar travel accommodations having fewer than 75 rooms, with alternate amenities, such as, but not limited to:

(1) A full-service restaurant or café;

(2) Highly amenitized guest rooms, which exceed the minimum amenities required by Paragraph D.1, above;

(3) Meeting space, which substantially exceeds the minimum requirements of Paragraph D.2, above;

(4) Highly detailed architectural features that reflect an established architectural style identified in Reference C (Architectural Styles) of this Development Code; and/or

- (5) Other amenities acceptable to the Approving Authority; and
 - b. A whirlpool/spa; or a furnished cabana containing items such as lighting, ceiling fans, tables, chairs, sofas, lounge chairs, and fire pit;
 - c. A fitness room; and
- 4. A full-service restaurant shall be provided in conjunction with a full-service hotel and a guest courtesy lounge (for light meals and snacks) shall be provided with limited-service hotels.
- E. Occupancy of Accommodations.
 - 1. No guestroom shall be rented for a period exceeding 30 consecutive calendar days, counting portions of calendar days as full days.
 - 2. No guestroom shall be rented for less than one 24-hour period.

F. Hotels, Motels, Residence Inns, and Other Similar Traveler Accommodation Located in the SP (Specific Plan) Zoning District. Hotels, motels, residence inns, and other similar traveler accommodations that are located in the SP (Specific Plan) zoning district shall be subject to Conditional Use Permit approval.

5.03.255: Leather and Allied Product Manufacturing, Other

The following standards shall govern establishment and operation of “other leather and allied product manufacturing” facilities:

- A. “Other leather and allied product manufacturing” shall include the manufacture of luggage, handbags, purses, personal leather goods, and other leather products.
- B. Within the BP and IP zoning districts, the development of new “other leather and allied product manufacturing” shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.257: Live Entertainment

The following standards shall govern the establishment and operation of live entertainment facilities:

- A. No person, firm, partnership, corporation, company, or non-profit or charitable organization shall conduct any entertainment, without first making application to the City and obtaining a Conditional Use Permit or Administrative Use Permit, as applicable, to do so, nor shall any person conduct the same during the time while a permit to do so is revoked.
- B. Any modifications or revisions to the live entertainment provided under a Conditional Use Permit or Administrative Use Permit shall require City approval.

5.03.260: Machine Shops, and Turned Product, Screw, Nut, and Bolt Manufacturing

Within the IP zoning district, the development of new machine shops, and turned product, screw, nut, and bolt manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.265: Manufacturing, Miscellaneous

Within the IP zoning district, the development of new “miscellaneous manufacturing” shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.270: Massage Establishments and Services

The following provisions shall govern Massage Establishments and/or any business providing massage services, or any person that administers massage for financial or other consideration, or acts in the capacity of a Massage Practitioner or Massage Therapist:

A. Requirements for Massage Establishments and Massage Services for Compensation. No person shall provide massage services for compensation or engage in the business of massage, or administer massage or provide services as a Massage Therapist or Massage Practitioner, unless such person holds a valid Massage Practitioner or Massage Therapist certification issued by the California Massage Therapy Council (CAMTC) pursuant to BPC Section 4600 et seq.

~~1. Such person holds valid Massage Practitioner or Massage Therapist certification issued by the California Massage Therapy Council (CAMTC) pursuant to BPC Section 4600 et seq.; or~~

~~2. Such person holds a valid Massage Therapist permit issued by the City, pursuant to the following provisions:~~

~~a. Application and Filing.~~

~~(1) Any person desiring a Massage Therapist permit shall make application to the Zoning Administrator, along with a nonrefundable filing fee set by resolution of the City Council, to defray the City's cost of the investigation, inspections and report required by this Development Code.~~

~~(2) The application and fee required under this section shall be in addition to any license, permit or fee required under any other provision of this Development Code.~~

~~(3) Separate permits need not be obtained by a Massage Therapist operating in more than one location within the City, provided that the application for a single permit discloses each location at which the therapist may operate.~~

~~(4) The application for a permit does not authorize the applicant to practice massage until such permit has been granted.~~

~~(5) Each application for a Massage Therapist permit shall contain the following information:~~

~~(a) The full true name under which the business will be conducted.~~

~~(b) The present or proposed address or addresses where the business is to be conducted.~~

~~(c) The applicant's full, true name, any other names used, date of birth, California driver's license number or California identification number, social security number, present residence address and telephone number, and the sex, height, weight, color of hair, and color of eyes of the applicant.~~

~~(d) The address of the previous 2 residences of the applicant and the inclusive dates at each address.~~

~~(e) Two portrait photographs measuring 2 inches in width by 2 inches in height, taken within the 6 month period prior to application submittal.~~

~~(f) The applicant's business, occupation, and employment history for 5 years preceding the date of application, and the inclusive dates of same.~~

~~(g) At least 3 written statements, including dates of relationships, signed by persons who have knowledge of the applicant's background, qualifications and suitability for the position of Massage Therapist. Those persons shall have known the applicant for at least 3 years preceding the date of application.~~

~~(h) The permit history of the applicant, including whether such person has ever had any permit or license issued by any agency, board, city, county, territory or state, and the date of issuance for such permit or license and whether such permit or license was revoked or suspended. In addition, whether a vocational or professional license or permit was issued, revoked, or suspended, and the reason therefor.~~

~~(i) Convictions for any crime involving conduct which requires registration under any state law similar to and including PC Section 290, or for conduct which is a violation of the provisions of any state law similar to, and including, PC Sections 266i, 315, 316, 318, or PC Section 647(b), or any crime involving pandering, dishonesty, fraud, deceit, or moral turpitude.~~

~~(j) Convictions of any felony offense involving the sale of a controlled substance specified in HSC Sections 11054, 11055, 11056, 11057, or 11058, or conviction in any other state of any offense which, if committed or attempted in this State, would have been punishable as one or more of the above mentioned offenses of this Section.~~

~~(k) A complete definition of all services to be provided.~~

~~(l) The name and address of any massage business or other like establishment owned or operated by any person whose name is required to be given pursuant to this Section wherein the business or profession of massage is carried on.~~

~~(m) — Acceptable written proof that the applicant is at least 18 years of age.~~

~~(n) — If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its Articles of Incorporation or Charter, together with the state and date of incorporation, and the names and residence addresses of each of its current officers and directors, and of each stockholder holding more than 5 percent of the stock of that corporation.~~

~~(o) — If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership as filed with the County Clerk. If one or more of the partners is a corporation, the provisions of this subdivision pertaining to corporate applicants shall apply.~~

~~(p) — The name of the person designated by the applicant, corporation or partnership to act as its responsible managing officer in charge of the premises.~~

~~(q) — Acceptable written proof that the person designated by the applicant, corporation or partnership to act as its responsible managing officer in charge of the premises, is at least 18 years of age.~~

~~(r) — The applicant, and the person designated by the applicant, corporation or partnership to act as its responsible managing officer in charge of the premises, shall be required to furnish fingerprints for the purpose of establishing identification. Any required fingerprinting fee will be the responsibility of the applicant.~~

~~(s) — A description of any other business to be operated on the same premises, or on adjoining premises, owned or controlled by the applicant.~~

~~(t) — The name and address of the owner and lessor of the real property upon or in which the business is to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied by a copy of the lease and a notarized acknowledgment from the owner of the property that a Massage Establishment will be located on his or her property.~~

~~(u) — Authorization for the City, its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application.~~

~~(v) — A certificate from a medical doctor stating that the applicant (other than an owner not acting as a Massage Therapist) has, within 30 days immediately prior thereto, been examined and found to be free of any contagious or communicable disease.~~

~~(w) — The applicant (other than an owner not acting as a Massage Therapist) shall furnish a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession, and work of Massage Therapists is taught.~~

~~(x) — The applicant shall, within 7 calendar days of the change, submit any change of address or fact that may occur during the procedure of applying for a Massage Establishment permit.~~

~~(y) — Such other identification and information as the Police Chief may require in order to discover the truth of the matters hereinbefore specified as required to be set forth in the application.~~

~~(z) — Nothing contained in this Section shall be construed to deny to the Police Chief the right to take additional photographs of the applicant, nor shall anything contained in this Development Code be construed to deny the right of the Police Chief to confirm the height and weight of the applicant.~~

~~(6) — The applicant must furnish proof of education and training in accordance with one of the following:~~

~~(a) — A diploma or certificate of graduation and transcripts from a 500-hour course of instruction from either a recognized school of massage or from an existing school or institution of learning outside the State, together with a certified transcript of the applicant's school records showing date of enrollment, hours of instruction and graduation from a course having at least the minimum requirement prescribed by CAC Title 5, Division 21, wherein the theory, method, profession and work of massage are taught, and a copy of the school's approval by its State Board of Education. For the purpose of this provision, the term "recognized school of massage" shall mean any school or institution of learning which teaches the theory, ethics, practice, profession or work of massage, which has been approved pursuant to the California Education Code. Schools offering a correspondence course not requiring attendance shall not be deemed a State recognized school. The City shall have a right to confirm that the applicant has actually attended class in a State recognized school; or~~

~~(b) — A diploma or certificate of graduation and transcripts from a minimum 200-hour course of instruction from schools or institutions as described in Subparagraph A.2.a.(vi)(1), above, and furnish proof of completion of up to 300 hours of continuing education courses in massage from schools or institutions as described in Subparagraph A.2.a.(vi)(1), above, or from equivalent organizations as determined by the Zoning Administrator. The minimum combined total course hours and continuing education hours shall equal no less than 500 hours.~~

~~(7) — Each applicant must furnish proof that they hold and maintain a current national certification. For the purpose of this provision, the term "national certification" shall mean an independently prepared and administered national certification exam, which has been recognized by objective standards to fairly evaluate professional levels of skill, safety and competence, as determined by the National Commission for Certifying Agencies (NCCA) or a similar certifying body.~~

~~(8) — Each applicant must furnish proof of membership in a state or national professional massage therapy organization or association, and that they are in good standing. For the purpose of this provision, the term "state or national professional massage therapy organization or association" means an organization or association for massage professionals, which meets each of the following requirements:~~

~~(a) — Requires that its members meet minimal educational requirements appropriate to the nature of their work;~~

~~(b) — Offers and encourages participation in continuing education programs;~~

~~(c) — Has an established code of ethics and has enforcement procedures for the suspension and revocation of membership of persons violating the code of ethics; and~~

~~(d) — The organization does not discriminate on the basis of race, sex, creed, color, age or sexual orientation.~~

~~(9) — Each applicant must furnish the full name, address and telephone number of each Massage Establishment where the therapist will be employed.~~

~~(10) — Such other identification and information as the Zoning Administrator may require in order to discover the truth of the matters herein specified as required to be set forth in the application.~~

~~b. — Investigation.~~

~~(1) — The Zoning Administrator shall refer Massage Therapist applications to the Police Chief for an investigation and recommendation.~~

~~(2) — The Police Chief shall conduct an investigation in such manner deemed appropriate, in order to ascertain whether such permit should be issued as requested. Upon completion of the investigation, the Police Chief shall recommend that the permit be granted if it is found:~~

~~(a) — All required fees have been paid.~~

~~(b) — The application conforms in all respects to the provisions of this Development Code.~~

~~(c) — The applicant has not made a material misrepresentation in the application.~~

~~(d) — The applicant has not been convicted in a court of competent jurisdiction of an offense involving conduct which requires registration under any state law similar to and including PC Section 290, or for conduct which is a violation of the provisions of any state law similar to and including PC Sections 266i, 315, 316, 318 or 647(b), or any crime involving pandering, dishonesty, fraud, deceit, or moral turpitude.~~

~~(e) — The applicant has not been convicted in a court of competent jurisdiction of an offense involving the sale of a controlled substance specified in HSC Sections 11054, 11055, 11056, 11057 or 11058, or conviction in any other state of any offense which, if committed or attempted in this State, would have been punishable as one or more of the above mentioned offenses of this division.~~

~~(f) — The applicant has not had a Massage Therapist, or other similar permit or license denied, revoked, or suspended by the City, or any other state or local agency prior to the date of approval.~~

~~(g) — The applicant is at least 18 years of age.~~

~~c. — Review and Action.~~

~~(1) — The Zoning Administrator shall approve, conditionally approve or deny the application within 45 days of filing. The decision of the Zoning Administrator shall be final and conclusive in the absence of a timely filed appeal. Any appeal of such action shall be subject to the provisions of Division 2.04 (Appeals) of this Development Code.~~

~~(2) — All permits issued pursuant to the provisions of this Section shall be nontransferable; provided, however, a change of location of a Massage Establishment may be permitted pursuant to the provisions of Subparagraph A.2.e (Change of Location) of this Section.~~

~~d. — Permits Not Assignable. No Massage Therapist permit may be sold, transferred or assigned by the permittee, or by operation of law, to any other person or persons. Any such sale, transfer, assignment, or attempted sale, transfer or assignment shall be deemed to constitute a voluntary surrender of such permit and such permit shall thereafter be deemed terminated and void.~~

~~e. — Change of Location.~~

~~(1) — A change of location of any Massage Therapist must first be approved by the Zoning Administrator, who must determine prior to approval that all ordinances and regulations of the City will be complied with at any proposed new location.~~

~~(2) — No permittee shall operate under any name or conduct any establishment under any designation not specified in permittee's permit.~~

~~(3) — Separate permits need not be obtained by a Massage Therapist operating in more than one location within the City for each such location; provided, that the application for a single permit for more than one location shall disclose each location at which the therapist may operate.~~

~~f. — Renewal of Permit.~~

~~(1) — Massage Therapists licensed pursuant to these provisions shall have 30 days from the date of expiration to renew their permit.~~

~~(2) — A Massage Therapist permit shall be renewed on a biannual basis. Permit renewal shall be contingent upon satisfactory compliance with all requirements of this Development Code pertinent to massage services, including a current medical clearance and submission to a background investigation subsequent to fingerprint examination.~~

~~(3) — Every Massage Therapist licensed under this Development Code shall annually complete at least 20 hours of continuing education courses in massage from schools or institutions as described in division A.2(a)(6) of these provisions, or from equivalent organizations as determined by the Zoning Administrator. Failure to complete such hours and submit proof of such completion in a form satisfactory to the Zoning Administrator at the time of permit renewal shall be grounds for denial of permit renewal.~~

~~g. — Permit Suspension and Revocation.~~

~~(1) The Zoning Administrator shall have jurisdiction to revoke any Massage Therapist permit granted in accordance with Subparagraphs A.2.a through A.2.f of this Section. The Zoning Administrator may order any permits suspended, pending such action. It shall be unlawful for any person to carry on the business of a Massage Therapist until the suspended permit has been reinstated by the Zoning Administrator.~~

~~(2) An action to revoke a permit granted pursuant to these provisions shall be accomplished in the following manner:~~

~~(a) The Zoning Administrator shall conduct a hearing to determine whether the permit should be revoked. The Zoning Administrator shall prepare and deliver to the permittee, a written statement setting forth the factual basis for the proposed revocation and shall state the time and place such hearing will be held, at least 10 days prior to the hearing.~~

~~(b) A permit may be revoked by the Zoning Administrator based upon any one or more of the following grounds:~~

~~(i) Permit approval was obtained by fraud;~~

~~(ii) The permit is being, or has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation; or~~

~~(iii) The permit has been so exercised as to be detrimental to the public peace, health, safety, welfare, or so as to constitute a nuisance to the annoyance of surrounding businesses or residents.~~

~~(c) The decision of the Zoning Administrator to revoke a permit shall be final and conclusive in the absence of a timely filed appeal.~~

~~h. Burden of Proof at Hearings. Unless otherwise specifically provided by law, the burden is on the permittee applicant in any hearing conducted in accordance with Subparagraphs A.2.a through A.2.g of this Section, to prove that the decisions made or action taken is unreasonable, erroneous or clearly abusive of discretion.~~

B. Massage Establishment Operational Requirements Every Massage Establishment shall maintain facilities meeting the following requirements:

1. If wet and dry heat rooms, steam and vapor rooms or cabinets, toilet rooms, shower rooms, bathrooms, tanning booths, whirlpool baths, or pools are offered, they shall be thoroughly cleaned and disinfected as needed, and at least once each day the premises are open. Bathtubs shall be thoroughly cleaned and disinfected. All walls, ceilings, floors, and other physical facilities for the establishment shall be in good repair and maintained in a clean and sanitary condition.

2. Instruments for performing massage shall not be used on more than one patron unless they have been sterilized using sterilizing methods approved by the San Bernardino County Health Department.

3. All employees, including Massage Practitioners and/or Massage Therapists, shall be clean, and shall be clothed in a manner consistent with the Massage Therapy Act, BPC Division 2, Chapter 10.5 (commencing with Section 4600).

4. No person shall enter, be or remain in any part of a Massage Establishment while in possession of, consuming or using any alcoholic beverage or drugs, except pursuant to a prescription for such drugs. The owner, operator, responsible managing employee, manager or permittee shall not permit any such person to enter or remain upon such premises.

5. No massage service may be carried on within any cubicle, room, booth or any area within a Massage Establishment which is not immediately accessible to supervisory, safety or inspection personnel during all hours of operation.

6. No Massage Establishment employing Massage Therapists shall be equipped with tinted or "one-way" glass in any room or office.

7. Pads used on massage tables, or on other furniture upon which massage services are performed, shall be covered with a durable, washable plastic or other waterproof material acceptable to the City.

C. **Massage Establishment Hours of Operation.** Massage Establishment hours of operation shall be limited to 8:00AM To 10:00PM of the same day.

D. **Minimum Separation Between a Massage Establishment and Sensitive Land Uses.** Maintain a minimum 300-foot separation between a Massage Establishment and any sensitive land use, including schools, preschools, child daycare facilities, or parks.

E. **Right of Authorized Representatives to Enter a Massage Establishment.** As a condition of business license issuance for a Massage Establishment, the permittee shall consent to the right of authorized representatives of the City's Police Department, Building Department, Fire Department, Code Enforcement Officers or San Bernardino County Health Department to enter the Massage Establishment during regular business hours for the purpose of making reasonable unscheduled inspections, to observe and enforce compliance with applicable regulations, laws, and provisions of this Development Code.

F. **Business Owner Required to Maintain a List of all Employees and Independent Contractors, and Their CAMTC or City Certifications.** As a condition of business license issuance for a Massage Establishment, the business owner shall provide a list of all employees and independent contractors and their CAMTC or City certifications. The business owner shall notify the City should this information change. Additionally, with the annual renewal of their business license, the business owner shall provide an updated list of all employees and their certifications.

G. **Institutions or Classes of Individuals Not Applicable to this Section.** The provisions of this section pertaining to massage services shall not apply to the following institutions or classes of individuals, while engaged in the performance of the duties of their respective professions:

1. Hospitals, nursing homes, sanatoriums or other similar health facilities duly licensed by the State;

2. Recognized schools of massage;

3. Physicians, surgeons, chiropractors, osteopaths, or physical therapists, who are duly licensed to practice their respective professions in the State, or other persons licensed to practice any healing art pursuant to BPC Section 500 et seq.;

4. Nurses registered under the laws of the State;

5. Barbers, cosmetologists, beauticians and manicurists who are duly licensed under the laws of the State while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face, scalp, hands and/or feet of the customer client;

6. Coaches and trainers in accredited high schools, junior colleges, and colleges or universities, acting within the scope of their employment; and

7. Trainers of amateur, semi-professional or professional athletes or athletic teams.

H. Chair Massage Services. The following operational requirements shall apply to the location, establishment, and operation of Chair Massage Services:

1. Any person, corporation or partnership wishing to perform chair massage in the City shall first be doing business at a fixed location in the City, having a valid business license, or a valid home occupation pursuant to the "home occupations" provisions of this Division.

2. Chair massage services may be performed only by a person with a valid Massage Practitioner or Massage Therapist certification issued by the California Massage Therapy Council (CAMTC) pursuant to BPC Section 4600 et seq., or a valid City Massage Therapist permit.

3. Chair massage services may only be offered at nonresidential places of business within the CS, CN, CC, CR, CCS, OL, OH, MU-1, and ONT zoning districts and the California Commerce Center North (Ontario Mills) Specific Plan.

4. A Massage Therapist offering chair massage shall have a signed contract for service at each location the service is provided. A copy of such contract shall be provided for inspection upon demand, to any City official with responsibility for enforcement of this Section. The contract shall specify the location, days and times the service is to be offered.

5. Chair massage shall be offered at a set time and day at each location and shall not be offered at any other time. Such service shall only be conducted between the hours of 8:00AM and 10:00PM of the same day.

I. Unlawful Conduct. The following actions shall constitute unlawful conduct as they pertain to the location, establishment, and operation of Massage Establishments and Services:

1. It shall be unlawful for any person, for financial or other consideration, to massage any other person, or give or administer any bath, or give or administer any of the other services set forth in this Development Code for immoral purposes, or in a manner intended to arouse, appeal to, or gratify the lust or passions or sexual desires.

2. It shall be unlawful for any Massage Therapist to massage the genital area of any patron or the breasts of any female patron or for any responsible managing officer in charge of the premises of a Massage Establishment to allow or permit such massage.

3. It shall be unlawful for a person serving as a Massage Therapist to be clothed in a manner inconsistent with the Massage Therapy Act, BPC Division 2, Chapter 10.5 (commencing with BPC Section 4600). Massage Therapists shall maintain their permit identification card clearly visible on their person during business hours.

4. It shall be unlawful for a Massage Therapist issued a permit by the City in accordance with Paragraph A.2 of this Section, to perform any massage service at any location other than that location specified on the Massage Therapist's permit. If during the life of a permit, the applicant has any change in information concerning the original application, notification shall be made to the Zoning Administrator, in writing, within 30 days of the change.

5. It shall be unlawful for any owner, manager, operator, responsible managing employee, or permittee in charge of or in control of a Massage Establishment to employ or permit a person to act as a Massage Therapist who is not in possession of a valid, unrevoked Massage Therapist permit issued pursuant to Paragraph A.2 of this Section, or a valid Massage Practitioner or Massage Therapist certification issued by the California Massage Therapy Council (CAMTC) pursuant to BPC Section 4600 et seq.

6. It is unlawful for any Massage Establishment, Massage Therapist or Massage Practitioner to provide, or to offer to provide, out-call massage services in the City. For the purpose of this provision, the term "out-call massage services" shall mean to engage in or carry on massage, not at a fixed location, but at a location designated by the customer or client. "Out-call massage services" shall not include chair massage services conducted pursuant to Subsection G (Institutions or Classes of Individuals Not Applicable to this Section) of this Section.

J. Violations and Penalties. The following violations and penalties shall apply to the location, establishment, and operation of Massage Establishments and Services:

1. Every person, except those persons who are specifically exempted by the massage services provisions pursuant to division F herein, whether acting as an individual, owner, employee of the owner, or operator or employee of the operator, or whether acting as a mere helper for the owner, employee, or operator, or whether acting as a participant or worker in any way who gives massages or conducts a Massage Establishment or room, or who gives or administers, or who practices the giving or administering of steam baths, electric light baths, electric tub baths, shower baths, sponge baths, vapor baths, fomentations, sunbathes, mineral baths, alcohol rubs, Russian, Swedish, or Turkish baths, or any other type of baths, salt glows, or any type of therapy, or who does or practices any of the other services or acts set forth in these provisions, without first obtaining a valid, unrevoked Massage Therapist permit issued pursuant to Paragraph A.2 of this Section, or a valid Massage Practitioner or Massage Therapist certification issued by the California Massage Therapy Council (CAMTC) pursuant to BPC Section 4600 et seq., or who shall violate any operational standard of the massage services provisions, shall be guilty of a misdemeanor.

2. Any owner, operator, manager, or permittee in charge or in control of a Massage Establishment who knowingly employs a person performing as a Massage Therapist, as defined in this Development Code, who is not in possession of a valid, unrevoked Massage Therapist permit issued pursuant to Paragraph A.2 of this Section, or a valid Massage Practitioner or Massage Therapist certification issued by the California Massage Therapy Council (CAMTC) pursuant to BPC Section 4600 et seq., or who allows such an employee to perform, operate, or practice within such a place of business shall be guilty of a misdemeanor.

3. Any owner, operator, manager, or permittee in charge or in control of a Massage Establishment under this Development Code shall be a Responsible Person. "Responsible Person" shall mean a person who causes a violation of this Development Code or the Ontario Municipal Code to occur, or allows a violation to exist or continue, by his or her action or failure to act, or whose agent, employee, or independent contractor causes a violation to occur, or allows a violation to exist or continue. A Responsible Person shall be liable for the violation of his or her

agent, employee, or independent contractor. For the purposes of this Development Code, there may be more than one Responsible Person for a violation.

4. Any Massage Establishment operated, conducted, or maintained contrary to the provisions of this Development Code shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the City may, in addition to or in lieu of prosecuting a criminal action hereunder, commence actions or proceedings for the abatement, removal, and enjoinder thereof in the manner provided by law and shall take such other steps and apply to such courts as may have jurisdiction to grant such relief as will abate or remove such Massage Establishment and restrain and enjoin any person from operating, conducting or maintaining a Massage Establishment contrary to the provisions of this Development Code.

5. Any violation of any of the provisions of this Development Code shall be subject to punishment for violation in accordance with the penalty provisions set forth in OMC Title 1, Chapter 2 (Penalty Provisions). Punishment for any violation of any of this Development Code's provisions shall be in accordance with the Ontario Municipal Code punishment and fine provisions as set forth in OMC Section 1-2.01 (Punishment for Violation).

5.03.275: Material Recovery Facilities (MRF)

All activities associated with a MRF shall be wholly contained within a fully enclosed building, excepting salvage facilities (such as automobile dismantling and metal salvage/recycling) established in compliance with the requirements of Section 5.03.350 (Salvage Facilities) of this Division, which may be allowed outside with the approval of a Conditional Use Permit.

5.03.280: Marijuana Dispensary

Notwithstanding any other provision of this Development Code, a Marijuana Dispensary, as defined in Division 9.01 (Definitions) of this Development Code, shall be a prohibited use in all zoning districts of the City, as follows:

A. The operation of any marijuana dispensary within the City is hereby declared a public nuisance and shall be abated pursuant to all available remedies. Violations of this Section may be enforced by any applicable law.

B. No person shall deliver marijuana or marijuana-infused products, such as tinctures, baked goods or other consumable products, to any location within the City from a marijuana dispensary, regardless of whether the marijuana dispensary from which the delivery originated is within the City, or engage in any effort to locate, operate, own, lease, supply, allow to be operated, or aid, abet, or assist in the operation of any marijuana dispensary in the City.

C. No person shall deliver marijuana or marijuana-infused products with such delivery originating from any marijuana dispensary located within the City, regardless of whether the delivery destination is within the City.

5.03.285: Mixed-Use Developments

A. **Residential Mixed-Use Projects.** The following standards shall govern the development of residential mixed use projects consisting of single-family and/or multiple-family dwellings constructed in conjunction with a variety of complementary nonresidential commercial land uses as may be allowed within the base zoning district pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, including office, retail, public, or entertainment uses, in a fully integrated development project having functional interrelationships and a cohesive physical design:

1. **Residential Mixed-Use Developments Subject to the Standards and Guidelines of the Base Zoning District.** The site and building(s) of a residential mixed use development project shall be designed and constructed pursuant to, and consistent with, the development standards (e.g., FAR, landscape coverage, lot size, setbacks and separations, etc.) and design guidelines of the base zoning district.

2. **Residential Mixed-Use Developments within Commercial Zoning Districts.**

a. As allowed within commercial zoning districts pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, dwellings may be constructed on the upper floors of commercial buildings containing office, retail, public and/or entertainment uses, or behind commercial buildings containing such uses, at or above ground level.

b. To ensure that the residential portion of a mixed use development is no more intense than the commercial development that would otherwise be allowed, the maximum residential density shall be determined based upon an Equivalent Impact Study (EIS) prepared for the project, which assesses the maximum allowed residential density based upon the comparable traffic generation, water usage, and sewerage generation of the maximum allowed commercial floor area.

c. The applicant for a mixed-use development project shall be responsible for all City costs incurred in preparing the EIS.

3. **Residential Mixed-Use Developments within Mixed Use Zoning Districts.** Residential mixed-use development projects within mixed-use zoning districts shall be developed pursuant to the requirements of Section 6.01.020 (Mixed Use Zoning Districts) of this Development Code and the Policy Plan component of The Ontario Plan.

B. **Nonresidential Mixed-Use Projects.** The following standards shall govern the development of nonresidential mixed use projects consisting of commercial land uses constructed in conjunction with a variety of complementary light industrial and business park land uses as may be allowed within the base zoning district pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, in a fully integrated development project having functional interrelationships and a cohesive physical design:

1. **Nonresidential Mixed-Use Developments Subject to the Standards and Guidelines of the Base Zoning District.** The site and building(s) of a nonresidential mixed use development project shall be designed and constructed pursuant to, and consistent with, the development standards (e.g., FAR, landscape coverage, lot size, setbacks and separations, etc.) and design guidelines of the base zoning district.

2. **Nonresidential Mixed-Use Developments within Industrial Zoning Districts.**

a. As allowed within industrial zoning districts pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, commercial land uses may be constructed on the upper floors of industrial buildings, or behind industrial buildings containing such uses, at or above ground level.

b. To ensure that the nonresidential portion of a mixed use development is no more intense than the industrial development that would otherwise be allowed, the maximum residential density shall be determined based upon an Equivalent Impact Study (EIS) prepared for the project, which assesses the maximum allowed residential density based upon the comparable traffic generation, water usage, and sewerage generation of the maximum allowed industrial floor area.

c. The applicant for a mixed-use development project shall be responsible for all City costs incurred in preparing the EIS.

3. Nonresidential Mixed-Use Developments within Mixed-Use Zoning Districts. Within mixed use zoning districts, nonresidential mixed-use developments shall be developed pursuant to the requirements of Section 6.01.020 (Mixed Use Zoning Districts) of this Development Code and the Policy Plan component of The Ontario Plan.

5.03.290: Mobile Food Services

The following standards shall govern the design and establishment of mobile food services:

- A. Mobile food services shall only be allowed in conjunction with a temporary event approved pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code.
- B. All mobile food services shall display a current San Bernardino County Department of Environmental Health Services operating decal and/or permit, and inspection letter grade.
- C. Mobile food service wastewater shall not be discharged to the ground or to a storm drain.
- D. Restroom facilities for mobile food service employees, which shall include facilities for washing hands, shall be provided.

5.03.295: Mobilehome Parks

The following standards shall govern the design and establishment of mobilehome parks:

- A. Allowed within the MHP Zoning District. Mobilehome parks shall only be established within the MHP zoning district.
- B. Site Development Standards.
 - 1. Project Area. The minimum project area shall be 3.0 acres.
 - 2. Density. The maximum residential density shall not exceed 8.0 dwelling units/acre.
 - 3. Common Open Space and Recreation Areas. A minimum of 300 SF of common recreational open space per mobilehome pad shall be provided. Common recreation amenities

shall be provided pursuant to the minimum requirements prescribed for multiple-family developments in Subparagraphs 6.01.010.E.2.c (Active Open Space Area) and d (Passive Open Space Area) of this Development Code.

4. Project Entries. The mobilehome park entrance shall be delineated with enhanced paving treatment (e.g., color pigmented concrete, interlocking pavers, and stamped concrete) and intensified landscaping, including elements such as specimen-sized trees, decorative low garden walls, raised planters, and alluvial rockscapes.

5. Walls and Fences.

a. Decorative walls, fences, and gates shall be provided along the project perimeter.

b. All private open space areas shall be delineated by a decorative fence or wall.

c. All walls and fences shall be designed, constructed, and maintained pursuant to Division 6.02 (Walls, Fences and Obstructions) of this Development Code.

6. Off-Street Parking. Off-street parking facilities shall be provided pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code.

7. Landscaping. Landscaped areas shall be designed, installed, and maintained pursuant to Division 6.05 (Landscaping) of this Development Code.

8. Signs. All signs shall be designed, installed, and maintained consistent with the provisions of Division 8.1 (Sign Regulations) of this Development Code.

C. Building Development Standards.

1. Minimum Building Separations. Minimum building and structure separations shall be maintained pursuant to Table 5.03-5 (Minimum Mobilehome Building Separation Requirements), below.

Table 5.03-5: Minimum Mobilehome Building Separation Requirements

<i>Setback Area</i>	<i>Minimum Yard Dimension</i>
Side to side:	20 FT
End to side:	15 FT
End to end:	10 FT
Front to front (across access drive):	36 FT
Mobilehome to any other building, excepting detached garage or accessory structure:	15 FT
Mobilehome to detached garage or accessory structure:	5 FT

Note:

For the purpose of determining minimum separation requirements, awnings, overhangs, enclosed porches, and similar structures shall be deemed a part of the mobilehome unit and shall not be allowed to encroach into a required separation area.

D. Mobilehome Exterior Design and Finishes. The exterior of mobilehomes shall resemble conventionally built single-family homes to the fullest extent feasible. To this end, each mobilehome shall incorporate the following design features:

1. Skirting or Supporting Pad Required. The tongue or hitch each mobilehome shall be removed or suitably screened, and each mobilehome shall be equipped with skirting to screen all foundation jacks and other supporting structure, or a supporting pad shall be provided that is designed to give the appearance that the mobilehome is placed on-grade.

2. Roof Overhang. A minimum roof overhang of one FT shall be provided.

3. Roof Material. Roof material shall consist of wood shingle or shakes, architectural grade asphalt shingles, or concrete or clay tiles.

4. Exterior Wall Finishes. Exterior wall finishes shall include wood, stucco, masonry, natural stone, or other suitable materials as determined by the Planning Director. All exterior wall finishes and skirting required pursuant to Paragraph D.1 (Skirting or Supporting Pad Required), above, shall extend to the ground, except when a solid concrete or masonry perimeter foundation is used, in which case, the exterior material shall extend below the top of the foundation.

E. Utilities. All on-site utilities to individual mobilehomes shall be located underground.

5.03.300: Mobile Washing and Detailing Services

The following standards shall govern the establishment of mobile washing and detailing services:

A. All mobile washing and detailing services shall be licensed to a fixed location ~~occupied by a legally established full service or self service carwash~~ within the City.

B. A mobile washing and detailing service shall not be licensed as a home occupation, provided no washing or detailing of vehicles is performed on the premises, excepting personal vehicles of the home occupant.

5.03.305: Motor Vehicle Dealers

The following standards shall govern the establishment and operation of new or used motor vehicle dealers, including automobiles, light trucks and vans (rated at one ton or less), and recreational vehicles, motorcycles, watercraft, all-terrain vehicles, and other similar motor vehicles:

A. Motor vehicle servicing, repair, and maintenance activities shall be performed within a wholly enclosed building. Service bay doors shall be located so as not to be visible from any public or private street, or office, retail sales and off-street parking facilities on adjoining lots.

B. There shall be no outside storage of inoperable motor vehicles or motor vehicle parts.

C. Prior to the issuance of a business license by the City, a site plan shall be submitted to the Planning Department for review and approval, which demonstrates compliance with the following:

1. Motor vehicle display areas shall meet the minimum parking setback requirements of the zoning district in which the use is located, and the design standards for off-street parking facilities contained in Division 6.03 (Off-Street Parking and Loading) of this Development Code. Setback areas shall be fully landscaped and provided with an automatic irrigation system.

2. A vehicle loading and unloading area shall be provided for each vehicle sales facility. The loading area shall be clearly demarcated by signs and pavement markings. The loading area shall not encroach into required parking areas or block fire access lanes, and shall occur on-site, at a location approved by the Fire Department. On-street vehicle loading and unloading shall be prohibited.

D. Automobile dealers providing vehicle service and repair shall provide a minimum of 6 queuing (waiting) spaces for service write-ups, which shall not encroach into required parking or loading spaces.

E. The retail sales of motor vehicles from a residentially zoned property shall be prohibited as a Home Occupation.

F. Motor vehicle sales on any property with shared parking facilities shall only be permitted if all vehicle sales, display, and storage areas are located within a fully enclosed building.

G. Motor vehicle sales as a temporary sales event shall only be permitted pursuant to the requirements for "temporary and interim uses" contained in this Division. The motor vehicle retailer shall be licensed to a fixed motor vehicle sales location in the City.

5.03.310: Motor Vehicle Storage Facilities

The following standards shall govern the establishment and operation of motor vehicle storage facilities:

A. For the purposes of administration and enforcement of this Section:

1. Any motor vehicle maintained on a property for 72 or more consecutive hours shall be deemed to be "stored."

2. Motor vehicle storage shall include the keeping of automobiles, trucks, vans, recreational vehicles and watercraft, motorcycles, trailers, forklifts, and any inoperative vehicle, regardless of vehicle type.

B. The indoor storage of motor vehicles shall comply with all applicable requirements of the fire and building codes.

C. All vehicles stored outdoors shall be screened from public view by a minimum 8-FT high decorative masonry block wall.

D. All vehicles stored outdoors shall comply with all requirements of the base zoning district, which are applicable to the design and use of outdoor storage areas.

5.03.315: Personal Fitness Trainer

Within the IP, IL, and IH zoning districts, a personal fitness trainer shall only be allowed to establish in conjunction with fitness and recreational sports centers (NAICS 713940).

5.03.320: Personal Property Donation Bins

A. Welfare and Institutions Code Division 1, Chapter 2 (commencing with Section 150) allows a city, county, or city and county to impose requirements on the solicitation and sale of salvageable personal property within its jurisdiction.

B. The following regulations shall govern the establishment and operation of salvageable personal property collection boxes/bins within the City:

1. The provisions of Welfare and Institutions Code Division 1, Chapter 1.8 (commencing with Section 148) and Chapter 2 (commencing with Section 150), which governs the acquisition and disposition of salvageable personal property for charitable purposes, and unattended collection bins, respectively, shall be complied with.

2. Salvageable personal property collection bins may only be established in conjunction with a host business, subject to Conditional Use Permit approval pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code.

3. Collection bins shall be constructed and maintained with durable, waterproof, and rustproof material, and shall be fully enclosed.

4. Collection bins shall be clearly marked to identify the type of materials that may be deposited.

5. Collection bins shall be swept and maintained in a in a clean, litter-free condition, on a daily basis.

6. Collection bins shall be setback a minimum of 30 FT from any arterial street property line, and 20 FT from any collector or local public street property line, and shall not obstruct pedestrian or vehicular circulation.

7. The occupation of parking spaces by salvageable personal property collection bins shall not reduce available parking spaces below the minimum required for the host business pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code.

8. Collection bins shall not encroach upon any existing landscaped areas, unless replaced elsewhere on the site.

9. Additional landscaped areas and architectural elements, such as vertical and horizontal decorative trellises, seat walls, and raised planters, may be required by the Approving Authority to screen collection bins.

5.03.325: Pharmaceutical and Medicine Manufacturing

Within the BP and IP zoning districts, the development of new pharmaceutical and medicine manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.330: Pharmacies and Drug Stores

Drive-thru facilities in conjunction with pharmacies and drug stores shall be permitted subject to the provisions of Section 5.03.165 (Drive-Thru Facilities) of this Division.

5.03.335: Plastics Product Manufacturing

Within the IP zoning district, the development of new plastics product manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.340: Recycling Facilities

The purpose of this Section is to implement the California Beverage Container Recycling and Litter Reduction Act (PRC Section 14500 et seq.). The following standards shall govern the establishment and operation of recyclable container collection facilities:

A. Reverse Vending Machines. Reverse vending machines may be established in conjunction with a host business for the collection of post-consumer beverage containers pursuant to the California Beverage Container Recycling and Litter Reduction Act, and shall comply with the following:

1. Reverse vending machines shall be established pursuant to the requirements of this Development Code, and the building and fire codes of the City.
2. Reverse vending machines shall be located within 30 FT of the entrance of the host business and shall not obstruct pedestrian or vehicular circulation.
3. Reverse vending machines shall be constructed and maintained with durable waterproof and rustproof materials and shall be covered.
4. Reverse vending machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and telephone number of the operator or manager if the facilities become inoperable.
5. Reverse vending machines shall be limited to 3 machines for each host business.
6. Reverse vending machines shall occupy a maximum of 50 SF per installation, including any protective enclosure, and shall not exceed 9 FT in height.

7. Reverse vending machines shall not occupy parking spaces required for the host business pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code, nor shall it encroach upon any landscaped area.

8. Reverse vending machines shall be maintained in a clean, litter-free condition.

9. The operating hours of reverse vending machines shall be the same as the host business.

10. Reverse vending machines shall be illuminated to ensure comfortable and safe operation if open between dusk and dawn.

B. Small Collection Facilities. Small collection facilities may be established in conjunction with a host business for the collection of post-consumer beverage containers pursuant to the California Beverage Container Recycling and Litter Reduction Act, and shall comply with following:

1. Small collection facilities shall occupy a maximum area of 500 SF and shall be established in conjunction with a host business at a fixed location within the City, which complies with this Development Code, and the building and fire codes of the City.

2. Small collection facilities shall be constructed and maintained with durable, waterproof and rustproof material, with fully enclosed materials storage containers.

3. Small collection facilities shall be clearly marked to identify the type of recyclables that may be deposited.

4. The name and telephone number of the owner or manager, and the hours of operation of small collection facilities shall be conspicuously posted.

5. Small collection facility sites shall be swept and maintained in a in a clean, litter-free condition on a daily basis.

6. Small collection facilities shall be setback a minimum of 20 FT from any public street right-of-way and shall not obstruct pedestrian or vehicular circulation.

7. Small collection facilities shall not operate power-driven sorting or consolidating equipment, such as crushers, shredders, balers, or other mechanized equipment.

8. Use of the facility for deposit of solid waste or hazardous waste is prohibited.

9. The operating hours of small collection facilities with attendants shall be the same as the host business, except that facilities located within 100 FT of property zoned for, or occupied by, residential land uses shall only be operated between the hours of 9:00AM and 7:00PM.

10. Small collection facilities without attendants shall be located at least 30 FT from any property zoned for, or occupied by, residential land uses, unless the facility is located within an established service area/corridor and, for sound attenuation purposes, a minimum 6-FT high masonry block wall has been constructed between the small collection facility and the residential land use(s).

11. Mobile recycling facilities shall have an area clearly marked to prohibit other vehicular parking during the hours when the mobile unit is scheduled to be present.

12. The occupation of parking spaces by a small collection facility and any attendant shall not reduce available parking spaces below the minimum required for the host business pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code, unless the facility is located within one-half mile of a supermarket. A reduction in required parking spaces may be allowed to accommodate a small collection facility pursuant to Table 5.03-6 (Small Collection Facility Maximum Parking Reduction), below.

Table 5.03-6: Small Collection Facility Maximum Parking Reduction

<i>Required Number of Parking Spaces</i>	<i>Parking Space Reduction</i>
0 to 25 spaces:	0 spaces
26 to 35 spaces:	2 spaces
36 to 49 spaces:	3 spaces
50 to 99 spaces:	4 spaces
100 or more spaces:	5 spaces

13. Small collection facilities shall not encroach upon any existing landscaped areas, unless replaced elsewhere on the site. Furthermore, additional landscaped areas and architectural elements, such as vertical and horizontal decorative trellises, seat walls, and raised planters, may be required to screen collection containers.

C. Large Collection Facilities. Large collection facilities may be established for the collection of post-consumer beverage containers pursuant to the California Beverage Container Recycling and Litter Reduction Act, and shall comply with following:

1. Large collection facilities shall occupy an area of more than 500 SF and shall not be appurtenant to a host use.
2. Large collection facilities shall not be located within 500 FT of property zoned, planned or occupied for residential land uses.
3. All processing activities shall be within a fully enclosed building.
4. Large collection facilities shall be screened from public view by buildings or decorative masonry block walls, which are of sufficient height to completely screen all loading, processing, and storage activities/facilities. All gates shall be view obstructing.
5. All materials stored outside shall be maintained within fully enclosed containers that are secured and maintained in good condition. Storage containers for flammable materials shall be constructed of nonflammable materials. Oil storage shall be in containers approved by the Ontario Fire Department.
6. Large collection facilities shall be swept and maintained in a in a clean, litter-free condition on a daily basis, and shall be secured from unauthorized entry and removal of materials when unattended.
7. Large collection facilities shall provide adequate area on-site to accommodate a minimum of 6 vehicles, or the anticipated peak customer volume, whichever is higher, to circulate and deposit recyclable materials.

8. Containers provided for after-hours donation shall be located at least 50 FT from any property zoned, planned or occupied for residential use. Containers shall be of sturdy, rustproof construction, have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of material. Containers shall be located at least 10 FT from any building.

9. Donation containers shall be clearly marked to identify the type of material that may be deposited. Notices shall be conspicuously posted stating that no material shall be left outside of donation containers.

10. The name and telephone number of the owner or manager, and the hours of operation of large collection facilities shall be conspicuously posted.

11. Large collection facilities may operate power-driven processing equipment, including aluminum foil and can compacting, baling, shredding, or other similar light processing activities necessary for efficient temporary storage and shipment of materials, as may be approved by the Planning Director.

12. The business owner and the property owner, if different from the business owner, shall cause the removal of all recyclable materials that have accumulated, or are deposited, on the site, on a regular basis, but no less than annually. Upon failure to remove the recyclable materials, the City may deem the land use and the property thereon to be abandoned and may enter the property for the purpose of removing the recyclable materials. The business owner and the property owner, if different from the business owner, shall be responsible for payment to the City, all costs borne by the City related to the enforcement of this Paragraph.

D. Processing Facilities. Processing facilities may be established for the recycling of post-consumer beverage containers pursuant to the California Beverage Container Recycling and Litter Reduction Act, which are purchased from recycling centers located within the state of California. Processing facilities are not intended for the acceptance of donated or purchased post-consumer food and beverage containers from the general public. Processing facilities shall comply with following:

1. A processing facility shall not accept donated post-consumer food and beverage containers, nor shall it purchase such materials, from the public; however, a processing facility shall not be precluded from operating on the same site with, or in conjunction with, a collection facility, provided each activity is located within the correct zoning district pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

2. Processing facilities shall not be located within 500 FT of any property zoned or planned for, or occupied by, residential land uses.

3. All processing activities, including collection, processing, and storage, shall be conducted within a fully enclosed building.

4. Processing facilities shall be screened from public view by buildings or decorative masonry block walls, which are of sufficient height to completely screen all loading, processing, and storage activities/facilities. All gates shall be view obstructing.

5. Processing facilities may operate power-driven processing equipment for the purpose of baling, briquetting, crushing, compacting, grinding, shredding, sorting, or other similar

processing activities. Processing facilities shall not shred, compact, or bale ferrous metals, excepting food and beverage containers.

6. Processing facilities shall be maintained in a in a clean, litter-free condition on a daily basis, and shall be secured from unauthorized entry and removal of materials when unattended.

7. A processing facility owner and the property owner, if different from the business owner, shall cause the removal of all recyclable materials that have accumulated, or are deposited, on the site, on a daily basis. Upon failure to remove the recyclable materials, the City may deem the land use and the property thereon to be abandoned and may enter the property for the purpose of removing the recyclable materials. The facility owner, and the property owner, if different from the business owner, shall be responsible for payment to the City, all costs borne by the City related to the enforcement of this Paragraph.

5.03.345: Residential Care Facilities, Other—6 or Fewer Persons

“Other residential care facilities” for 6 or fewer persons may only be established in conjunction with a single-family dwelling.

5.03.350: Salvage Facilities

The following standards shall govern the establishment and operation of salvage facilities for the purpose of reclaiming recyclable equipment, materials, and parts, from home appliances, commercial and industrial machinery, motor vehicles, and other similar recyclable items acceptable to the Approving Authority:

- A. Salvage facilities shall be located a minimum of 300 FT from any residentially zoned lot.
- B. Loading and processing activities, and stored vehicles, materials, and equipment, shall be completely screened from public view and view from adjoining lots, by buildings and/or decorative masonry block walls with view-obstructing gates.
- C. Loading, processing, and storage activities shall not be conducted within a required setback area.
- D. All setbacks from a street property line shall be fully landscaped and permanently maintained, excepting those areas necessary for pedestrian or vehicular access.
- E. All sorting, compaction, shredding, grinding, crushing, and other similar processing activities, shall be conducted within a completely enclosed structure designed to minimize noise and dust generated by the activities.
- F. All existing salvage facilities, regardless of the zoning district in which they are located, shall conform with the requirements of this Section within one-year following notification by the Planning Director of the pending amortization of the use. The Planning Commission may abrogate the requirements of this Subsection because unusual circumstances exist with regard to the site or its location, which makes full compliance with the requirements of this Section impracticable.

5.03.355: ~~***Reserved for Future Use***~~ Self-Storage Facilities

A self-storage facility may exceed the maximum FAR of the zoning district in which it is located, provided that the facility, at its proposed maximum buildout, has been proven to be no more intense than other permitted land uses in the same general vicinity and the same zoning district. To this end, an Equivalent Impact Study (EIS) shall be prepared for the proposed self-storage facility, which shall determine its maximum allowed gross floor area based upon the comparable traffic generation of other existing permitted land uses in the same general vicinity and the same zoning district, constructed at the maximum allowed FAR of the zoning district.

5.03.360: Senior Citizen Housing Developments

A. Purposes. The purpose of this Section is to establish minimum standards, regulations and incentives for the development of senior citizen housing, and low income senior citizen housing within the City's commercial zoning districts, in a manner that is consistent with the Policy Plan component of The Ontario Plan, this Development Code, and State Density Bonus Law (GC Section 65915).

B. Applicability. Senior Citizen Housing Developments shall be allowed on property located pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

C. Definitions. For purposes of this Section, the words or phrases listed below, in correct alphabetical order, shall have the meanings thereafter specified:

Affordable Housing Cost for Owner Occupied Low Income Household. The affordable housing costs as defined in HSC Section 50052.5, exclusive of subdivision (a).

Affordable Housing Cost for Owner Renter Occupied Low Income Household. The affordable housing costs as defined in HSC Section 50053, exclusive of subdivision (a).

Affordable Housing Cost for Owner Occupied Very Low Income Household. The affordable housing costs as defined in HSC Section 50052.5, exclusive of subdivision (a).

Affordable Housing Cost for Owner Renter Occupied Very Low Income Household. The affordable housing costs as defined in HSC Section 50053, exclusive of subdivision (a).

Density Bonus Waivers and Modifications. Those waivers and modifications of City development standards granted by City to Owner of a senior citizen housing development defined as conditions affecting the physical location or type of construction of the senior citizen housing development structure and do not include use restrictions, procedural requirements, and fees as more particularly described in GC Section 65915(o)(1).

Low Income Households (Lower Income Households). Households, as defined in HSC Section 50079.5, paying Affordable Housing Costs or Affordable Rents for a Senior Citizen Housing unit.

Very Low Income Households. Households, as defined in HSC Section 50105 paying Affordable Housing Costs or Affordable Rents for a Senior Citizen Housing unit.

D. Base Density. Within residential zoning districts, the base density for a Senior Citizen Housing Development shall be pursuant to the development standards of the respective zoning district. Within nonresidential zoning districts, the base density for a Senior Citizen Housing Development shall be as follows:

Base Density (in DU/Acre)	Districts		
	CN	CC	MU-1
	25	25	25

E. Density Bonus.

1. In addition to the base density provided by Subsection D, above, senior citizen housing developments within residential zoning districts shall be eligible for a density bonus as provided in State density bonus law, as prescribed in Subsection 6.01.010.G (Density Bonus and Other Incentives) of this Development Code. Nonresidential zoning districts shall be eligible for a density bonus as provided in State density bonus law, as follows:

Density Bonus (in percentage/units)	Districts		
	CN	CC	MU-1
	20%	20%	20%

2. For senior citizen housing developments using the density bonus provisions of State density bonus law, a density bonus regulatory agreement securing the use of the senior citizen housing development by qualified senior citizens shall also be required. The density bonus regulatory agreement shall be recorded against the property and shall be in a form acceptable to the City Attorney.

3. The density bonus provisions shall apply to senior citizen housing developments consisting of 5 or more dwelling units, exclusive of a caretaker’s unit. All density calculations resulting in fractional units shall be rounded up to the next whole number.

4. Pursuant to State density bonus law, applicants for senior citizen housing developments may request certain waivers and modifications of the City’s development standards. For purposes of considering such requests for waivers and modifications of development standards, the “development standards” shall be defined as conditions affecting the physical location or type of construction of the senior citizen housing project, and do not include use restrictions, procedural requirements, and fees as more particularly described in GC Section 65915(o)(1).

5. Use of the senior citizen housing development for use by senior citizen households shall be secured via use of covenants and/or agreements recorded against the property in a form acceptable to the City Attorney.

F. Affordability Bonus for Senior Citizen Housing Developments.

1. In addition to the base density provided by Subsection D and the density bonus authorized by Subsection E of this Section, senior citizen housing developments shall be eligible for an additional density bonus of 10% above the total number of units that can be constructed (base density plus density bonus) whenever an applicant makes at least 50% of the additional units affordable (affordable rental units or affordable for-sale housing) to very low and/or low income

senior citizen households. In example, a senior citizen housing development that is entitled to construct 100 units, may construct 10 additional units when it makes 5 of those units available to very low and/or low income senior citizen households.

2. All density calculations resulting in fractional units shall be rounded up to the next whole number, including the determination of affordable units. Use of the affordability bonus provided in this Section shall be subject to the senior citizen housing development meeting the development standards contained in this Section.

3. Affordability of the units for very low and/or low income senior citizen households shall be secured via use of covenants and/or agreements for a minimum term of 45 years for ownership units and 55 years for rental units. The affordability covenants/agreement shall be in a form acceptable to the City Attorney.

G. Senior Citizen Housing Locational Criteria. A request for Conditional Use Permit approval of a senior citizen housing development shall be reviewed pursuant to the extent to which the senior citizen housing development substantially complies with each of the following locational criteria:

1. Transit Amenities. The site is within one-quarter mile of a transit station, rail station, commuter rail station or bus station, or bus stop with service at least every 30 minutes during the hours of 7:00AM to 9:00AM, and 4:00PM to 6:00PM.

2. Parks and Open Space. The site is within one-quarter mile of a public park (not including school grounds, unless there is a bona fide, formal joint use agreement between the City and the school district providing availability to the general public of the school grounds and/or facilities) or a community center, senior citizen center, or other facility offering daily services specifically designed for senior citizens, which is open to the general public.

3. Library. The project site is within one-quarter mile of a public library, or senior or community center, which contains a library.

4. Daily Shopping Opportunities. The project site is within one-quarter mile of a grocery store/supermarket where staples, fresh meat, and fresh produce are sold.

5. Medical Facilities. The project site is within one mile of a medical clinic or hospital (not merely a private doctor's office).

6. Pharmacy. The project site is within one mile of a pharmacy or supermarket containing an interior pharmacy.

H. Senior Citizen Housing Development Amenities. A request for Conditional Use Permit approval of senior citizen housing development shall be reviewed pursuant to the extent to which the senior citizen housing development substantially complies with one or more of the following development amenities:

1. High speed internet service is provided in each unit (free of charge to the tenants) or within a group activity room within the senior citizen housing development.

2. The senior citizen housing development will provide a bona fide service coordinator available on the premises to assist with activities of daily living, or provision of counseling services, social event planning, and/or concierge service.

3. The Senior Citizen Housing Development will provide exercise facilities on the premises.

I. Senior Citizen Dwelling Unit Standards. Notwithstanding any other provision of this Section, the minimum floor area for each residential unit for senior citizen use shall be as follows:

1. Bachelor or studio-type dwelling units: Four hundred fifty (450) square feet;
2. One-bedroom dwelling units: Five hundred fifty (550) square feet; and
3. Two-bedroom dwelling units: Six hundred fifty (650) square feet.

J. Senior Citizen Development Parking Standards. Notwithstanding any other provision of this Development Code, the number of parking spaces required to be provided for senior citizen housing developments may be as low as 0.25 spaces per rental dwelling unit and as high as 1.0 space per for-sale dwelling unit. The actual ratio shall be determined at the time of project approval for the use and shall be based upon a parking demand study to be prepared by a qualified traffic consultant or engineer. Ten percent of the parking spaces provided shall be designated as parking for the physically impaired (“handicapped parking spaces”). In determining the number of parking spaces required, the following factors, as well as any other relevant factors, shall be considered:

1. The number of employees required by the use, whether such employees will reside on the premises, and hours during which any nonresident employees will be employed;
2. The availability of public transportation;
3. Whether residents of the use will be eligible for government rent subsidies;
4. The degree to which on-site provision of services and facilities will affect the need of residents to leave the site; and
5. The proximity of facilities and services to the site. Where appropriate, employee parking on the site shall be separately identified and shall be available only to employees.
6. Other Development Standards. Except as provided by this Section, additional development standards for senior citizen housing developments shall be those applicable to residential uses in such underlying zoning districts.

5.03.365: Single-Family Dwellings

Within the MDR-25 and HDR-45 zoning districts, single-family dwellings shall only be allowed:

A. On legally established lots having a gross area that is less than the minimum required by the base zoning district pursuant to Table 6.01-3 (Multiple-Family Residential Development Standards); and

B. On legally established lots having a gross area that results in a density calculation of less than the ~~minimum~~ allowed density **range** for the base zoning district pursuant to Table 6.01-3 (Multiple-Family Residential Development Standards) of this Development Code.

5.03.370: Single Room Occupancy (SRO) Facilities

The following standards shall govern the establishment and operation of SRO facilities:

- A. A minimum of one full common kitchen shall be provided on each floor (story) if full kitchens are not provided within each unit. For the purposes of this provision, a full kitchen shall include a range or stove and oven, sink, and refrigerator.
- B. If complete bathrooms are not provided in each unit, shared showers shall be provided at a ratio of one shower for each 8 residents, or fraction thereof, on the same floor. Lockers shall be provided for use of the residents.
- C. An SRO facility shall not be located within 500 FT, as measured in a straight line from any point along the outer boundaries of the property containing the use, of any public or private school for children under the age of 18, church, child daycare center, family child daycare facility, or any existing SRO facility.
- D. A comprehensive management plan shall be submitted with applications for conditional use permits. The plan shall include the company or agency responsible for resident selection, day-to-day maintenance of the facility, proposed security arrangements and background information and references for the proposed management company or agency.

5.03.375: Soap, Cleaning Compound, and Toilet Preparation Manufacturing

Within the IP zoning district, the development of new soap, cleaning compound, and toilet preparation manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.380: Sound (Audio) Recording Facilities

Within the OL, OH and IH zoning districts, sound (audio) recording facilities shall only be allowed in conjunction with a permitted or conditionally permitted land use. Standalone sound recording facilities within these zoning districts shall be prohibited.

5.03.385: Spring and Wire Product Manufacturing

Within the IP zoning district, the development of new spring and wire product manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.390: Tattooing, Body Piercing, Branding, and the Application of Permanent Cosmetics

The below-listed standards shall govern the establishment and operation of body art services in the City. For the purposes of this section, "body art services" shall mean tattooing, body piercing, branding, or the application of permanent cosmetics, excepting the piercing of an ear with a

disposable, single-use, presterilized stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

A. Every person and every business engaged in body art and/or permanent cosmetics services shall comply with all applicable provisions of the Safe Body Art Act (HSC Section 119300 et seq.).

B. Every person and every business engaged in body art and/or permanent cosmetics services shall obtain a health permit from the San Bernardino County Division of Environmental Health Services prior to commencement of the business activity.

C. A person proposing to construct, remodel, or revise a body art and/or permanent cosmetics facility shall first submit plans to the Ontario Planning Department and the San Bernardino County Division of Environmental Health Services for review and approval, prior to construction.

5.03.395: Temporary and Interim Land Uses, Buildings, and Structures

The following temporary and interim land uses shall be allowed upon the issuance of an Administrative Use Permit by the City pursuant to Section 4.03.015 (Administrative Use Permit) of this Development Code:

A. Interim Farming Activities on Vacant or Underdeveloped Lands. Farming activities may be established and operated as an interim use on vacant or underdeveloped lands pursuant to the requirements of Subsection 5.03.405.F (Urban Farms) of this Division.

B. Model Homes. The following standards shall govern the design and establishment of model homes:

1. Access shall meet the requirements of the Americans with Disabilities Act.
2. Any "trap" fencing shall be located on private property.
3. Any garage used as a sales office shall be converted back to a garage prior to dwelling occupancy.
4. A model complex consisting of 3 or more model homes shall develop and improve a separate lot to accommodate off-street parking, which shall be provided pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code.
5. Subdivisions of 8 or more dwellings having at least one model home that is landscaped, shall demonstrate by installed landscape and irrigation, the principles of water-efficient landscaping and irrigation.
6. The developer of model homes constructed prior to the recordation of a final map for the subdivision containing the model homes, shall enter into a model home agreement with the City, in a form satisfactory to the City Attorney, to ensure that the model homes will not be sold prior to recordation of the final map, and that the model homes will be demolished and removed should the final map not record within a period acceptable to the City.

7. The project proponent shall remove the model homes and their appurtenances from the affected property within 30 days following the expiration of the Administrative Use Permit.

8. In approving a model home facility, the Reviewing Authority may require the installation of certain minimum improvements, such as paved parking, lighting and landscaping, and other improvements necessary to ensure and protect the public health, safety, and welfare.

9. To ensure removal of model homes and their appurtenances within the required period, the Reviewing Authority may require the project proponent provide a performance guarantee pursuant to Division 2.06 (Performance Guarantees) of this Development Code, in the amount of \$10,000. The performance guarantee may be utilized by the City to pay any fees and costs incurred by the City, which is associated with the enforcement of Paragraphs A.1 through 8, above, and any conditions of Administrative Use Permit approval imposed by the Reviewing Authority.

C. Street Fairs. Street fairs may be allowed within any commercial or mixed-use zoning district.

D. Temporary Alcoholic Beverage Sales. Temporary alcoholic beverage sales for consumption on the premises may be allowed within nonresidential zoning districts in conjunction with a temporary activity, display, or event for which an Administrative Use Permit is granted pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code.

E. Temporary Buildings and Structures. Temporary buildings and structures, including, but not limited to, trailers and prefabricated (“modular”) buildings, and appurtenances thereto, may be allowed within any residential, commercial, mixed-use, industrial, specialized use, or overlay zoning district, subject to the following:

1. The Planning Director may approve temporary buildings and structures for an initial 2-year period, which shall be granted pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code. The time in which the approval expires may be extended by the Reviewing Authority for a maximum of 2 one-year periods.

2. Temporary buildings and structures requested for periods in excess of the maximum 4 years allowed pursuant to Paragraph E.1, above, may be allowed for periods not to exceed a total of 10 years, subject to Conditional Use Permit approval, granted pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code.

3. In approving temporary buildings and structures, the Reviewing Authority may require the installation of certain minimum improvements, such as paved parking, lighting and landscaping, and other improvements necessary to ensure and protect the public health, safety, and/or welfare.

4. The project proponent shall remove the temporary building(s) or structure(s), and any appurtenances thereto, from the affected property within 30 days following the expiration of project approval.

5. To ensure removal of a temporary building or structure, and all appurtenances thereto, within the required period, the Reviewing Authority may require the project proponent provide a performance guarantee pursuant to Division 2.06 (Performance Guarantees) of this Development Code, in the amount of \$10,000. The performance guarantee may be utilized by the City to pay any fees and costs incurred by the City, which is associated with the enforcement

Paragraphs F.1 and F.3, above, and any conditions of Administrative Use Permit or Conditional Use Permit approval, as applicable, imposed by the Reviewing Authority.

F. Temporary Facilities. Temporary facilities, such as parking lots for interim use, may be allowed within any residential, commercial, mixed-use, industrial, specialized use, or overlay zoning district, subject to the following:

1. The Planning Director may approve temporary facilities for an initial 2-year period, which shall be granted pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code. The time in which the approval expires may be extended by the Planning Director a maximum of 2 one-year periods.

2. Temporary facilities requested for periods in excess of the maximum 4 years allowed pursuant to Paragraph E.1, above, may be allowed for periods not to exceed a total of 10 years, subject to Conditional Use Permit approval, granted pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code.

3. In approving a temporary facility, the Reviewing Authority may require the installation of certain minimum improvements, such as paved parking, lighting and landscaping, and other improvements necessary to ensure and protect the public health, safety, and/or welfare.

4. The project proponent shall remove the temporary facility and all appurtenances thereto from the affected property within 30 days following the expiration of the Administrative Use Permit.

5. To ensure removal of a temporary facility and all appurtenances thereto within the required period, the Reviewing Authority may require the project proponent provide a performance guarantee pursuant to Division 2.06 (Performance Guarantees) of this Development Code, in the amount of \$10,000. The performance guarantee may be utilized by the City to pay fees and costs incurred by the City, associated with the enforcement of Paragraphs E.1 and E.3, above, and any conditions of Administrative Use Permit or Conditional Use Permit approval, as applicable, imposed by the Reviewing Authority.

G. Temporary Outdoor Activities, Displays, Events, and Sales. Temporary outdoor sales, displays, and activities may be allowed within any commercial, mixed-use, industrial, or specialized use zoning district, and within residential zoning districts in conjunction with a legally established religious assembly land use, subject to the approval of an Administrative Use Permit pursuant to Section 4.03.015 (Administrative Use Permit) of this Development Code, and are further classified as follows:

1. Retail Sales Events. Retail sales events include special outdoor sales, sidewalk sales and parking lot sales, and are subject to the following:

a. A retail sales event shall only be allowed in conjunction with a legally established business that has been operated for a period of at least 180 days prior to the retail sales event.

b. Retail sales events shall be limited to the holiday sale periods of President's Day, Memorial Day, Independence Day and Labor Day, and 4 additional periods per calendar year, for each business location. The additional periods may be used consecutively.

- c. Retail sales events shall be limited to maximum 7 days duration.
 - d. The outdoor display of merchandise shall be restricted to an area directly adjacent to the business' exterior storefront; however, in the case of shopping centers, when it is not practical for the outdoor display area to be located directly adjacent to the business front, the sale area shall be located in an area as close as practically possible, to the business' exterior storefront.
 - e. The display of merchandise shall not impede pedestrian or vehicular circulation.
 - f. All merchandise, materials, signs and debris shall be removed from the outdoor area by 9:00AM following the last day of the retail sales event.
2. Holiday Retail Sales. Holiday retail sales include Christmas tree and pumpkin sales, and shall be limited to 30 days duration, 2 times per calendar year, for each business location.
3. Shows and Exhibits. Religious, historic, patriotic, or other similar outdoor displays may be permitted within a yard, parking lot or landscaped area, by or for the benefit of nonprofit organizations, subject to the following:
- a. Shows and exhibits shall be limited to 30 days duration within any 90-day period.
 - b. The show or exhibit shall not impede pedestrian or vehicular traffic.
 - c. Shows and exhibits shall not be conducted within 1,000 FT of any residential land use, as measured in a straight line from any point along the outer boundaries of the property containing the show or exhibit. This separation requirement may be reduced by the Planning Director, provided the type and size of event proposed could in no way adversely affect residential land uses.
 - d. All equipment, materials, signs, and debris shall be removed from the outdoor area by 9:00AM following the last day of the display.
4. Amusement and/or Sporting Events. Bazaars, circuses, carnivals, rodeos, pony rides and other similar temporary amusement and/or sporting events may be permitted, subject to the following:
- a. Events shall be limited to 2 periods of 7 days duration per calendar year, for each event location. The 2 event periods may be used consecutively.
 - b. Events shall not be conducted within 1,000 FT of any residential zoning district, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the event. This separation requirement may be reduced by the Planning Director, provided the type and size of event proposed could in no way adversely affect residential land uses.
 - c. All equipment, materials, signs, and debris shall be removed from the event location by 9:00AM following the last day of the event.

5. Tent Revivals. Tent revivals and other similar temporary events involving the large assemblage of people and/or equipment within a temporary structure or in the open air, may be permitted, subject to the following:

a. Tent revivals shall be limited to 2 periods of 7 days duration per calendar year, for each event location. The 2 event periods may be used consecutively.

b. Tent revivals shall not be conducted within 1,000 FT of any residential land use, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the tent revival. This separation requirement may be reduced by the Planning Director, provided the type and size of event proposed could in no way adversely affect residential land uses.

c. All equipment, materials, signs, and debris shall be removed from the event location by 9:00AM following the last day of the event.

6. Charitable and Fund Raising Events. Fund raising events for charitable organizations and other non-profit organizations, such as churches, schools, clubs, and other similar organizations, may be permitted to hold special outdoor fund raising events, hosted by and in conjunction with a legally established commercial or industrial land uses, subject to the following:

a. Charitable and fund raising events shall be limited to the holiday periods of President's Day, Memorial Day, Independence Day and Labor Day. Twelve additional events per calendar year shall also be permitted per location, not to exceed one event per month per location. Events shall be limited to a maximum of 4 days duration.

b. Charitable and fund raising events shall be restricted to an area directly adjacent to the host business' exterior; however, when it is impractical for the event to be located directly adjacent to the host business, such as in the case of a commercial shopping center, the event shall be located in an area as close as practically possible to the host business' exterior.

c. Charitable and fund raising events shall not impede pedestrian or vehicular circulation.

d. All equipment, materials, signs, and debris shall be removed from the event location by 9:00AM following the last day of the event.

H. Temporary Produce Stands. Temporary produce stands may be established and operated pursuant to the requirements of 5.03.410.E.2.d (Community Garden On-Site Produce Sales) and 5.03.410.F.d.2 (Urban Farm On-Site Produce Sales) of this Division.

I. Temporary Real Estate Sales, Lease and Rental Offices. Temporary real estate sales, lease, and rental offices may be allowed within any residential, commercial, mixed-use, industrial, specialized use, or overlay zoning district, subject to the following:

1. A temporary real estate sales, lease, or rental office shall be located a minimum of 200 FT from any existing dwelling outside of the subdivision or development project.

2. A temporary real estate sales, lease, or rental office may be established within a model dwelling, or within a temporary structure specifically designed for the use and approved pursuant to Subsection E (Temporary Office Structures) of this Section.

3. A certificate of occupancy for a temporary real estate sales, lease, or rental office shall not be issued until after a subdivision has been recorded with the San Bernardino County Recorder, or a building permit has been issued for a multiple-family development project.

4. Temporary real estate sales, lease, or rental offices shall be removed from the site within 30 days following the sale, lease, or rental of the last dwelling unit.

5. Comply with all provisions of Division 8.1 (Sign Regulations) pertaining to temporary real estate sales, lease, and rental signs.

J. Temporary Wireless Telecommunications Facilities. Temporary wireless telecommunications facilities may be allowed ~~for testing purposes, or~~ to fulfill short-term wireless capacity and/or coverage needs of the community, resulting from special activities or events for which a Temporary Use Permit has been approved, or to serve areas experiencing short-term population increases which the existing wireless telecommunications system cannot adequately support, such as seasonal retail sales, and other City-supported activities/events. ~~Temporary wireless telecommunications facilities shall be subject to the following:~~

~~1. Temporary Test Only Wireless Telecommunications Facilities. Should the City determine that testing for interference with public safety channels is warranted due to the operating band of the proposed telecommunications facility Carrier, an application for the temporary test only wireless telecommunications facility, and applicable processing fees, shall be submitted for review and approval by the City. Furthermore, the following shall be imposed as a condition of application approval:~~

~~a. The Planning Director may approve a temporary test only facility pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code, to remain in place for a period of 30 days from date of installation. If additional time is needed to resolve systems conflicts, the applicant may apply for a single 60 day time extension. Should the temporary facility need multiple tests or consideration by the Planning Commission for an increase in height, the applicant may apply for an additional 180 day time extension, for total periods not to exceed 270 days. Time extension requests shall be reviewed by the Planning Director and shall include sufficient information to explain the need for the extension. The temporary facility shall be removed within 7 days of conclusion of testing.~~

~~b. Engineered plans and drawings to erect the temporary test only facility are to be submitted to the Building and Planning Departments for review and approval. All applicable building permits shall be required.~~

~~c. The Police and Information Technology Departments shall be notified at least one week in advance of the commencement of operation of the temporary test only facility in order to schedule testing. The purpose of the testing is to evaluate compatibility with the City's public safety radio frequencies. In the event a conflict exists, the facility shall immediately suspend operations until modifications are made to resolve the conflict.~~

~~d. An agreement with the City and the posting of a \$10,000 bond shall be required for any temporary test only facility. The agreement shall state the applicant's concurrence with the temporary nature of the permit and the acceptance of the conditions of approval. The bond shall secure the applicant's obligations to immediately remove a facility in the event that testing of the facility with the City of Ontario's public safety frequencies is inconclusive to support approval of the facility, and/or upon expiration of the use permit.~~

~~e. The approval of a temporary test only facility is not to be construed as support from the Planning and Police Departments for the permanent facility, and shall not be construed as an approval for any other purpose under the review processes set forth in this Section.~~

~~f. A meeting with WECA (West End Communications Authority), Police Department, Planning Department, and Carrier representatives shall be held for the purpose of exploring options for any frequency interference problems, and determining an optimal course of action.~~

~~g. Any temporary test only facility located within 500 FT of a residential zoning district shall be required to notify property owners and area residents of the proposal in writing, by posting the property at least 10 days prior to the approval of the proposed temporary test only facility. Property owner or resident objections shall be addressed by the Planning Director.~~

2. ~~Short Term Temporary Wireless Telecommunications Facilities.~~ The Planning Director may approve short-term temporary wireless telecommunications facility pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code. Should the City determine that a temporary wireless telecommunications facility is needed to fulfill the short-term wireless capacity and coverage needs of the community, an application for the short-term temporary wireless telecommunications facility, and applicable processing fees, shall be submitted for review and approval by the City. Furthermore, the following shall be imposed as a condition of application approval:

a. The ~~Planning Director may approve~~ short-term temporary wireless telecommunications facility ~~pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code, to~~ may remain in place for a period of 90 days from date of installation. The time in which the approval expires may be extended for a maximum of 2 periods of 90 days duration, each, for a total of 270 days.

b. Engineered plans and drawings (if required) to erect the temporary wireless telecommunications facility are to be submitted to the Building and Planning Departments for review and approval. All applicable building permits shall be required.

c. If a generator is to be provided to operate or provide backup power to the temporary wireless telecommunications facility, all applicable requirements of OMC Chapter 29 (Noise) of Title 5 (Public Welfare, Morals and Conduct) shall be complied with.

d. An agreement with the City and the posting of a \$10,000 bond shall be required for any short-term temporary wireless telecommunications facility. The agreement shall state the applicant's concurrence with the temporary nature of the permit and the acceptance of the conditions of approval. The bond shall secure the applicant's obligations to immediately remove approved facility upon expiration of the use permit. (Note: The bond requirement may be waived by the Development Agency Director.)

~~e. No short term temporary wireless telecommunications facility shall be located within 500 FT of a residential zoning district.~~

5.03.400: Thrift and Secondhand Stores, and Used Goods Stores

The on-site collection of salvageable personal property in conjunction with thrift and secondhand stores, and used goods stores, shall be prohibited, except as allowed by Section 5.03.320 (Personal Property Collection Bins) of this Division.

5.03.405: Temporary Shelters and Supportive Housing

The following standards shall govern the establishment and operation of Supportive Housing for the homeless families, persons with disabilities and homeless youth, and Temporary Shelters, including Emergency Shelters, Transitional Housing, and Transitional Living Centers.

A. General Requirements.

1. No portion of any Temporary Shelter or Supportive Housing facility shall be located within 300 FT of another such facility that is constructed, or that is approved for construction.

2. Temporary Shelters and Supportive Housing facilities shall observe State and Federal Fair Housing regulations and standards.

3. No more than one Federal, State, or Youth Authority parolee shall be allowed to live in a Temporary Shelter or Supportive Housing facility.

4. An application submitted for approval of a Temporary Shelter or Supportive Housing facility shall identify whether any boarders are currently Federal, State, or Youth Authority parolees. Owners and/or operators of Temporary Shelters and Supportive Housing facilities shall update the information required by this Section anytime a person that is a Federal, State, or Youth Authority parolee is provided accommodations at the facility.

5. All Temporary Shelters and Supportive Housing facilities shall require boarders to sign a Crime Free Lease Addendum as part of their lease or rental agreement (as applicable), which provides that any criminal violations perpetrated by boarders shall be grounds for termination of the written or oral lease, sublease, or agreement under which they reside at the temporary/transitional shelter or housing.

6. Temporary Shelters and Supportive Housing facilities shall be operated in full compliance with all applicable requirements of this Development Code. Violation of any local, State, or Federal laws by individual boarders while on the premises shall be grounds for Conditional Use Permit (if applicable) and/or business license revocation, including but not limited to, violations of PC Section 3003.5.

7. No Temporary Shelter or Supportive Housing facility shall be maintained as a nuisance. The conduct of any Temporary Shelter or Supportive Housing facility within the City, in violation of any of the terms of this Article or other applicable provisions of this Development Code found and declared to be a public nuisance, and the City Attorney or the District Attorney may, in addition or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and enjoinder thereof, in the manner provided by law; and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such Temporary Shelter or Supportive Housing facility, and restrain and enjoin any person from conducting, operating or maintaining a Temporary Shelter or Supportive Housing facility contrary to the provisions of this Article or Development Code.

8. Any owner, operator, manager, employee or independent contractor of a Temporary Shelter or Supportive Housing facility violating or permitting, counseling, or assisting the violation of any of the provisions of this Article or applicable provisions of this Development Code regulating Temporary Shelters and Supportive Housing facilities shall be subject to any and all civil and criminal penalties pursuant to OMC Title 1, Chapter 2 (Penalty Provisions), and/or administrative citations pursuant to OMC Title 1, Chapter 5 (Administrative Citations). All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.

9. For those Temporary Shelters and Supportive Housing facilities that require Conditional Use Permit approval pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, violation of any of provision of this Section, or the Conditional Use Permit authorizing the Temporary Shelter or Supportive Housing facility, shall be grounds for revocation of the Conditional Use Permit pursuant to the provisions of Division 2.05 (City Initiated Modification or Revocation) of this Development Code.

10. Temporary Shelters and Supportive Housing facilities shall be prohibited within ALUCP safety zones.

11. Temporary Shelters and Supportive Housing facilities shall be in compliance with all requirements of this Development Code at all times, as well as any applicable provisions of the Ontario Municipal Code, including obtaining any other permits or licenses, such as building permits or a business license, required before establishing, expanding or maintaining the use.

B. Emergency Shelters. When allowed by Table 5.02-1 (Land Use Matrix) of this Development Code, Emergency Shelters shall be subject to the following standards:

1. The maximum length of stay for an Emergency Shelter client shall be 6 months.
2. On-site management shall be provided during the hours that the Emergency Shelter is in operation.
3. On-site security shall be provided during the hours that the Emergency Shelter is in operation.
4. No more than 20 client/tenant beds shall be allowed within any Emergency Shelter.
5. An intake waiting area equal to a minimum of 10 SF for each client/tenant bed shall be provided.
6. The exterior of the intake waiting areas shall be screened from public view by a 6-FT high decorative masonry block wall and appropriate landscaping.
7. A storage area for use by clients/tenants shall be provided at a rate of 7 SF for each client/tenant bed. A storage area is not required to be provided adjacent to the respective client/tenant bed.
8. An emergency shelter shall provide lavatory, toilet, and shower facilities adequate for the number of clients/tenants served; however, a minimum of one such facility shall be provided for each 15 client/tenant beds.

5.03.410: Urban Agriculture

A. Purpose. The purpose of these urban agriculture regulations is to create a more sustainable and secure local food system by increasing opportunities to grow and sell food within all zoning districts of the City.

B. Applicability. The urban agriculture regulations established by this Section govern the establishment and operation of agricultural activities and facilities within all zoning districts of the City. The regulations established by this Section recognize 5 different urban agricultural activities, including Animal Keeping and Production; Commercial Crop Production and Farming; Community Gardens; Urban Farms; and On-Site Produce Sales Stands.

C. Animal Keeping and Production.

1. Residential Animal Keeping.

a. *Allowed Activities/Facilities.* Residential animal keeping shall be maintained only as an ancillary use to single-family dwellings, and shall be maintained only for noncommercial hobby or show purposes, or for the personal enrichment of City residents, as follows:

(1) Residential Zones. Residential animal keeping is permitted by right within the AR-2 and RE-2 zoning districts in conjunction with a single-family dwelling. Furthermore, the keeping of 4 or fewer household pets is permitted by right within all residential and mixed-use zoning districts, and within the AG and MHP zoning districts, in conjunction with a single-family or multiple-family dwelling.

(2) Commercial Zones. Residential animal keeping is prohibited within all commercial zoning districts.

(3) Mixed-Use Zones. Residential animal keeping is limited to the keeping of household pets within all mixed-use zoning districts.

(4) Industrial Zones. Residential animal keeping is prohibited within all industrial zoning districts.

(5) Specialized Use Zones. Residential animal keeping is permitted by right within the AG zoning district. Furthermore, the keeping of 4 or fewer household pets is permitted within the MHP zoning district.

b. *Land Use Standards.* The following standards govern residential animal keeping activities and facilities:

(1) General Requirements.

(a) Animals At Large—It shall be unlawful for any person within the City having the care, charge, control, or possession of any animal, fowl or bird to permit it to be, remain, go, or run at large upon any public street, alley, or unenclosed lot or land in the City, except dogs on leashes, cats, racing homing pigeons during runs, an animal in a vehicle, or a horse mounted or led by a responsible person. Animals shall be secured by a fence or wall at least 5 FT in height when out of doors.

(b) Sanitation of Premises—

(i) Every person owning or occupying property within the City upon which any animal, fowl, or bird is kept shall maintain the property and any stable, barn, stall, pen, coop, building, or place thereon in which animals are kept, in a clean and sanitary condition so as not to be detrimental to the public health.

(ii) Proper management of animal waste shall be carried out pursuant to all requirements of the State Regional Water Quality Control Board or regulating agency.

(c) Proximity of Animals to Yards, Property Lines, Dwellings and Residential Accessory Structures—

(i) It shall be unlawful in residential zones of the City to keep any animal, except household pets, within 20 FT of any property line.

(ii) It shall be unlawful for any person to keep any animal, other than household pets, within 50 FT (70 FT for swine) of any structure, other than that of the owner, which is used for human habitation, or for educational, health care, social assistance, religious assembly, food service, or governmental purposes, except as allowed by Subparagraph (iii), below.

(iii) It shall be unlawful for any person to keep any hobby, show or game bird, fowl, or rabbit, other than a household pet, within 30 FT of any structure, other than that of the owner, which is used for human habitation, or for educational, health care, social assistance, religious assembly, food service, or governmental purposes.

(iv) No animal is to be stabled, kept, or maintained in any front or street-side yard area.

(d) Nonconforming Animal Keeping Activities. Animal keeping that becomes non-conforming by reason of new development on neighboring properties may be continued; provided, the nonconforming activity maintains compliance with the provisions of Division 3.01 (Nonconforming Lots, Land Uses and Structures) of the Ontario Development Code.

(e) Maximum Animal Keeping Densities. Table 5.03-7 (Maximum Animal Keeping Densities as an Accessory Use), below, establishes the maximum number of animals that may be maintained on a lot, provided the particular animal type is allowed pursuant to Table 5.01-1 (Land Use Matrix) of the Ontario Development Code. The maximum animal densities are based upon net lot area; however, any portion of a lot used to qualify one animal type shall not be used to qualify another animal type.

Table 5.03-7: Maximum Animal Keeping Densities as an Accessory Use

<i>Animal Type</i>	<i>Maximum Animal Density</i>
A. Birds	One animal for each 1,000 SF of lot area, except that within the AR-2 zoning district, maximum animal density may be increased as determined by a Conditional Use Permit
B. Cattle and Buffalo	One animal for each 6,000 SF of lot area

Table 5.03-7: Maximum Animal Keeping Densities as an Accessory Use

Animal Type	Maximum Animal Density
C. Exotic Pets	As determined by Conditional Use Permit
D. Horses	One animal for each 6,000 SF of lot area
E. Household Pets	Pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, not to exceed 8 animals
F. Llamas, Alpacas, Burros, Donkeys, and Mules	One animal for each 4,000 SF of lot area
G. Ostriches, Emus, and Rheas	One animal for each 6,000 SF of lot area
H. Poultry and Fowl	One animal for each 1,000 SF of lot area
I. Rabbits and Chinchillas	One animal for each 1,000 SF of lot area
J. Swine	One animal for each 20,000 SF of lot area, not to exceed 3 animals
K. Sheep, Goats (female only), and Similar Livestock	One animal for each 3,600 SF of lot area

(2) Keeping of Exotic Pets. The keeping of a exotic pets shall be allowed only in conjunction with, and accessory to, a single-family dwelling, subject to the following standards:

(a) The keeping of exotic animals shall require approval of a Conditional Use Permit pursuant to Section 4.02.025 (Conditional Use Permits) of the Ontario Development Code.

(b) The approval of a Conditional Use Permit for an exotic animal shall not be effective until the Reviewing Authority receives written evidence that the applicant has obtained a permit from the State Department of Fish and Game, if required.

(c) The keeping of an exotic animal shall comply with all applicable Federal and State laws and requirements.

(3) Keeping of a Potbellied Pig. The keeping of a potbellied pig as a household pet shall only be allowed in the AR-2, RE-2, RE-4, and LDR-5 zoning districts, in conjunction with, and ancillary to, a traditional single-family dwelling, subject to the following standards:

(a) For the purposes of this Section, the term “potbellied pig” shall mean a domesticated miniature Vietnamese, Chinese, or Asian potbellied pig, not exceeding 90 pounds in weight and 18 inches in height (measured at the shoulder), and characterized by a swayed back and straight tail.

(b) Potbellied pigs shall be provided with a fenced yard designed to assure confinement of the animal when kept outside. Yard areas shall be maintained in a clean, safe, and odor-free condition.

(c) There shall be no more than one potbellied pig permitted on a lot.

(d) Potbellied pigs shall be licensed in the same manner as dogs, subject to the same restrictions and penalties, pursuant to the provisions of OMC Title 6 (Sanitation and Health).

(e) The breeding of potbellied pigs shall not be permitted. All potbellied pigs shall be spayed or neutered.

(f) Prior to licensing of a potbellied pig, veterinary certification shall be required stating:

(i) The pig is spayed or neutered;

(ii) The pig is in good health and has received all necessary vaccinations; and

(iii) The height and weight of the potbellied pig.

(g) All male potbellied pigs 2 years of age or older shall have their tusks removed.

(h) While outside the owner's premises or property, potbellied pigs shall be restrained by a harness and leash, or other similar restraint, no more than 6 FT in length.

(4) Male Goats. It shall be unlawful to keep any male goat that is not neutered.

(5) Poisonous or Otherwise Dangerous Reptiles. It shall be unlawful to keep any poisonous or otherwise dangerous reptile, as determined by the Zoning Administrator.

(6) Crowing Fowl. It shall be unlawful for any person to keep any crowing rooster, peacock, guinea fowl, or any other fowl that by sound or cry shall unreasonably disturb the peace and quiet of a neighborhood.

2. Commercial Animal Production.

a. *Allowed Activities/Facilities.* Commercial animal production includes cattle ranching and farming; sheep and goat farming; aquaculture; apiculture, horse, and other equine production; fur-bearing animal production; kennels and catteries, alpaca and llama production; aviaries; ostrich, emu and rhea production; and support activities for animal production. Commercial animal production is allowed as a primary use of land, as follows:

(1) Residential Zones. Commercial animal production is prohibited within residential zoning districts, except that within the AR-2 zoning district, kennels and catteries having fewer than 8 animals shall be permitted as a Home Occupation pursuant to the requirements of the Section 5.03.240 of this Development Code.

(2) Commercial Zones. Commercial animal production is prohibited within commercial zoning districts, except that kennels and catteries, for the purpose of boarding only, shall be allowed within the CC and CR zoning districts in conjunction with veterinary and/or animal hospital services (NAICS 541940), pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

(3) Mixed-Use Zones. Commercial animal production is prohibited within mixed-use zoning districts.

(4) Industrial Zones. Commercial animal production is prohibited within industrial zoning districts, except that kennels and catteries shall be allowed within the IL and IH zoning districts pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

(5) Specialized Use Zones. Commercial animal keeping is conditionally permitted (requires Conditional Use Permit approval pursuant to the requirements of Section 4.02.015 of this Development Code) within the AG zoning district on lots no less than 2 acres in area (20,000 SF for farms exclusively for small animal keeping), except apiculture (bee keeping and production), which is permitted by right within the AG, ONT and UC zoning districts.

b. *Land Use Standards.* The following standards shall govern the development and/or operation of facilities for commercial animal production and related uses:

(1) Minimum Lot Area. Animal keeping for animal production and related uses (excludes kennels and catteries, for the purpose of boarding only, in conjunction with veterinary and/or animal hospital services) shall be on a lot of no less than 2 acres in area, except that farms exclusively for small animal keeping, including apiaries, aviaries, rabbit, chinchilla, or other similar small raising, shall be permitted on lots of no less than 20,000 SF in area.

(2) Animals At Large. It shall be unlawful for any person within the City of Ontario, which has having the care, charge, control, or possession of any animal, fowl or bird to permit it to be, remain, go, or run at large upon any public street, alley, or unenclosed lot or land in the City, except dogs on leashes, cats, racing homing pigeons during runs, an animal in a vehicle, or a horse mounted or led by a responsible person.

(3) Sanitation of Premises.

(a) Every person owning or occupying property within the City upon which any animal, fowl, or bird is kept shall maintain the property and any stable, barn, stall, pen, coop, building, or place thereon in which animals are kept, in a clean and sanitary condition so as not to be detrimental to the public health.

(b) Proper management of animal waste shall be carried out pursuant to all requirements of the State Regional Water Quality Control Board or regulating agency.

(4) Hitching and Tethering Animals. It shall be unlawful to hitch, tie, or otherwise fasten any horse, cow, or other animal to any tree or shrub within the City, or to tether or hitch for feeding any animal so as to allow the animal to cross any street, sidewalk, or alley within the City.

(5) Proximity of Animals to Yards, Property Lines, Dwellings and Residential Accessory Structures, and Water Wells.

(a) It shall be unlawful in residential zones of the City to keep any animal, other than household pets, within 20 FT of any property line.

(b) It shall be unlawful for any person to keep any animal, other than household pets, within 50 FT of any structure, other than that of the owner, which is used for

human habitation, or for educational, health care, social assistance, religious assembly, food service, or governmental purposes, except as allowed by Subparagraph (c), below.

(c) It shall be unlawful for any person to keep any hobby, show or game bird, fowl, or rabbit, other than a household pet, within 30 FT of any structure, other than that of the owner, which is used for human habitation, or for educational, health care, social assistance, religious assembly, food service, or governmental purposes.

(d) No animal is to be stabled, kept, or maintained in any front or street-side yard area.

(e) No animals shall be kept within 100 FT of any domestic water well.

(f) Any new animal feed trough, corral/pen, dairy/feed lot, including manure stockpiles and related wastewater detention basins, shall maintain a minimum 500-FT separation from the boundary of any residential or non-residential subdivision map recorded after January 31, 2000. A reduction in the separation requirement may be considered for facilities with proven means of reducing odors, such as covering lagoons, substituting concrete-lined pits for lagoons, and employing recommended ventilation systems for animal confinement buildings. Consideration of alternative setbacks shall be subject to consultation with qualified agricultural engineers to ensure that the measure will reliably accomplish the intended purpose.

(g) A minimum 100-FT separation shall be maintained between any new residential or nonresidential development, or any structure used for public assembly, and any existing animal feed trough, corral/pen or an existing dairy/feed lot, including manure stockpiles and related wastewater detention basins. The separation requirement may be satisfied by off-site easements acceptable to the Planning Director.

(6) Nonconforming Animal Keeping Activities. Areas used for animal keeping that become non-conforming by reason of new development on neighboring properties, may be continued indefinitely; provided, that the nonconforming animal keeping activity maintains compliance with the provisions of Division 3.01 (Nonconforming Lots, Land Uses and Structures) of the Ontario Development Code.

(7) Maximum Animal Keeping Densities. Table 5.03-8 (Maximum Animal Keeping Densities for Animal Production), below, establishes the maximum number of animals that may be maintained on a lot, provided the particular animal type is allowed pursuant to Table 5.01-1 (Land Use Matrix) of the Ontario Development Code. The maximum animal densities are based upon net lot area; however, any portion of a lot used to qualify one animal type shall not be used to qualify another animal type.

Table 5.03-8: Maximum Animal Keeping Densities for Animal Production

<i>Animal Type</i>	<i>Maximum Animal Density</i>
A. Alpacas or Llamas	One for each 4,000SF of lot area
B. Cattle or Buffalo (raised for nondairy purposes)	One animal for each 6,000 SF of lot area
C. Dairy Cattle	As permitted by Reviewing Authority [1]
D. Fish	One pond for each acre of lot area, not to exceed 4 ponds per lot. Each pond shall not exceed 0.5-acre in surface area.

Table 5.03-8: Maximum Animal Keeping Densities for Animal Production

Animal Type	Maximum Animal Density
E. Goats	
1. Female	One animal for each 3,000 SF of lot area
2. Male	
a. Lots less than 10 acres in area	One
b. Lots 10 or more acres in area	One animal for each 5 acres of lot area, not to exceed 4 animals
F. Horses and Other Equine	One animal for each 6,000 SF of lot area
G. Kennels and Catteries	One animal for each 3,000 SF of lot area
H. Ostriches, Emus and Rheas	One animal for each 6,000 SF of lot area
I. Rabbits and Chinchillas	50 animals for each 10,000 SF of lot area, not to exceed 200 animals
J. Sheep and similar livestock	One animal for each 3,000 SF of lot area

Notes:

[1] New or expansions to existing dairy or other animal confinement facilities are considered on a case-by-case basis, subject to Conditional Use Permit approval. Animal density shall be determined by Reviewing Authority, which may impose special operational conditions, requirements, or standards, as deemed necessary to insure the public health and safety. Animal density shall be based on measures to prevent the unacceptable nitrification or salt pollution of soils, and the pollution of groundwater by nitrates and salts emanating from the facility as defined by the Regional Water Quality Control Board.

3. Aquaculture Production.

a. Aquaculture production shall be primarily for the commercial sale of freshwater and saltwater fish, crustaceans, mollusks, aquatic plants, algae, and other organisms under controlled conditions for food.

b. In the IG and IH zoning districts, aquaculture production shall be limited to building integrated aquaculture that incorporates a holistic design approach that efficiently integrates a closed-loop aquaculture system within the built industrial environment. Pond or pen-based aquaculture systems that are not wholly contained within a building shall be prohibited.

D. Commercial Crop Production and Farming. Commercial Crop Production and Farming is a use in which plants and their products are grown for sale, intended for widespread distribution to wholesalers or retail outlets. Commercial Crop Production and Farming includes oilseed and grain farming; vegetable and melon farming; fruit and tree nut farming; greenhouse, nursery and floriculture production; and other crop farming

1. Allowed Activities/Facilities. Commercial Crop Production and Farming is allowed as a primary or ancillary use of land, and as an interim land use on vacant and underdeveloped properties, as follows

a. Residential Zones. Commercial Crop Production and Farming is conditionally permitted (requires Conditional Use Permit approval pursuant to the requirements of Section 4.02.015 of this Development Code) within the AR-2 and RE-2 zoning districts and is prohibited within all other residential zoning districts, excepting community gardens and urban farms allowed pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

b. Commercial Zones. Commercial Crop Production and Farming is prohibited within commercial zoning districts, ~~excepting community gardens and urban farms allowed pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.~~

c. Mixed-Use Zones. Commercial Crop Production and Farming is prohibited within mixed-use zoning districts, ~~excepting community gardens and urban farms allowed pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.~~

d. Industrial Zones. Commercial Crop Production and Farming shall be allowed within the IL, IG, and IH zoning districts pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code ~~is permitted by right within the IL, IG, and IH zoning districts, and is prohibited in the BP and IP zoning districts.~~

e. Specialized Use Zones. Commercial Crop Production and Farming shall be allowed within specialized use and overlay zoning districts pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code ~~is permitted by right within specialized use and overlay zoning districts, except within the CIV, MHP, PUD, and SP zoning districts, wherein the use is prohibited.~~

2. Land Use Standards. The following standards shall govern the establishment and operation of Commercial Crop Production and Farming:

a. Operational Standards. The following standards shall govern the operation of Commercial Crop Production and Farming:

(1) A Commercial Crop Production and Farming operation shall not sell plants and produce grown on-site or operate an On-Site Produce Sales Stand, excepting Community Gardens established pursuant to Subparagraph E.2.d (Community Garden On-Site Produce Sales) and Subparagraph F.2.d (Urban Farm On-Site Produce Sales) of this Section.

(2) A Commercial Crop Production and Farming operation shall be designed and maintained to ensure that irrigation and storm water will not drain to adjacent properties or the public right-of-way.

(3) A Commercial Crop Production and Farming operation shall be designed and maintained to prevent dust and other fugitive particles from leaving the site.

(4) A Commercial Crop Production and Farming operation shall be designed and maintained to prevent the uninhibited growth of weeds and the accumulation of debris.

(5) Refuse storage containers, serviced by the City, shall be provided and screened from the public right-of-way. The requirement and placement of storage containers shall be determined by the City.

(6) A storage area for tools, equipment and other materials shall be enclosed and located outside of designated front yard and street side yard setback areas. Storage buildings shall not exceed 120 SF in area and 14 FT in height.

(7) The hours of operation shall be limited to the hours between 7:00AM and dusk.

(8) Lighting for the site shall be reviewed and approved by the Planning and Police Departments. Light shall be for general security and not for nighttime operations.

b. *Composting.* The on-site composting of site-generated refuse shall be prohibited.

E. **Community Gardens.** Community Gardens include small-scale crop production and farming by individuals on multiple plots, or food and/or ornamental crop production on larger plots, which is maintained and grown by volunteers or community groups as a form of recreation, education, and/or community charity. (Note: To ensure the sustainability of a Community Garden, up to 49 percent of the Community Garden may consist of an Urban Farm established in compliance with Subsection F (Urban Farm) of this Section).

1. Allowed Activities/Facilities. Community Gardens are allowed as an interim land use on vacant or underdeveloped land, or as a long-term ancillary land use, as follows:

a. *Residential Zones.* Community Gardens are administratively permitted within all residential zoning districts.

b. *Commercial Zones.* Community Gardens are administratively permitted within all commercial zoning districts.

c. *Mixed-Use Zones.* Community Gardens are administratively within all mixed-use zoning districts.

d. *Industrial Zones.* Community Gardens are administratively permitted within the BP, IP and IL zoning districts. Within the IG and IH zoning districts, Community Gardens shall be prohibited as a permanent use of land; however, the use may be administratively permitted as an interim land use on undeveloped or underdeveloped properties

e. *Specialized Use Zones.* Community Gardens are administratively permitted within all specialized use and overlay zoning districts.

2. Land Use Standards. The following standards shall govern the establishment and operation of Community Gardens:

a. *General Provisions.* Community Garden approval is subject to the granting of an Administrative Use Permit filed pursuant to Section 4.03.015 (Administrative Use Permits) of the Ontario Development Code, and the requirements of this Section. The Administrative Use Permit application shall include a copy of all contract templates that will be utilized between the garden owner/manager and all garden participants. The templates shall include plot maintenance requirements, fee requirements, and any other requirements that would be imposed on the participants of the Community Garden.

b. *Development Standards for Community Gardens.* Community Gardens shall comply with the following operational standards:

(1) The on-site sale of produce for profit is strictly prohibited.

(2) The site shall be designed and maintained to ensure that water will not drain to adjacent properties or the public right-of-way.

(3) The site will be designed and maintained to prevent dust and other fugitive particles from leaving the Community Garden.

(4) Community Gardens shall not use non-organic pesticides or herbicides.

(5) The site shall be designed and maintained to prevent the uninhibited growth of weeds and the accumulation of debris.

(6) Permanent open fencing shall be provided around the perimeter of a Community Garden, such as chainlink, and shall be consistent with the fencing standards of the zoning district in which the Community Garden is located. Furthermore, fenced Community Gardens shall have at least one access gate, and fencing shall be affixed to the ground with steel posts anchored in a concrete footing.

(7) A landscape screen may be provided along street frontages through the use of vines or espalier fruit trees to provide an attractive visual buffer from the public right-of-way.

(8) A minimum 4-FT wide walkway shall be provided from the public right-of-way to the Community Garden. The walkway shall be clearly marked and made from a decorative compacted material, such as decomposed granite, or a decorative pervious surface, such as concrete pavers.

(9) Refuse storage containers, serviced by the City, shall be provided and screened from the public right-of-way. The requirement and placement of storage containers shall be determined by the City during the Administrative Use Permit review process.

(10) Any storage area for tools, equipment and other materials shall be enclosed and located outside of designated front yard and street side yard setback areas. Storage buildings shall not exceed 120 SF in area and 14 FT in height. The use of metal shipping containers shall not be permitted.

(11) A water meter and hose bibs shall be provided for the site and shall be consistent with all applicable landscape regulations. Standard water rates will be applied to Community Gardens.

(12) The hours of operation shall be limited to the hours between 7:00AM and dusk, or as set forth in the Administrative Use Permit for the Community Garden. The property should be locked and secure during non-operating hours.

(13) Lighting for the site shall be reviewed and approved by the Planning and Police Departments. Light shall be for general security and not for nighttime operations.

(14) Maintenance of the Community Gardens shall not involve the use of commercial or industrial grade machinery and powered equipment without prior approval by the City's Planning Department (only mechanical equipment designed for household use should be used). The use of tractors, excavators, etc., may be limited by the Administrative Use Permit issued for the Community Garden.

(15) Approval by a homeowner or property owner association (if any) shall be provided prior to the issuance of an Administrative Use Permit for a Community Garden.

(16) Aquaculture may be permitted as an incidental activity to a Community Garden. The location and size of aquaculture activities and facilities may be limited by the Administrative Use Permit issued for the Community Garden.

c. *Composting.* The composting of site-generated refuse is an excellent method for providing sustainable fertilization of Community Gardens. Materials from off-site sources shall be limited to green waste (no manure from off-site sources shall be used for composting purposes). Facilities that choose to engage in composting shall provide a Composting Plan with their Administrative Use Permit application (required pursuant to Subparagraph E.2.a (General Provisions) of this Section), and shall comply with each of the following standards:

(1) A compost pile and composting facilities shall be located at least 20 FT from any interior property line and shall not be located within any front or street side yard setback area.

(2) A compost pile shall be located at least 50 FT from any habitable structure.

(3) A compost pile and composting facilities shall be screened and/or hidden from public view and shall not exceed 5 FT in height.

(4) Composting activities shall be conducted in a manner that does not create a nuisance (generation of noise, odors, insects, etc.) nor impact the public health, safety or welfare of the area surrounding the Community Garden, and/or Community Garden participants.

(5) The scale of the composting activity shall be consistent with the fertilizer requirements for the Community Garden the composting activity is intended to serve.

d. *Community Garden On-Site Produce Sales.*

(1) An On-Site Produce Sales Stand may be permitted by issuance of the Administrative Use Permit for the Community Garden.

(2) An On-Site Produce Sales Stand shall be operated by a non-profit organization and are intended to be small in scale and designed to benefit residents and businesses immediately surrounding the Community Garden. Furthermore, On-Site Produce Sales Stands may be used as a marketing tool to encourage new Community Garden participants, and to offset the costs of maintaining and operating a Community Garden. Community Gardens that choose to operate an On-Site Produce Sales Stand shall submit a Produce Sales Stand Operation Plan with their Administrative Use Permit application.

(3) An On-Site Produce Sales Stand established and operated in conjunction with a Community Garden shall comply with each of the following standards:

(a) The produce sales stand shall be located on the same site as the Community Garden established pursuant to this Section.

(b) At least 51 percent of the produce sold at the produce sales stand shall be grown on-site or at other Community Gardens located within the City, which have

been established pursuant to this Section. The balance of the produce sold at the stand may be grown outside the City, at a facility holding a County Certified Producer Permit.

(c) All proceeds from the produce sales stand shall directly benefit the Community Garden program; however, a nominal amount of proceeds, not to exceed 10 percent of gross revenues, may be used to supplement the overhead costs of the non-profit organization that operates the sales stand.

(d) The applicant shall provide information on the non-profit organization that will operate the garden and shall include a copy of the Internal Revenue Service 501(c)(3) non-profit status form.

(e) The non-profit organization operating the produce sales stand shall be responsible for obtaining all necessary food and health licenses, and permits issued by the State and County.

(f) One produce sales stand shall be permitted on lots greater than 20,000 SF in area. The floor area of the stand shall not exceed 120 SF, and it shall not have a permanent foundation.

(g) The produce sales stand shall be removed by the property owner(s), at their expense, upon termination of the host Community Garden.

(h) The produce sales stand shall not be located within a public right-of-way.

(i) The produce sales stand shall be setback a minimum of 20 FT from any street property line (public right-of-way), or side or rear property line.

(j) The off-street parking area for the produce sales stand shall be improved with compacted gravel or other material approved by the City, to control dust and erosion, and provide an all-weather driving surface.

(k) Adequate provision for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the Planning Director and City Engineer.

F. **Urban Farms.** Urban Farms are smaller-scale private farming operations in which plants and their products are grown and sold (on-site and/or off-site) for profit. Urban Farms include, but are not limited to, strawberry fields, flower and vegetable raising orchards, and vineyards. Additionally, Urban Farms may include items grown or produced as an ancillary activity to established land uses, such as, but not limited to, food service uses, including restaurants and special food services. Items not grown or produced on-site shall not be sold on-site, except in conjunction with an allowed retail store. (Note: An Urban Farm may be established and operated ancillary to a Community Garden pursuant to Subsection E (Community Gardens) of this Section.)

1. Allowed Activities/Facilities. Urban Farms are allowed as an interim land use on vacant or underdeveloped property, and as an ancillary activity to established food service uses, including but not limited to restaurants and special food services that grow spices, seasonings, or produce on-site, for use in their business operations. Plants and their products grown on-site may be sold on-site and/or off-site. Allowed activities/facilities are as follows:

a. *Residential Zones.* Urban Farms are administratively permitted within all residential zoning districts, as an interim land use on vacant lands.

b. *Commercial Zones.* Urban Farms are administratively permitted within all commercial zoning districts, as an interim land use on vacant lands, or as an ancillary activity to a legally established food service use.

c. *Mixed-Use Zones.* Urban Farms are administratively within all mixed-use zoning districts, as an interim land use on vacant lands, or as an ancillary activity to a legally established food service use.

d. *Industrial Zones.* Urban Farms are administratively permitted within all industrial zoning districts, as an interim land use on vacant or underdeveloped lands.

e. *Specialized Use Zones.* Urban Farms are administratively permitted within specialized use and overlay zoning districts, except within the MHP zoning district, wherein the land use is prohibited.

2. Land Use Standards. The following standards shall govern the establishment and operation of Urban Farms:

a. *General Provisions.* Urban Farm approval is subject to the granting of an Administrative Use Permit filed pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code, and the requirements of this Section.

b. *Operational Standards.* The following standards shall govern the establishment and operation of Urban Farms:

(1) An Urban Farm may sell plants and produce grown on-site in compliance with the “On-Site Produce Sales Stands” (see Subsection G of this Section) standards listed below.

(2) An Urban Farm shall be designed and maintained to ensure that irrigation and storm water will not drain to adjacent properties or the public right-of-way.

(3) An Urban Farm shall be designed and maintained to prevent dust and other fugitive particles from leaving the site.

(4) An Urban Farm shall be designed and maintained to prevent the uninhibited growth of weeds and the accumulation of debris.

(5) A fence may be required around the perimeter of an Urban Farm, as set forth by the Administrative Use Permit. Fencing shall comply with the standards of the zoning district in which the Urban Farm is located. Fencing located adjacent and parallel to a street shall be of an open design to allow for views into the site, shall have at least one access gate. Fences shall be affixed to the ground with steel posts anchored in a concrete footing.

(6) A landscape screen may be required along street frontages, as set forth in the approved Administrative Use Permit, through the use of vines or espalier fruit trees, to provide an attractive visual buffer from the public right-of-way.

(7) Refuse storage containers, serviced by the City, shall be provided and screened from the public right-of-way. The requirement and placement of storage containers shall be determined by the City during the Administrative Use Permit review process.

(8) A storage area for tools, equipment and other materials shall be enclosed and located outside of designated front yard and street side yard setback areas. Storage buildings shall not exceed 120 SF in area and 14 FT in height.

(9) A water meter and appropriate hose bibs shall be provided for the site, and shall be consistent with all applicable landscape regulations.

(10) The hours of operation shall be limited to the hours between 7:00AM and dusk, or as set forth in the Administrative Use Permit.

(11) Lighting for the site shall be reviewed and approved by the Planning and Police Departments. Light shall be for general security and not for nighttime operations.

(12) The use of commercial grade machinery and powered equipment, such as tractors, tillers or excavators, may be limited by the Administrative Use Permit, based upon the Urban Farm location and its proximity to, and impact on, neighboring sensitive land uses.

(13) Aquaculture may be permitted as an incidental activity to an Urban Farm. The location and size of aquaculture activities and facilities may be limited by the Administrative Use Permit issued for the Urban Farm.

(14) Approval by a homeowner or property owner association, if any, shall be provided prior to the issuance of an Administrative Use Permit for an Urban Farm.

c. *Composting.* The composting of site-generated refuse is an excellent method for providing sustainable fertilization of Urban Farms. Facilities that choose to engage in composting shall provide a Composting Plan with their Administrative Use Permit application (required pursuant to Subparagraph F.2.a (General Provisions) of this Section), and shall comply with the composting standards set forth in the "Community Gardens" requirements (see Subparagraphs E.2.c(1) through (5) of this Section).

d. *Urban Farm On-Site Produce Sales Stands.*

(1) An On-Site Produce Sales Stand may be permitted by issuance of the Administrative Use Permit for the Urban Farm.

(2) An On-Site Produce Sales Stand established and operated in conjunction with an Urban Farm shall comply with all of the following standards:

(a) The produce sales stand shall be located on the same site as the Urban Farm it serves.

(b) The operator of the produce sales stand shall be responsible for obtaining all necessary food and health licenses, and permits issued by the State and/or County.

(c) The produce sales stand shall only be used for the retail sales of plants or products that are grown on-site.

(d) One produce sales stand shall be permitted on lots greater than 20,000 SF in area. The floor area of the stand shall not exceed 120 SF, and it shall not have a permanent foundation.

(e) The produce sales stand shall be removed by the property owner(s), at their expense, upon termination of the host Community Garden or Urban Farm.

(f) The produce sales stand shall not be located within a public right-of-way.

(g) The produce sales stand shall be setback a minimum of 20 FT from any street property line (public right-of-way), or side or rear property line.

(h) The off-street parking area for the produce sales stand shall be improved with compacted gravel or other material approved by the City, to control dust and erosion, and provide an all-weather driving surface.

(i) Adequate provision for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the Planning Director and City Engineer.

5.03.415: Waste Treatment and Disposal—Composting and Anaerobic Digestion Facilities

The following standards shall govern the establishment and operation of composting and anaerobic digestion facilities:

A. Any new Dairy for which a Conditional Use Permit is required, shall not be located within 100 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, to any residentially zoned property or sensitive land use, including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate.

B. A Manure Only Composting Facility shall not be located within 0.25-mile, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, to any residentially zoned property or sensitive land use, including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate.

C. A Green Waste or combination Green Waste and Manure Composting Facility shall not be located within 0.50 mile, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, to any residentially zoned property or sensitive land use, including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate.

D. A 100-FT setback shall be maintained between a project's perimeter property line and any material being composted or anaerobic digester on the project site.

E. A Conditional Use Permit application for a Composting or Anaerobic Digestion Facility shall be submitted with a traffic study, which analyzes the impacts of project generated truck traffic on traffic from residential development in the area and the surrounding roadway system, and recommends measures to mitigate identified impacts to a level of non-significance and appropriate routes to freeways.

F. The following shall be considered for inclusion as conditions of approval, as appropriate, for any Composting or Anaerobic Digestion Facility requiring Conditional Use Permit approval:

1. Maintain good air flow through the compost material;
2. Turn compost based on temperature, not a schedule;
3. Restrict material movement to times when the potential for winds are low and general population is least (i.e., when people are indoors or away from their homes, and not on weekends);
4. Minimize disturbance of dusty areas by equipment;
5. Minimize dust by adding moisture to material when moving or turning, and regularly water dirt roadways, dry material and unused areas;
6. Berms (defined as earthen mounds constructed along the perimeter of a composting site to minimize sight into the property and reduce debris from blowing off-site) shall be maximum 15 FT in height, and in no case higher than the allowed material rows;
7. Berms shall be set back minimum 10 FT behind a street property line and minimum 5 FT from all other property lines, or one-half the height of the berm, whichever is greater;
8. Berms shall be comprised primarily of soil, and shall have a slope not to exceed a 2:1 ratio (horizontal to vertical (h:v)). Berms can be as steep as 1.5:1, if properly evaluated, with appropriate calculations, by the City Engineer; and
9. The surface of the outside portions of the slopes (facing a public street) should have properly installed and maintained landscaping or hydro seeding with jute matting to prevent erosion or sloughing.

5.03.420: Wireless Telecommunications Facilities

The following regulations shall govern the establishment and operation of wireless telecommunications facilities:

A. **Review of Wireless Telecommunications Facilities.** All applications for wireless telecommunication facilities are subject to a 3-tier review process established by this Section. The Planning Director shall have the discretion to determine the design and level of review requirements for projects proposed in specific plan areas, based upon the similarity of the specific plan's land use designation to the citywide zoning districts.

1. Tier 1 Review. The following applications for wireless telecommunications facilities shall be reviewed and acted upon utilizing the Building Department's plan check review process:

a. A wireless telecommunications facility integrated into a building/structure design;

b. A roof-mounted ~~design~~ wireless telecommunications facility that is less than 10 FT in height, which is architecturally screened from view and is located within a nonresidential zoning district;

c. The establishment of small cell wireless telecommunications facilities, which conform to the following conditions:

(1) Small cell wireless telecommunications facilities should be attached to existing City light standards; however, if new or replacement light standards are necessary, concrete or steel poles shall be used, which match poles in the surrounding area and is consistent with current City standards. The use of new or existing wood poles shall not be permitted.

(2) Small cell wireless telecommunications facilities shall be limited to single-carrier facilities.

(3) All transmission equipment, excluding antennas and remote radio units, shall be placed underground, to the extent possible, in a manner consistent with City regulations. To the extent that the project proponent determines that all transmission equipment cannot be placed underground, the project proponent shall provide written supporting justification to the City, which excludes the cost of equipment undergrounding, for review and approval by the Planning Director and City Engineer.

(4) Small cell wireless telecommunications facilities shall be erected to a height no greater than the height of surrounding light standards, not to exceed a total of 35 FT, including antennas, lightning rods, or other extensions.

(5) Supporting equipment, such as cabling and conduits, shall be concealed within the pole so as not to be visible to the public. All other equipment such as antennas, enclosures, brackets, equipment boxes, etc., shall be painted to match pole.

(6) A Small Cell Wireless Telecommunications Facilities Agreement by and between the City and the project proponent shall be prepared, and reviewed and approved by the City Council, prior to encroachment permit issuance by the City for the installation of small cell telecommunications facilities.

d. The alteration or expansion of existing wireless telecommunications facilities, or collocation of additional facilities with an existing wireless telecommunications facility, in any zoning district, that does not exceed the below-listed thresholds, the calculation for which shall be cumulative over time, following the initial approval of the telecommunications facility:

(1) The height of the existing antenna array is increased by no more than 20 percent or 20 FT, whichever is greater; however, no such increase in height shall be permitted to exceed the maximum height limit prescribed in this Section;

(2) The existing facility is increased by more than 4 new equipment cabinets;

(3) The new facility will not have an additional protrusion more than 20 percent greater than the existing tower width; and

(4) Installation of the new facility will not require excavation outside existing leased or owned property and current easements. The calculation for such modifications shall be cumulative over time following the initial approval of the telecommunications facility. No such modification shall be permitted if the antenna array will exceed the maximum height prescribed by this Section (refer to Subparagraphs E.6.a and E.6.b of this Section).

2. Tier 2 Review.

a. A proposed wireless telecommunications facility meeting each of the following criteria shall require Development Plan approval pursuant to Section 4.02.025 (Development Plans) of this Development Code:

(1) The facility is located within a nonresidential zoning district;

(2) The facility is more than 500 FT from a residential zoning district, as measured in a straight line from any point along the outer boundaries of the property containing the wireless telecommunications facility;

(3) The facility complies with all development standards of this Section and the applicable zoning district;

(4) The facility is of a stealth design so as not to be recognized as a telecommunications facility; and

(5) All support equipment to the proposed facility is located within a completely enclosed structure or is otherwise screened from public view

b. A new wireless telecommunications facility proposed within a nonresidential zoning district, which is to be collocated with an existing wireless telecommunications facility and complies with all development standards of this Section and the applicable zoning district, shall be reviewed and acted upon by the Development Advisory Board.

3. Tier 3 Review. A proposed wireless telecommunications facility meeting one or more of the following criteria shall require Development Plan approval pursuant to Section 4.02.025 (Development Plans) and public hearing notification pursuant to ~~Division 2.03 (Public Hearings)~~ Table 2.03-1 (Notification Matrix) and the requirements of Section 2.03.010 (Public Hearing Notification) of this Development Code:

a. Wireless telecommunications facilities not meeting the above-stated Tier 1 or Tier 2 review criteria;

b. Wireless telecommunications facilities located 500 FT or less (as measured in a straight line from any point along the outer boundaries of the property containing the wireless telecommunications facility) from a residential zoning district;

c. All nonstealth wireless telecommunications facilities;

d. Wireless telecommunications facilities proposed in the AG Overlay District, excepting those facilities meeting the Tier 1 review criteria, above. In addition to requiring Development Plan approval, wireless telecommunications facilities proposed in the AG Overlay District shall also require Conditional Use Permit approval pursuant to Table 5.02-1 (Land Use Matrix) and Paragraph C.1.f (Conditionally Permitted Uses) of Section 6.01.035 (Overlay Zoning Districts) of this Development Code;

e. Wireless telecommunications facilities creating more than a minimal visual impact on surroundings, as determined by the Planning Director. In determining whether more than a minimal visual impact exists, the Planning Director shall consider the facility's location and size, the view of the facility from the public street and neighboring properties, and the contrast between the facility and other external structural equipment. The applicant may be required to perform tests that would replicate the height of a proposed facility in order to adequately assess potential visual impacts;

f. Wireless telecommunications facilities located within line-of-sight of any scenic corridor identified by the Policy Plan component of The Ontario Plan; and

g. Wireless telecommunications facilities that include a request for an increase in height, which exceeds the maximum height provisions established by Paragraph E.5 of this Section. The Reviewing Authority may consider an increase in height if the strict application of Paragraph E.5 of this Section would result in prevent a provider of wireless telecommunications services ~~not being able to provide~~ from attaining adequate coverage to a service area due to practical difficulties beyond the control of the service provider. The service provider shall clearly demonstrate the nature of the problem, and that no other reasonable alternative is available to provide adequate coverage to the service area.

B. Additional Submittal Requirements.

1. In addition to the general submittal requirements for plan checks, wireless telecommunication facilities requiring Development Plan and/or Conditional Use Permit approval shall provide the plans and information required by the *Minimum Filing Requirements Checklist* and the *Plan Preparation Guidelines and Minimum Plan Contents Checklist* of the General Application Packet.

2. The City may contract with an independent radio frequency engineering consultant, or other qualified professional with knowledge and expertise regarding wireless telecommunication systems, to verify applicant's technical assertions. Such verification may include, but is not limited to, issues related to transmission coverage requirements, required height of facilities, technical limitations related to collocating facilities, evaluation of new technologies that are available and the potential for interference with other facilities, such as public safety radio communications systems. All costs associated with verification shall be borne by the applicant.

C. Performance Standards for Wireless Telecommunications Facilities. The operator of a wireless telecommunications facility and/or the owner of the property upon which the facility is located is responsible for compliance with the following:

1. No existing or future wireless telecommunications facility shall interfere with any public safety radio communications system including, but not limited to, the 800 MHz radio system operated by the West End Communication Authority (WECA), which provides public safety

communications during emergencies and natural disasters. Pursuant to GC Section 38771, a violation of this standard constitutes a public nuisance.

2. If any wireless telecommunications facility is found to interfere with a public safety radio communications system, or any system facilitating the transmission or relay of voice or data information for public safety, the carrier and/or property owner shall immediately cease operation of the radio channel(s) causing system interference. Operation of an offending wireless telecommunications facility shall only be allowed to resume upon removal, or other resolution, of the interference, to the satisfaction of the City.

Any request for an increase in antenna height that would exceed the maximum height provisions established by Paragraph E.6 of this Section in order to resolve interference conflicts with a public safety radio communications system, shall only be considered by the City after the facility operator and/or property owner have sufficiently demonstrated that all feasible methods of eliminating the conflict have been considered.

3. A wireless telecommunications facility, including poles, antennas, materials used to camouflage or stealth the facility, and equipment buildings and enclosures, shall be maintained in a manner so as to ensure that the facility will maintain its original appearance. In the event that over time, with exposure to wind, rain, sunlight, etc., any part of the facility begins to flake, pit, fade, discolor, disintegrate, or otherwise not maintain its original appearance as initially constructed, as determined by the Planning Director, it shall be repaired/replaced at the sole expense of the carrier.

4. The inspection and approval of a wireless telecommunications facility shall be received from the Planning Department prior to Building Department final inspection and the establishment/release of permanent electrical power to the facility.

5. Wireless telecommunications facilities, including landscaping and surface areas, shall be continuously maintained free of weeds, debris, litter, and temporary signage. All graffiti shall be removed from the premises within 48 hours of discovery.

D. Location Guidelines and Criteria. All applications for wireless telecommunications facilities are subject to the following location guidelines and criteria:

1. The preferred order of location for wireless telecommunications facilities is: industrial zoning districts, followed **in descending order** by commercial, **mixed-use**, and ~~then~~ residential zoning districts. If proposed within an established specific plan area, the preferred order of location is: industrial land use districts, followed **in descending order** by business park, commercial, and residential land use districts.

2. Wireless communications facilities located within residential zoning districts shall be allowed only in conjunction with a nonresidential land use, such as, but not limited to, a church, fire station, park, or school.

3. Wireless telecommunications facilities may be located in close proximity to each other; provided, they utilize a stealth design, meet the height requirements of this Section, and are compatible with surrounding development. Wireless telecommunication facilities that are nonstealth in design shall be located a minimum of 1,000 FT from any other nonstealth wireless telecommunication facility, as measured in a straight line from any point along the outer boundaries of the property containing the wireless telecommunications facility.

4. Wireless telecommunication facilities shall not be located within any front or street side setback area.

5. Wireless telecommunications facilities shall not be located so as to create a nonconforming condition, such as reductions in parking, landscaping, loading zones or other applicable development standards.

6. Wireless telecommunications facilities shall be located where existing vegetation, structures, and/or topography provide the greatest amount of screening. Where insufficient screening exists, additional screening shall be provided through the installation of dense landscaping, installation of enhanced architectural treatments, or relocation of the facility so that the massing of existing buildings or vegetation will provide adequate screening. Support structures shall be constructed of galvanized steel and painted an unobtrusive color to neutralize and blend with surroundings or be of a stealth design.

E. Development Standards. It is a goal of the City that wireless telecommunications facilities be developed in harmony with the surrounding environment so as to be as unobtrusive as possible. This is especially true when located in visually prominent locations (e.g., along major thoroughfares, at entry points into the City, near high activity areas, etc.). The following guidelines are intended to ensure that the design of wireless telecommunications facilities is compatible with the community:

1. Wireless telecommunications facilities should:

- a. Be collocated with another facility, where possible;
- b. Be stealth in design, or building/structure or roof mounted as an integral architectural element on an existing structure; and
- c. Utilize state-of-the-art wireless technology.

2. Wireless telecommunications facilities shall meet all applicable zoning and setback regulations of the zoning district in which they are located.

3. Wireless telecommunications facilities shall be installed and maintained in full compliance with all Federal, State and local codes and standards.

4. All proposed nonstealth facilities shall be designed to accommodate co-location of 2 or more service providers. To the extent possible, stealth facilities shall also be designed to accommodate co-location of facilities.

5. The height of wireless telecommunications facility support structures shall be the minimum necessary to provide adequate user coverage; however, an antenna or its support structure shall not exceed the maximum allowed height for wireless telecommunications facilities set forth below, except as provided for in Subparagraph A.3.f of this Section. The height of stealth design "tree" monopoles shall be measured to the top of the antenna arrays, with the branches/fronds extending above antenna arrays, to create a natural appearance.

6. The maximum height for wireless telecommunications facilities shall be as follows:

- a. Freestanding single-carrier facilities shall not exceed 55 FT in height;

b. Freestanding collocated facilities (two or more carriers) shall not exceed 75 FT within the IL (Light Industrial), IG (General Industrial), and IH (Heavy Industrial) zoning districts, and 65 FT in height within all other zoning districts; and

c. Roof-mounted or building-mounted facilities shall not exceed 10 FT above the height of the building.

7. Prior to the issuance of a building permit for a wireless telecommunications facility, the carrier shall submit a Federal Aviation Administration determination for the proposed facility. Safety lighting or colors, if prescribed by the City or other approving agency, such as the Federal Aviation Administration, may be required for support structures.

8. Wireless communications facilities located within residential zoning districts shall be of stealth design.

9. All accessory equipment associated with the wireless telecommunications facility shall be screened from public view by a decorative fence, wall, landscaping, berming or a combination thereof, or shall be located within a building, enclosure or underground vault, which is designed, colored and textured to match the architecture of adjacent buildings or blend in with surrounding development.

10. All utilities associated with wireless telecommunications facilities shall be undergrounded. Cable connections from equipment structures to any antennae shall not be visible by the public.

11. The design of stealth wireless telecommunications facilities shall be compatible with the surrounding neighborhood. Stealth designs include building mounted designs and freestanding designs. Examples of building mounted designs include architecturally screened roof mounted facilities, facilities attached to a building/structure, bell towers, clock towers, or steeples, installation behind false windows, or other types of architectural features that are designed to camouflage the facility and are integrated into the building design. Examples of stealth freestanding wireless telecommunications facilities include facilities that are camouflaged as freestanding signage, flagpoles, light poles, or "tree" monopoles (such as "monopalms" and "monopines") that are blended with groupings of real trees. The use of "monopalms" should not be the default design if no other live palms are within the immediate surroundings. Wireless telecommunications facilities may be designed as, or within, a piece of public art or a historical monument for public benefit.

12. The use of whip and/or microwave dish antennas shall be permitted only if integrated into the design of a structure and/or if fully screened from public view.

13. Chainlink fencing is not permitted for containment of wireless telecommunications facilities, unless the fencing is located in the interior side of rear portion of property and is out of public view. ~~is not visible from a public area and is installed with tennis court screening material on all exterior sides of the fence.~~

14. The use of lattice-type telecommunications towers shall not be permitted within the City.

15. Planning Department approval shall be received prior to any modification or addition to any existing wireless telecommunications facility.

16. Stealth wireless telecommunications facilities utilizing a flagpole monopole design shall comply with the following:

a. The flag to be placed on the flagpole monopole shall be proportionate in size to the height and diameter of the pole and shall be maintained at all times and replaced when needed due to weathering, as determined necessary by the Planning Director.

b. Only the National, State, County or City flags shall be flown on the flagpole. A flag shall be flown on the flagpole at all times, which shall be properly lighted.

c. Covers concealing antenna arrays shall be painted to match the flagpole.

17. Stealth wireless telecommunications facilities utilizing a monopine design shall comply with the following:

a. The branch count shall be a minimum of 3 branches per lineal FT of trunk height. Branches shall be randomly dispersed and of differing lengths to provide a natural appearance.

b. Simulated bark shall extend the entire length of the pole (trunk), or the branch count shall be increased so that the pole is not visible.

c. Branches and foliage shall extend beyond an antenna array a minimum of 2 FT horizontally and 7 FT vertically, in order to adequately camouflage the array, antennas and bracketry. In addition, antennas and supporting bracketry shall be wrapped in artificial pine foliage.

d. The size and spread of antenna arrays shall be the minimum necessary to ensure that they are adequately camouflaged.

e. A minimum of 2 live pine trees shall be planted for each proposed monopine, which shall have the same growth habit as the pine tree being simulated by the monopine and shall be in scale with the height of the monopine. The pine trees may be planted adjacent to the proposed monopine, or elsewhere on the site as deemed appropriate by the Planning Director. **The planting of additional trees and tree species may be required for larger project sites.**

18. Stealth wireless telecommunications facilities utilizing a monopalm design shall comply with the following:

a. All antennas shall be fully concealed within a “pineapple ball” (also referred to as “growth ball” or “terminal bud ball”) located at the end of the trunk. Furthermore, all wires and connectors shall be fully concealed within the trunk, and all unused ports (for co-location) shall have covers installed.

b. Simulated bark shall extend the entire height of the pole (trunk).

c. A minimum of 2 live palm trees shall be planted for each proposed monopalm, which shall have the same growth habit as the type of palm tree being simulated by the monopalm and shall be in scale with the height of the monopalm. The palm trees may be planted adjacent to the proposed monopalm, or elsewhere on the site as deemed appropriate

by the Planning Director. The planting of additional trees and tree species may be required for larger project sites.

19. A sign measuring 2 FT high by 2 FT wide shall be posted at the exterior entrance of wireless telecommunications facilities, and clearly visible to the public, identifying the carrier(s) and contact telephone number(s) for reporting emergency and maintenance issues.

5.03.425: Work/Live Units

A. **Purpose.** The purpose of this Section is to provide for, and make feasible, the construction of new buildings, and the reuse of existing buildings, for joint work/live units occupied by artists, artisans, professionals, and similarly situated individuals, as contemplated by HSC Section 17958.11.

B. **Applicability.** Work/live units shall be allowed pursuant to the provisions of this Section, within the zoning districts designated in Table 5.02-1 (Land Use Matrix) as permitting "work/live units."

C. **Definitions.** As used in this Section, the following words, terms, and phrases are defined as follows:

1. **Adaptability.** The capability of altering or adding to certain building spaces, and/or elements such as kitchen counters, sinks, and grab bars, so as to accommodate the needs of persons with or without disabilities or to accommodate the needs of persons with different types or degrees of disabilities.

2. **Artist or Artisan.** One whose works are subject to aesthetic criteria. An individual who practices one of the fine arts, who works in one of the performing arts including music, or whose trade or profession requires a knowledge of design, drawing, painting, sculpting, writing or similar trades such as the creative and/or applied arts. This definition specifically does not include tattoo applicators, and designers/fabricators of drug and tobacco paraphernalia/accessories.

3. **Commercial Building Use.** An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

4. **Industrial Building Use.** A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials.

5. **Listed or Listing.** Terms referred to equipment and materials that are shown in a list published by an approved testing agency qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions, and which listing states that the material or equipment complies with accepted national standards that are approved, or standards that have been evaluated for conformity with approved standards.

6. **Prevailing Code.** The adopted federal, state, and local laws and regulations to be applied at the time of permit application.

7. **Professional.** One who engages in a pursuit or is active professionally in fields that include architecture, education, law, computer programming, media, and similar fields.

8. Work/Live Unit. An area comprised of one or more rooms or floors in new construction, or in a building originally designed for industrial or commercial occupancy that has been remodeled, which includes each of the following:

- a. Cooking space and sanitary facilities;
- b. Sleeping space; and
- c. Assigned working space in, adjacent to, or near the unit.

D. Administration.

1. Requirements for Application.

a. An application for a work/live unit permit shall be made pursuant to the prevailing Building and Fire Codes. The application shall be accompanied by architectural drawings (drawn pursuant to standards established by the Building Official) depicting the existing uses within the building or new construction, and where the proposed work/live units will be located.

b. The Building Official shall be responsible for distributing a copy of the submitted application and architectural drawing to all affected departments for review and approval.

c. A Certificate of Appropriateness shall be required for properties that meet the State or local criteria for historic resources.

2. Work/Live Units Permit Required. No building shall be used for work/live units unless a work/live permit has first been obtained from the Building Department.

3. Building Permit Required. No building or structure regulated by this Section shall be constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building, or portion thereof, has first been obtained from the Building Official.

4. Business License Requirement. No work/live unit shall be occupied without obtaining an appropriate business license pursuant to OMC Title 3 (Finance), Chapter 1 (Business License Regulations), commencing with Section 3-1.101.

5. Certificate of Occupancy.

a. *Use and Occupancy*. No work/live unit shall be used or occupied until the Building Official and the Fire Marshall have completed and approved their final inspection of the unit, and a certification of occupancy has been requested for the work/live unit. In a complex with multiple work/live units, an individual unit or units can receive final inspection(s), request a certificate of occupancy, and be occupied, prior to all units being completed and receiving final inspection.

b. *Occupancy Violations*. Whenever any portion of a building designated as work/live is being used contrary to the provisions of this code, the Building Official may order such use discontinued within the unit or specified portion of the building. Provided the violation is not life threatening to the occupants within the building, such person shall discontinue the use within

7 days after the receipt of such notice, as prescribed by the Building Official, to make the structure, or portion thereof, comply with the requirements of this code

E. Development Criteria. The following criteria shall be imposed upon the development of work/live units:

1. Work/live units may be located in upper stories, basements (below grade), or within the first floor of all commercial and industrial buildings.

2. Work/live developments that have frontage along Holt Boulevard or Euclid Avenue, where the City has designated a historic retail corridor, the first 20 FT of floor area depth at the street level frontage shall be devoted to pedestrian-oriented gallery, showroom, retail, or similar commercial activity, except that if the 20 FT of floor area depth exceeds 30 percent of the primary ground floor area, less than 20 FT of depth is allowed as determined appropriate by the Reviewing Authority.

3. Each work/live unit shall be provided a primary entry from common areas, such as hallways, corridors, and/or exterior portions of the building, including courtyards, breezeways, parking areas, common open spaces, and public spaces.

4. Where any unit containing a work/live occupancy is adjacent to any other unit containing a separate work/live occupancy, such units shall be separated by one-hour fire resistant floors and walls, except that if 2 or more work-live units are combined into a single suite, then the partition walls and floors do not need to be fire rated.

5. Doors opening into corridors shall be protected by 20-minute fire assemblies or solid wood doors, not less than 1.75 inches thick. Where an existing frame will not accommodate a 1.75-inch thick door, a 1.375-inch thick solid, bonded wood core door, or equivalent insulated steel door, shall be permitted. The doors shall be provided with a gasket so installed as to provide a seal where the door meets the stop on both sides and across the top.

6. The minimum area of a work/live unit shall be 700 SF. No more than 50 percent of the primary floor or level (i.e., excluding mezzanines, upper levels, and raised sleeping areas) of any individual work/live unit shall be used or arranged for residential purposes, such as a sleeping area and kitchen, except that in new construction, work/live units on upper floors, or on ground floors without public street frontage, do not have a minimum area set aside for work purposes.

7. The residential occupancy in any work/live unit shall not exceed 4 persons.

8. For the purposes of determining the minimum number of persons for which the building exiting system shall be designed, the occupant load factors prescribed by the California Building Code shall be used.

9. Each work/live unit shall have one openable window accessible for exiting, with an opening of not less than 20 inches wide by 30 inches high, or a second exit door. Any security bars placed over required window openings shall be operable and have an opening not less than 20 inches wide by 30 inches high. Work/live units are not required to meet light and ventilation standards for habitable spaces if no life-safety hazard is created.

10. The life-safety requirements contained in the Building Code shall apply to all work/live units. For the purpose of providing a reasonable degree of life-safety for individuals occupying work/live units, the code provisions regarding dwelling units shall apply.

11. All work/live units shall be provided with single station smoke detectors, which shall receive their primary power from the building's wiring system and provided with a battery backup. Smoke detectors shall be installed pursuant to approved manufacturer's instructions, and shall be mounted on the ceiling at a point centrally located in the residential portion of the unit and in each sleeping room separated by floor to ceiling walls. In the working area of the work/live unit, one hardwired smoke detector shall be centrally located on the ceiling. Where the working area is subdivided into separate rooms by floor to ceiling walls, one smoke detector shall be installed on the ceiling of each workroom.

12. Any new commercial or industrial building developed with work/live units shall retain its industrial or commercial classification. Any building converted or partly converted to work/live units shall not be considered to have changed occupancy classification (i.e., there is no intensification of use).

13. All work/live units, including any alteration to a work/live unit, shall be required to meet the minimum life-safety standards set forth in this Section, and the following requirements:

a. Each work/live unit shall have a kitchen area consisting of a sink and garbage disposal, with ground fault interrupted circuit outlets provided.

b. Each work/live unit shall have sanitation facilities consisting of a toilet, lavatory, and shower and/or bathtub.

c. Each work/live unit shall have an approved UL listed heating system in the residential portion of the unit.

d. Habitable space shall have a dimension of not less than 7 FT.

e. Restrooms and bathrooms located on the primary floor area of a work/live unit shall be designed and equipped to be adaptable to ADA compliance, and shall include the following:

(1) 36-inch doors.

(2) Inside 60-inch diameter clear wheelchair turning radius.

(3) Water closet meeting ADA fixture specifications.

(4) Water closet with ADA clearances from adjacent walls.

(5) Walls shall include necessary blocking for the installation of ADA grab bars.

(6) Sinks shall meet ADA height and clearance specifications.

(7) All switches and outlets shall meet ADA specifications.

f. Restrooms and bathrooms located on the second level of a work/live unit (e.g., mezzanines or upper levels) can follow residential standards for bathrooms if an ADA compliant restroom is available to visitors within the building and on an accessible path of travel from the unit. Table 5.03-9 (Minimum Number of Work/Live Units to be Equipped with a Shower

Adaptable for ADA Compliance), below, prescribes the number of all work/live units within the building that shall be equipped with a shower that can be adapted for ADA compliance.

Table 5.03-9: Minimum Number of Work/Live Units to be Equipped with a Shower Adaptable for ADA Compliance

<i>Number of Work/Live Units</i>	<i>Number of Units With Adaptable Showers</i>
Fewer Than 5 Units:	None
5 to 12 Units:	One Unit
13 to 20 Units:	2 Units
More than 20 Units:	2 Units, Plus One Unit for Each 7 Work/Live Units in Excess of 20 Units

14. Energy insulation need not be installed, nor energy audits and mitigations provided, resulting from work/live units being developed within an existing building. In addition, sound mitigations need not be provided or installed resulting from work/live units being developed within an existing building, unless otherwise required by a Conditional Use Permit. However, all new buildings shall comply with current Building Code requirements for new construction.

15. Stairways serving a mezzanine or second level of a work/live unit shall comply with the City’s Building Code; stairs are to have an 8-inch maximum rise a 9-inch minimum run and a 30-inch minimum width. In addition, mezzanines of less than 400 SF may be accessed by spiral stairways or other similar reduced tread, open riser alternative stairways. A mezzanine can cover up to 50 percent of the primary floor area of a work/live unit without being considered a story or triggering additional exiting requirements.

16. An elevator need not be provided resulting from work/live units being developed within an existing building; however, all new buildings shall comply with current Building Code requirements for new construction.

17. Modifications that create a life-safety hazardous condition shall not be authorized by the Building Official. The Building Official shall have the power to render interpretations of this Section and to adopt and enforce rules and supplemental regulations, which are in conformance with the intent and purpose of this Section, in order to clarify the application of its provisions.

18. Existing buildings that are renovated to include work/live units shall be presumed to have adequate parking for both the renovated and unaltered portions of the building. Stalls for work/live units are not required to be covered or secured.

19. New construction of work/live units shall provide off-street parking facilities pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code. The intent is to provide lower, flexible parking standards wherever possible and appropriate. Consideration shall be given to shared parking systems, on and off street parking resources, compatibility with historic patterns of development, and the availability of mass transit resources.

F. Conditions of Approval. The following conditions of approval shall be imposed upon any work/live units established pursuant to this Section:

1. Business hours shall be clearly posted within the main lobby area of the building containing work/live units.

2. Sales of artists’ materials shall be restricted to products of the occupant and similar or related items. Sales of drug and tobacco related paraphernalia/accessories are prohibited.

3. Work/live units shall be occupied and used only by an artist, artisan, professional, or a similarly situated individual and their family, consisting of not more than 4 unrelated persons.

Division 6.01—District Standards and Guidelines

Sections:

- [6.01.000](#): Purpose
- [6.01.005](#): Applicability
- [6.01.010](#): Residential Zoning Districts
- [6.01.015](#): Commercial Zoning Districts
- [6.01.020](#): Mixed Use Zoning Districts
- [6.01.025](#): Industrial Zoning Districts
- [6.01.030](#): Specialized Use Zoning Districts
- [6.01.035](#): Overlay Zoning Districts

6.01.000: Purpose

This Division addresses development standards and guidelines, to ensure that proposed development produces an environment of stable and desirable character, is compatible with existing and future development in the vicinity, and protects the use and enjoyment of neighboring properties consistent with the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.

6.01.005: Applicability

A. **New Development Projects and Land Uses.** The requirements of this Chapter shall apply to all proposed development projects and subdivisions, and new land uses, except as specified in Division 3.01 (Nonconforming Lots, Uses, Structures, and Signs), and shall be considered in combination with the provisions of Division 5.03 (Standards for Specific Land Uses, Activities, and Facilities). If any provision of this Division conflicts with the standards contained in Division 5.03 (Standards for Specific Land Uses, Activities, and Facilities), the standards contained in Division 5.03 (Standards for Specific Land Uses, Activities, and Facilities) shall control.

B. **Conformity with District Regulations.**

1. No site or structure shall be used for any purpose or in any manner other than in conformity with the regulations of the zoning district in which the site or structure is located.

2. No structure is to be erected and no existing structure is to be moved, altered or enlarged, except in conformity with the regulations of the zoning district in which the structure or use is located.

3. No required yard or open space area related to any structure or use shall be used, encroached upon, or reduced in any manner, except in conformity with the regulations of the zoning district in which the yard or open space is located.

4. No lot or parcel shall be reduced in area to less than the minimum area prescribed for the district in which the site is located, unless a Variance is granted pursuant to Section 4.02.020 (Departures from Development Standards) of this Development Code.

5. Any lot that is shown on a recorded map prior to November 5, 1947, and that had a legal area, width, and frontage at the time the subdivision map was recorded or the lot was legally created, may be used for an allowed land use, and shall be subject to all other regulations applicable to the zoning district in which the site is located.

6.01.010: Residential Zoning Districts

A. Purpose. The purpose of the provisions of this Section is to ensure that development within residential zoning districts of the City will contribute toward an urban environment of stable, desirable character; which is harmonious with existing and future development; and is consistent with the goals and policies of the Policy Plan (General Plan) component of The Ontario Plan. These regulations are further established to:

1. Assist in implementing the goals and objectives of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan;

2. Reserve appropriate areas for residential living in a variety of dwelling types and tenures, at reasonable ranges of population densities, that will accommodate the City's future population growth;

3. Encourage the continued vitality of existing neighborhoods, and, where appropriate, encourage the revitalization of neighborhoods by the use of appropriate standards and incentives;

4. Provide a physical environment that contributes to, and enhances, the quality of life;

5. Promote stable neighborhoods that are well designed, safe, and pleasant places to live, and that contributes to the establishment of Ontario as a "complete community;"

6. Ensure adequate light, air, privacy, and open space for dwellings;

7. Establish architectural and design guidelines to encourage a high quality appearance of new and remodeled structures;

8. Establish standards ensuring that new infill residential construction is consistent with the character and fabric of existing neighborhoods, including densities, design and exterior appearance;

9. Protect residential properties from the hazards of traffic congestion, noise, fire, explosion, noxious fumes, and other hazards;

10. Facilitate the provision of public utilities and services commensurate with their need; and

11. Allow for innovative and flexible methods of implementing the goals and policies of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.

B. Applicability. The standards and guidelines established by this Section shall apply to each of the City's residential zoning districts. The provisions of this Section shall apply to all residential

land subdivision and any new residential construction, addition, remodel, or reallocation requiring a building permit or other similar entitlement by the City.

C. Development Standards. The design and development of residentially zoned properties shall comply with the following:

1. Traditional Single-Family Residential Development Standards.

a. Traditional single-family residential development projects shall comply with the requirements of Table 6.01-1 (Traditional Single-Family Residential Development Standards), which specifies development standards within the AR-2, RE-2, RE-4, LDR-5, ~~and MDR-11~~, MDR-18, MDR-25, and HDR-45 zoning districts.

b. Traditional single-family residential development projects consist of ~~a~~ the construction of one or more single-family (detached) dwellings ~~unit~~ within zoning districts that allow for such development pursuant to Table 5.01-1 (Land Use Matrix) of this Development Code, ~~constructed on a single lots of record~~, and which meet or exceed the minimum lot size (area and dimensions) of the affected zoning district, as prescribed in Table 6.01-1 (Traditional Single-Family Residential Development Standards) of this Division. Examples of traditional single-family residential development are contained in Figure 6.01-1A (Example Development—Traditional Single-Family Residential) and Figure 6.01-1B (Example Development—Traditional Single-Family Residential with Public Alley Access) of this Division.

~~2. Small Lot and Cluster Single Family Residential Development Standards.~~

~~a. Single family residential small lot and cluster developments shall comply with the requirements of Table 6.01-2 (Small Lot and Cluster Single Family Residential Development Standards), which specifies development standards within the LDR-5, MDR-11, and MDR-18 zoning districts.~~

~~b. A small lot or cluster single family residential development consists of 2 or more dwellings oriented closely together to form relatively compact groups (clusters), regardless of lot size or configuration, which meets the standards prescribed by Table 6.01-2 (Small Lot and Cluster Single Family Residential Development Standards) of this Division. The space between groups of dwellings may be allocated to amenities for common use by residents of the development project. This pattern of development may result in a higher density of land use than that of a traditional single family layout, and/or an opportunity for pedestrian circulation, and/or cooperative or common open spaces and recreation facilities.~~

2. Small Lot Traditional Single-Family Residential Development Standards.

a. Small lot traditional single-family residential development projects shall comply with the requirements of Table 6.01-2A (Small Lot Traditional Single-Family Residential Development Standards), which specifies development standards within the LDR-5, MDR-11, MDR-18, MDR-25, and HDR-45 zoning districts.

b. Small lot traditional single-family residential development projects consist of the construction of single-family (detached) dwellings in zoning districts that allow for such development pursuant to Table 5.01-1 (Land Use Matrix) of this Development Code, and which meet or exceed the minimum lot size (area and dimensions) of the affected zoning district, as prescribed in Table 6.01-2A (Small Lot Traditional Single-Family Residential Development Standards) of this Division. Examples of traditional single-family residential development are

contained in Figure 6.01-2A (Example Development—Small Lot Traditional Single-Family Residential) of this Division.

3. Small Lot Alley-Loaded Single-Family Residential Development Standards.

a. Small lot alley-loaded single-family residential development projects shall comply with the requirements of Table 6.01-2B (Small Lot Alley-Loaded Single-Family Residential Development Standards), which specifies development standards within the LDR-5, MDR-11, MDR-18, MDR-25, and HDR-45 zoning districts.

b. Small lot alley-loaded single-family residential development projects consist of the construction of one or more single-family (detached) dwellings, which take garage access from a private lane/alleyway or public alley, and are located within zoning districts that allow for such development pursuant to Table 5.01-1 (Land Use Matrix) of this Development Code, and which meet or exceed the minimum lot size (area and dimensions) of the affected zoning district, as prescribed in Table 6.01-2B (Small Lot Alley-Loaded Single-Family Residential Development Standards) of this Division. An example of small lot alley-loaded single-family residential development is contained in Figure 6.01-2B (Example Development—Small Lot Alley-Loaded Single-Family Residential) of this Division.

4. Cluster Single-Family Residential Development Standards.

a. Cluster single-family residential development projects shall comply with the requirements of Table 6.01-2C (Cluster Single-Family Residential Development Standards), which specifies development standards within the LDR-5, MDR-11, MDR-18, MDR-25, and HDR-45 zoning districts.

b. Cluster single-family residential development projects consist of the construction of 3 or more single-family (detached) dwellings, which take garage access from a private lane/alleyway or public alley, and are located within zoning districts that allow for such development pursuant to Table 5.01-1 (Land Use Matrix) of this Development Code, and which meet or exceed the minimum lot size (area and dimensions) of the affected zoning district, as prescribed in Table 6.01-2C (Cluster Single-Family Residential Development Standards) of this Division. An example of cluster single-family residential development is contained in Figure 6.01-2C (Example Development—Cluster Single-Family Residential) of this Division.

5. Multiple-Family Residential Development Standards.

a. Multiple-family (attached) residential development projects shall comply with the requirements of Table 6.01-3 (Multiple-Family Residential Development Standards), which specifies development standards within the MDR-11, MDR-18, MDR-25, and HDR-45 zoning districts.

b. Multiple-family (attached) residential development projects consist of the construction of multiple-family (attached) dwellings in zoning districts that allow for such development pursuant to Table 5.01-1 (Land Use Matrix) of this Development Code, and which meet or exceed the development standards prescribed in Table 6.01-3 (Multiple-Family Residential Development Standards) of this Division. Examples of multiple-family residential development are contained in Figure 6.01-3A (Example Multiple-Family Development—MDR-11 (5.1 to 11.0 DU/Acre) Zoning District), Figure 6.01-3B (Example Multiple-Family Development—MDR-18 (11.1 to 18.0 DU/Acre) Zoning District), Figure 6.01-3C (Example Multiple-Family Development—MDR-25 (18.1 to 25.0 DU/Acre) Zoning District), and Figure 6.01-3D (Example Multiple-Family Development—HDR-45 (25.1 to 45.0 DU/Acre) Zoning District) of this Division.

6. **Nonresidential Land Uses within Residential Zoning Districts.** Nonresidential land uses allowed within residential zoning districts pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code shall comply with the setback requirements applicable to multiple-family developments, except as follows:

a. The minimum building setback from any exterior (front and street side) property line that abuts a street or public alley shall meet the requirements of the zoning district upon which the building is located.

b. The minimum building setback from any interior residential property line (a property line that abuts another residentially zoned property) shall be 25-FT.

c. The minimum off-street parking space, drive aisle, or driveway setback, from any exterior property line or from any interior residential property line, shall be 10-FT. Off-street parking facilities shall not be located adjacent to a Euclid Avenue property line.

Table 6.01-1: Traditional Single-Family Residential Development Standards

Requirements	Residential Zoning Districts					Additional Regulations
	AR-2	RE-2	RE-4	LDR-5	MDR-11, MDR-18, MDR-25 & HDR-45	
A. SITE DEVELOPMENT STANDARDS						
1. Density Range (minimum to maximum, in dwelling units per acre)	0 to 2.0	0 to 2.0	2.1 to 4.0	2.1 to 5.0	MDR-11: 5.1 to 11.0 MDR-18: 11.1 to 18.0 MDR-25: 18.1 to 25.0 HDR-45: 25.1 to 45.0	Notes 2, 4 & 5
2. Minimum Lot Size						
a. Minimum (in SF)	18,000	10,000		7,200	5,000	Note 1
b. Average (in SF)		18,000		8,000	6,000	
3. Maximum Lot Coverage	30%	40%		50%	60%	
4. Minimum Lot Dimensions						
a. Lot Width						
(1) Interior Lots	100 FT	70 FT		60 FT	50 FT	Note 1
(2) Corner Lots	120 FT	80 FT		65 FT	50 FT	Note 1
(3) Cul-de-Sac Lots						
Property Line (a) At Front	40 FT					Note 1
Building Setback (b) At Front	70 FT			60 FT	40 FT	Note 1
b. Lot Depth	135 FT	100 FT		75 FT	100 FT	Note 1
5. Equestrian Trails Required	Yes		No			If yes, see Section 6.01.010. G.9

Table 6.01-1: Traditional Single-Family Residential Development Standards

Requirements	Residential Zoning Districts					Additional Regulations
	AR-2	RE-2	RE-4	LDR-5	MDR-11, MDR-18, MDR-25 & HDR-45	
6. Walls, Fences, and Obstructions	Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts).					
7. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading).					
8. Landscaping	Refer to Division 6.05 (Landscaping) and Paragraph 6.01.010.G.6 (Landscaping).					
9. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance).					
10. Historic Preservation	Certain portions of residential zoning districts are identified as historic or potentially historic and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.					
11. Signs	Refer to Division 8.1 (Sign Regulations).					
12. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).					
13. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).					
14. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.					
B. BUILDING DEVELOPMENT STANDARDS						
1. Minimum Setback from Street and Alley Property Lines						Note 9
a. From Freeways	20 FT					
b. From Arterial Streets	30 FT – Front For street side and rear setbacks, refer to the Collector and Local Streets standards, below.					Note 7
c. From Collector and Local Streets	30 FT	20 FT – Front 10 FT – Front Garage Other (side-on condition) 10 FT – Street Side 10 FT – Street Rear 1st Floor 20 FT – Street Rear 2nd/3rd Floor				Note 7
d. From Rear Alleys	10 FT – 1st Floor 20 FT – 2nd/3rd Floor 5 FT –Garage Entry (1st Floor Only) 10 FT –Garage Other (1st Floor Only) For side alley conditions, refer to the Interior Property Lines standards, below.					Note 8

Table 6.01-1: Traditional Single-Family Residential Development Standards

Requirements	Residential Zoning Districts					Additional Regulations
	AR-2	RE-2	RE-4	LDR-5	MDR-11, MDR-18, MDR-25 & HDR-45	
2. Minimum Setbacks from Interior Property Lines						
a. From Side Property Lines	10 FT		5 FT			Note 3
b. From Rear Property Lines	25 FT		10 FT – 1st Floor Living Area 20 FT – 2nd/3rd Floor Living Area 10 FT – Patio Covers			
3. Minimum Separation Between Buildings	6 FT (from buildings on the same lot)					
4. Maximum Height	35 FT					
5. Minimum Setback from Major Pipelines	50 FT (to any habitable structures)					Note 6

Notes:

1. An existing lot of record that is substandard as to minimum "lot" area and/or dimension(s) shall be granted all development rights of the zoning district in which it is located (refer to Subsection 3.01.010.B of this Development Code).
2. A density bonus and other incentives pursuant to GC 65915 through 65918 may be granted by the Approving Authority. Refer to Subsection 6.01.010.H (Density Bonus and Other Incentives) of this Section.
3. When vehicle parking is provided at the rear of a lot (whether within a garage or carport, or uncovered) that does not have alley access, a minimum 10-FT interior side building setback, which is clear of meters and mechanical equipment, shall be provided to ensure clear vehicular access to the rear of the lot.
4. Lots with a maximum density calculation of less than one dwelling shall be allowed the construction of one dwelling unit.
5. A residentially zoned lot shall be developed at no less than the minimum number of dwelling units allowed within the specified density range for the applicable zoning district, except that if, as a result of the configuration/design of a lot, the minimum residential density cannot be achieved, the lot may be developed with a maximum of one dwelling unit.
6. Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:
 - a. Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and
 - b. Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.
7. On a lot having a street adjacent rear property line (arterial, collector and local streets, only), for the purpose of wall placement, each wall shall be setback a minimum of 5 FT behind the street property line to allow for landscaping beyond any required parkway landscaping.
8. A traditional single-family lot shall maintain a useable rear yard area having minimum horizontal dimension of 20 FT in any direction and a clear vertical dimension of 8 FT.
9. The minimum setback from private streets shall be measured from a line running parallel to the street, which is located 12 FT behind face-of-curb (a.k.a., "parkway").



Figure 6.01-1A: Example Development—Traditional Single-Family Residential



Figure 6.01-1B: Example Development—Traditional Single-Family Residential with Public Alley Access

Table 6.01-2A: Small Lot Traditional Single-Family Residential Development Standards

Requirements	Residential Zoning Districts			Additional Regulations
	LDR-5	MDR-11	MDR-18, MDR-25 & HDR-45	
A. SITE DEVELOPMENT STANDARDS				
1. Density Range (minimum to maximum, in dwelling units per acre)	2.1 to 5.0	5.1 to 11.0	MDR-18: 11.1 to 18.0 MDR-25: 18.1 to 25.0 HDR-45: 25.1 to 45.0	Notes 2, 3 & 4
2. Minimum Project Area	One acre			Note 1
3. Minimum Lot Size	4,000 SF – Interior Lot 4,500 SF – Corner Lot		2,800 SF – Interior Lot 3,200 SF – Corner Lot	
4. Maximum Lot Coverage	55%	55/60%	55/70%	
5. Minimum Lot Dimensions				
a. Lot Width	40 FT – Interior Lots 45 FT – Corner Lots		35 FT – Interior Lots 40 FT – Corner Lots	
b. Lot Depth	75/100 FT		70/80 FT	
6. Minimum Parking Space (Uncovered), Drive Aisle, and Driveway Setbacks				
a. From Project Boundary Street Property Lines	20 FT - Freeways 30 FT – Arterial Streets 20 FT – All Other Streets			
b. From Project Boundary Interior Property Lines	5 FT			
7. Equestrian Trails Required	No			
8. Walls, Fences, and Obstructions	Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts).			
9. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading).			
10. Open Space and Recreation Amenities	Refer to Subsection 6.01.010.E (Open Space Requirements for Small Lot Traditional and Alley-Loaded Development Projects, Cluster Single-Family Development Projects, and Multiple-Family and Mixed-Use Development Projects).			
11. Landscaping	Refer to Division 6.05 (Landscaping) and Paragraph 6.01.010.G.6 (Landscaping).			
12. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance).			
13. Historic Preservation	Certain portions of residential zoning districts are identified as historic or potentially historic and are listed on the City’s Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.			
14. Signs	Refer to Division 8.1 (Sign Regulations).			
15. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).			

Table 6.01-2A: Small Lot Traditional Single-Family Residential Development Standards

Requirements	Residential Zoning Districts			Additional Regulations
	LDR-5	MDR-11	MDR-18, MDR-25 & HDR-45	
16. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).			
17. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.			
B. BUILDING DEVELOPMENT STANDARDS				
1. Minimum Setback from Street Property Lines				Note 7
a. From Freeways	20 FT			
b. From Arterial Streets	30 FT – Front For street side, rear, and alley setbacks, refer to the Collector and Local Streets standards, below.			
c. From Collector and Local Streets				
(1) From Street Front	14 FT – Living Area 18 FT – Garage Entry 10 FT – Other Garage (side-on condition)			
(2) From Street Side	10 FT			Note 6
(3) From Street Rear	10 FT – 1st Floor 15 FT – 2nd/3rd Floors 18 FT – Garage Entry 5 FT –Garage Other (1st Floor Only) 5 FT – Patio Covers			Note 6
d. From Alley Rear	5 FT –Garage (1st Floor Only) 10 FT – Rear 2nd/3rd Floors For side alley conditions, refer to the Interior Property Lines standards, below.			
2. Minimum Setback from Interior Property Lines				
a. From Side Property Lines	5/4 FT			Note 8
b. From Rear Property Lines	10 FT - Living Area 5 FT –Garage (1st Floor Only) 5 FT – Patio Cover to Side or Rear			
3. Minimum Separation Between Buildings	6 FT (from buildings on the same lot)			
4. Maximum Building Height	35 FT			
5. Minimum Setback from Major Pipelines	50 FT (to habitable structures)			Note 5

Notes:

1. An existing lot of record that is substandard as to minimum “project” area and/or dimension(s) shall be permitted the development rights of the zone in which it is located, except that the maximum density shall be limited to the minimum allowed within the density range.
 2. A density bonus and other incentives pursuant to GC 65915 through 65918 may be granted by the Approving Authority. Refer to Subsection 6.01.010.H (Density Bonus and Other Incentives).
 3. Lots with a maximum density calculation of less than 1.00 may be developed with one dwelling unit.
 4. A residentially zoned lot shall be developed at no less than the minimum number of dwelling units allowed within the specified density range for the applicable zoning district, except that if, as a result of the configuration/design of a lot, the minimum residential density cannot be achieved, the lot may be developed with a maximum of one dwelling unit.
 5. Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:
 - a. Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and
 - b. Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.
 6. On a lot having a street adjacent side or rear property line, for the purpose of wall placement, each wall shall be setback a minimum of 5 FT behind the street property line to allow for landscaping beyond any required parkway landscaping.
 7. The minimum setback from private streets shall be measured from a line running parallel to the street, which is located 12 FT behind face-of-curb (a.k.a., “parkway”).
 8. The interior side property line setback may be reduced to 4 FT if the setback area is combined with the side setback area of the adjacent property to create a single minimum 8-FT wide outdoor use area clear of walls, thereby allowing a minimum 8-FT wide side to side building separation.
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Small Lot Traditional Single-Family Residential; 4,000/4,500 SF Lots

Small Lot Traditional Single-Family Residential; 2,800/3,200 SF Lots



Figure 6.01-2A: Example Development—Small Lot Traditional Single-Family Residential

Table 6.01-2B: Small Lot Alley-Loaded Single-Family Development Standards

Requirements	Residential Zoning Districts			Additional Regulations
	LDR-5	MDR-11	MDR-18, MDR-25 & HDR-45	
A. SITE DEVELOPMENT STANDARDS				
1. Density Range (minimum to maximum, in dwelling units per acre)	2.1 to 5.0	5.1 to 11.0	MDR-18: 11.1 to 18.0; MDR-25: 18.1 to 25.0; HDR-45: 25.1 to 45.0	Notes 2, 3 & 4
2. Minimum Project Area	One acre			Note 1
3. Minimum Project Dimensions	200 FT – Width 200 FT - Depth			Note 1
4. Minimum Lot Size	N/A	N/A	N/A	
a. Lot width	40 FT – Interior Lots 45 FT – Corner Lots		35 FT – Interior Lots 40 FT – Corner Lots	
b. Lot Depth	75 FT		70 FT	
5. Maximum Lot Coverage	N/A 55%	N/A 60%	N/A 70%	
6. Minimum Lot Dimensions	N/A			
7. Minimum Parking Space (Uncovered) and Private Street, Drive, or Lane/Alleyway Setbacks				
a. From Project Boundary Street Property Lines	20 FT - Freeways 30 FT – Arterial Streets 20 FT – Other Streets			
b. From Project Boundary Interior Property Lines	5 FT			
8. Equestrian Trails Required	No			
9. Walls, Fences, and Obstructions	Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts).			
10. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading).			
11. Open Space and Recreation Amenities	Refer to Subsection 6.01.010.E (Open Space Requirements for Small Lot Traditional and Alley-Loaded Development Projects, Cluster Single-Family Development Projects, and Multiple-Family and Mixed-Use Development Projects).			
12. Landscaping	Refer to Division 6.05 (Landscaping) and Paragraph 6.01.010.G.6 (Landscaping).			
13. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance).			
14. Historic Preservation	Certain portions of residential zoning districts are identified as historic or potentially historic and are listed on the City’s Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.			
15. Signs	Refer to Division 8.1 (Sign Regulations).			
16. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).			

Table 6.01-2B: Small Lot Alley-Loaded Single-Family Development Standards

Requirements	Residential Zoning Districts			Additional Regulations
	LDR-5	MDR-11	MDR-18, MDR-25 & HDR-45	
17. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Tile 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).			
18. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.			
B. BUILDING DEVELOPMENT STANDARDS				
1. Minimum Setback from Street Property Lines				Note 8
a. From Freeways	20 FT			
b. From Arterial Streets	30 FT			Note 5
c. From Collector and Local Streets	20 10 FT - Front 10 FT – Street Sides 15 FT – Street Rear			Note 5
2. Minimum Setback from Project Boundary Property Lines	10 FT – Project Boundaries 5/4 FT – Side 10 FT – Rear 5 FT – Patio Cover			Note 6
3. Minimum Setback from Private Drives	22 10 FT – Living Area 6 FT – Porch (Single-Story) 28 18 FT – Garage Entry 20 10 FT – Other Garage (side/rear)			Note 8
4. Minimum Setback from Private Lanes/Alleyways	10 FT – Living Area 5 FT – Garage			
5. Minimum Setback from Parking Spaces	10 FT			
6. Minimum Separations Between Buildings				
a. Dwelling Front to Front	25 FT			
b. Dwelling Front to Side	25 20 FT			
c. Dwelling Side to Side	10/8 FT			Note 6
d. Dwelling Rear to Rear	20 FT			
e. Garage to Garage	30 FT – Entry to Entry 30 FT – Entry to Side 10/8 FT – Side to Side 10/8 FT – Side to Rear			Note 6
7. Maximum Building Height	35 FT			
8. Minimum Setback from Major Pipelines	50 FT (to habitable structures)			Note 7

Notes:

1. An existing lot of record that is substandard as to minimum "project" area and/or dimension(s) shall be permitted the development rights of the zone in which it is located, except that the maximum density shall be limited to the minimum allowed within the density range.
 2. A density bonus and other incentives pursuant to GC 65915 through 65918 may be granted by the Approving Authority. Refer to Subsection 6.01.010.H (Density Bonus and Other Incentives).
 3. Lots with a maximum density calculation of less than 1.00 may be developed with one dwelling unit.
 4. A residentially zoned lot shall be developed at no less than the minimum number of dwelling units allowed within the specified density range for the applicable zoning district, except that if, as a result of the configuration/design of a lot, the minimum residential density cannot be achieved, the lot may be developed with a maximum of one dwelling unit.
 5. On lot having a street-adjacent side or rear property line, for the purpose of wall placement, each wall shall be setback a minimum of 5 FT behind the street property line to allow for landscaping beyond any required parkway landscaping.
 6. The interior side property line setback may be reduced to 4 FT if the setback area is combined with the side setback area of the adjacent property to create a single minimum 8-FT wide outdoor use area clear of walls, thereby allowing a minimum 8-FT wide side to side building separation.
 7. Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:
 - a. Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and
 - b. Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.
 8. The minimum setback from private streets shall be measured from a line running parallel to the street, which is located 12 FT behind face-of-curb (a.k.a., "parkway").
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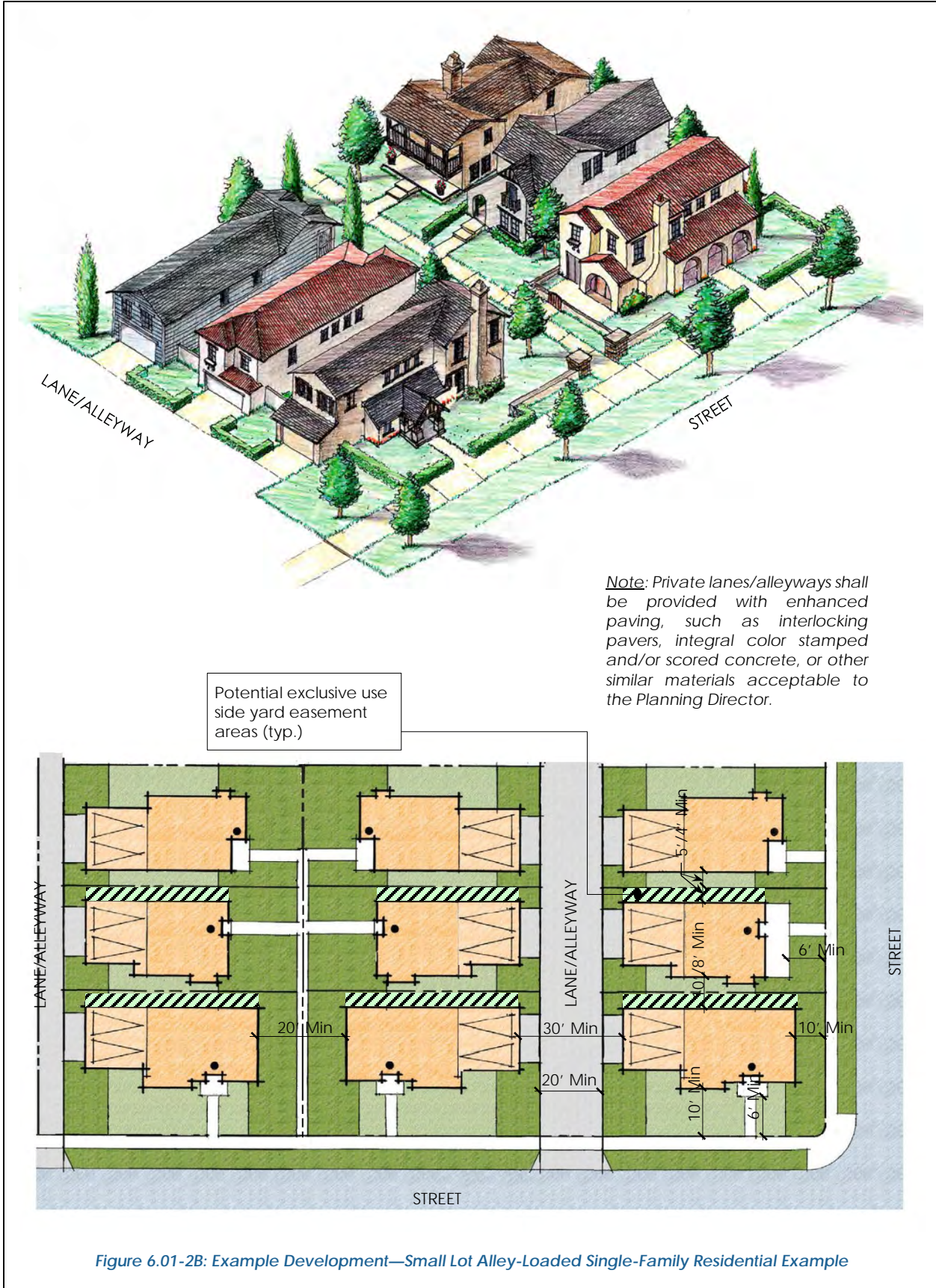


Table 6.01-2C: Cluster Single-Family Residential Development Standards

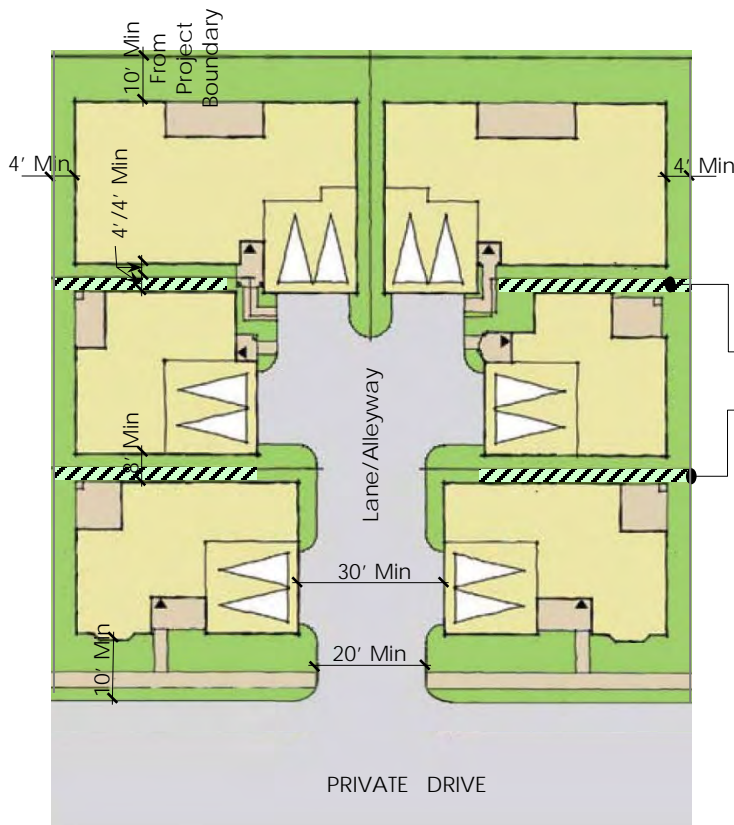
Requirements	Residential Zoning Districts			Additional Regulations
	LDR-5	MDR-11	MDR-18, MDR-25 & HDR-45	
A. SITE DEVELOPMENT STANDARDS				
1. Density Range (minimum to maximum, in dwelling units per acre)	2.1 to 5.0	5.1 to 11.0	MDR-18: 11.1 to 18.0 MDR-25: 18.1 to 25.0 HDR-45: 25.1 to 45.0	Notes 2, 3 & 4
2. Minimum Project Area	One acre			Note 1
3. Minimum Project Dimensions	200 FT - Width 200 FT - Depth			Note 1
4. Minimum Lot Size	N/A			
5. Maximum Lot Coverage	N/A			
6. Minimum Lot Dimensions	N/A			
7. Minimum Parking Space (Uncovered) and Private Street, Drive, or Lane/Alleyway Setbacks				
a. From Project Boundary Street Property Lines	20 FT - Freeways 30 FT - Aerial Streets 20 FT - Other Streets			
b. From Project Boundary Interior Property Lines	5 FT			
8. Equestrian Trails Required	No			
9. Walls, Fences, and Obstructions	Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts).			
10. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading).			
11. Open Space and Recreation Amenities	Refer to Subsection 6.01.010.E (Open Space Requirements for Small Lot Traditional and Alley-Loaded Development Projects, Cluster Single-Family Development Projects, and Multiple-Family and Mixed-Use Development Projects).			
12. Landscaping	Refer to Division 6.05 (Landscaping) and Paragraph 6.01.010.G.6 (Landscaping).			
13. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance).			
14. Historic Preservation	Certain portions of residential zoning districts are identified as historic or potentially historic, and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.			
15. Signs	Refer to Division 8.1 (Sign Regulations).			
16. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).			
17. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).			

Table 6.01-2C: Cluster Single-Family Residential Development Standards

Requirements	Residential Zoning Districts			Additional Regulations
	LDR-5	MDR-11	MDR-18, MDR-25 & HDR-45	
18. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.			
B. BUILDING DEVELOPMENT STANDARDS				
1. Minimum Setback From Public Street Property Lines				Note 8
a. Freeways	20 FT			
b. Arterial Streets	30 FT			Note 5
c. Collector and Local Streets	20 FT - Front 10 FT – Street Sides 15 FT – Street Rear			Note 5
2. Minimum Setback From Interior Project Boundary Property Lines	10 FT – Project Boundaries 4 FT – Side 4 FT – Rear 5 FT – Patio Cover			Note 6
3. Minimum Setback From Private Drives	24 FT – Living Area 5 FT – Porch (Single-Story) 27 ≤ 5 FT or ≥ 18 FT – Garage Entry 24 FT – Garage Other			Note 8
4. Minimum Setback From Lanes/Alleyways (measured from back-of-curb)	10 FT – Living Area 5 FT – Porch (Single-Story) 5 FT – Garage			
5. Minimum Setback From Parking Spaces	10 FT – Living Area 8 FT – Porch (Single-Story) 5 FT - Garage			
6. Minimum Separation Between Buildings				
a. Dwelling Front to Front	30 FT			
b. Dwelling Front to Side	25 FT			Note 6
c. Dwelling Side to Side	10 FT			Note 6
d. Dwelling Side to Rear	15 FT			
e. Dwelling Rear to Rear	20 FT			
f. Garage to Garage	30 FT – Entry to Entry 30 FT – Entry to Side 10 FT – Side to Side 10 FT – Side to Rear			Note 6
7. Maximum Building Height	35 FT			
8. Minimum Setback From Major Pipelines	50 FT (to habitable structures)			Note 7

Notes:

1. An existing lot of record that is substandard as to minimum “project” area and/or dimension(s) shall be permitted the development rights of the zone in which it is located, except that the maximum density shall be limited to the minimum allowed within the density range.
 2. A density bonus and other incentives pursuant to GC 65915 through 65918 may be granted by the Approving Authority. Refer to Subsection 6.01.010.H (Density Bonus and Other Incentives).
 3. Lots with a maximum density calculation of less than 1.00 may be developed with one dwelling unit.
 4. A residentially zoned lot shall be developed at no less than the minimum number of dwelling units allowed within the specified density range for the applicable zoning district, except that if, as a result of the configuration/design of a lot, the minimum residential density cannot be achieved, the lot may be developed with a maximum of one dwelling unit.
 5. On a lot having a street-adjacent side or rear property line, for the purpose of wall placement, each wall shall be setback a minimum of 5 FT behind the street property line to allow for landscaping beyond any required parkway landscaping.
 6. The interior side property line setback may be combined with the side setback area of the adjacent property to create a single minimum 8-FT wide outdoor use area clear of walls, which is defined in the project CC&Rs.
 7. Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:
 - a. Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and
 - b. Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.
 8. The minimum setback from private streets and drives shall be measured from a line running parallel to the street/drive, which is located 12 FT behind face-of-curb (a.k.a., “parkway”).
-



Note: Private lanes/alleyways shall be provided with enhanced paving, such as interlocking pavers, integral color stamped and/or scored concrete, or other similar materials acceptable to the Planning Director.

Potential exclusive use side yard easement areas (typ.)

Figure 6.01-2C: Example Development—Cluster Single-Family Residential

Table 6.01-3: Multiple-Family Residential Development Standards

Requirements	Residential Zoning Districts				Additional Regulations
	MDR-11	MDR-18	MDR-25	HDR- 45	
A SITE DEVELOPMENT STANDARDS					
1. Density Range (minimum to maximum, in dwelling units per acre)	5.1 to 11.0	11.1 to 18.0	18.1 to 25.0	25.1 to 45.0	Notes 1, 2, 6 & 7
2. Minimum Project Area	0.23 Acre (10,000 SF)			2-5 1.0 AC	Note 1
3. Minimum Project Dimensions					
a. Width	100 FT			330 180 FT	Note 1
b. Depth	100 FT			330 200 FT	Note 1
4. Maximum Project Coverage	60%			100%	
5. Minimum Lot Size	N/A				
6. Maximum Lot Coverage	N/A				
7. Minimum Lot Dimensions					
Lot Width	Refer to Subsection 6.08.045.C (Common Interest Subdivisions are Exempt from Minimum Lot Area and Building Setback Requirements)				
Lot Depth					
8. Minimum Parking Space (Uncovered), Drive Aisle and Driveway Setbacks					
a. From Project Boundary Street Property Line	20 FT – Freeways 20 FT – Arterial Streets 10 FT – Collector and Local Streets			10 FT – Freeways 20 10 FT – Arterial Streets 10 FT – Collector and Local Streets	
b. From Project Boundary Interior Property Line	5 FT				
9. Equestrian Trails Required	No				
10. Walls, Fences and Obstructions	Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts).				
11. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading).				
12. Open Space and Recreation Amenities	Refer to Subsection 6.01.010.E (Open Space Requirements for Small Lot Traditional and Alley-Loaded Development Projects, Cluster Single-Family Development Projects, and Multiple-Family and Mixed-Use Development Projects).				
13. Landscaping	Refer to Division 6.05 (Landscaping) landscape standards. Also refer to Paragraph 6.01.010.G.6.c (Single-Family Cluster and Multiple-Family Development) for additional standards addressing multiple-family development within commercial zoning districts				
14. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance).				

Table 6.01-3: Multiple-Family Residential Development Standards

Requirements	Residential Zoning Districts				Additional Regulations
	MDR-11	MDR-18	MDR-25	HDR- 45	
15. Historic Preservation	Certain portions of residential zoning districts are identified as historic or potentially historic and are listed on the City’s Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.				
16. Signs	Refer to Division 8.1 (Sign Regulations).				
17. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).				
18. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).				
19. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.				
B BUILDING DEVELOPMENT STANDARDS					
1. Minimum Setback from Public Street Property Lines	20 FT – Freeways 30 FT – Arterial Streets 20 FT – Collector and Local Streets			10 FT	Notes 3 & 9
2. Minimum Setback from Interior Project Boundary Property Lines	10 FT 5 FT				Note 4
3. Minimum Setback from Public Alley Property Lines	10 FT 5 FT				
4. Minimum Setback from Private Drives/Alleyways (from edge of drive aisle)					
a. Living Area	15 FT				
b. Garages and Other Nonhabitable Structures	5 FT				
5. Minimum Setback from Dwellings to Parking Spaces					
a. Living Area	10 FT				
b. Garages and Other Nonhabitable Structures	5 FT				
6. Minimum Setback from Parking Space or Drive Aisle to Wall or Fence	5 FT				
7. Minimum Separation Between Detached Buildings					
a. Dwelling Front to Front	≤ 2-Stories: 25 FT; ≥ 3 Stories: 30 FT				
b. Dwelling Front to Rear	≤ 2-Stories: 25 FT; ≥ 3 Stories: 30 FT				
c. Dwelling Front to Side	≤ 2-Stories: 25 FT; ≥ 3 Stories: 30 FT				
d. Dwelling Side to Side	≤ 2-Stories: 10 FT; ≥ 3 Stories: 15 FT				

Table 6.01-3: Multiple-Family Residential Development Standards

Requirements	Residential Zoning Districts				Additional Regulations
	MDR-11	MDR-18	MDR-25	HDR- 45	
e. Dwelling Side to Rear	15 FT				
f. Dwelling Rear to Rear	20 FT				
g. Garage to Garage (or other nonhabitable structures)	30 FT – Entry to Entry 30 FT – Entry to Side 10 FT – Side to Side 10 FT – Side to Rear				
8. Minimum Storage Space	240 CF				Note 5
9. Maximum Building Height	35 FT	45 FT	60 FT	75 FT	
10. Minimum Setback from Major Pipelines	50 FT (to habitable structures)				Note 8

Notes:

1. An existing lot of record that is substandard as to minimum “project” area and/or dimension(s), shall be permitted all of the development rights of the zone in which it is located, except that the maximum density shall be limited to the minimum number of dwelling units allowed within the specified density range for the applicable zoning district.
2. A density bonus and other incentives pursuant to GC Sections 65915 through 65918, may be granted by the Approving Authority. Refer to Subsection 6.01.010.H (Density Bonus and Other Incentives).
3. A health risk assessment shall be required for multiple-family development projects located within close proximity to a freeway, as determined by the Zoning Administrator.
4. A dwelling having the primary entry facing onto an interior property line shall maintain a minimum ~~45~~ 10-FT setback from the corresponding interior property line.
5. Adequate lockable private storage space shall be provided within a garage or storage building, or a space directly accessible from the dwelling. Exterior closets accessed from patios or balconies may be used if screened from public view.
6. Lots with a maximum density calculation of less than 1.00 may be developed with one dwelling unit.
7. A residentially zoned lot shall be developed at no less than the minimum number of dwelling units allowed within the specified density range for the applicable zoning district, except that if, as a result of the configuration/design of a lot, the minimum residential density cannot be achieved, the lot may be developed with a maximum of one dwelling unit.
8. Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:
 - a. Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and
 - b. Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.
9. The minimum setback from private streets shall be measured from a line running parallel to the street, which is located 12 FT behind face-of-curb (a.k.a., “parkway”).

Triplex Townhomes — 5.1 to 11 DU/Acre

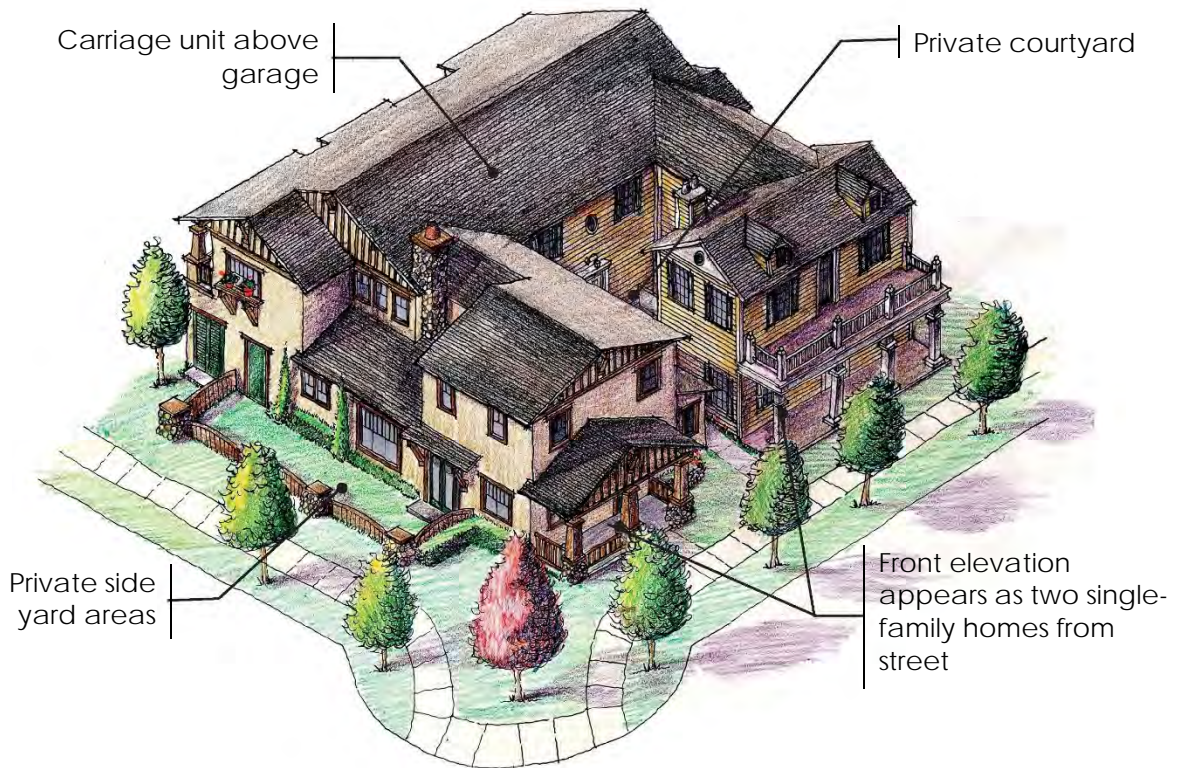
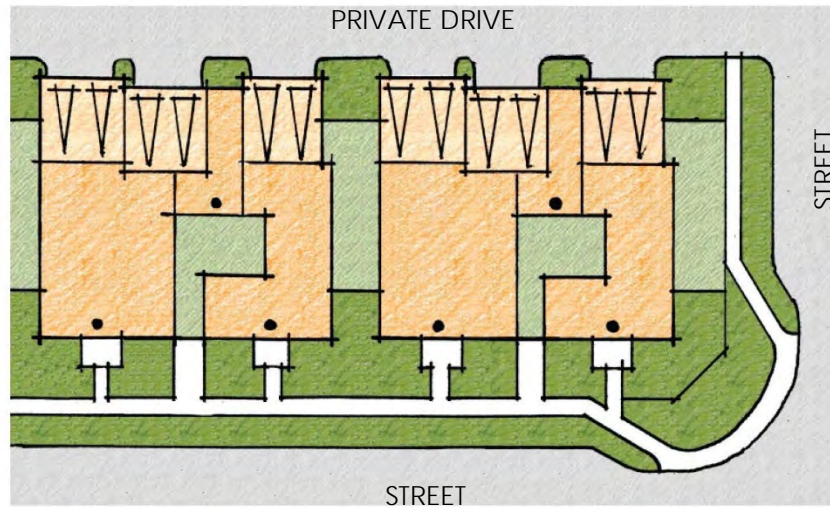


Figure 6.01-3A: Example Multiple-Family Development — MDR-11 (5.1 to 11.0 DU/Acre) Zoning District

Courtyard Townhomes — 11.1 to 18 DU/Acre



One, two and three-story elements create human scale

Building articulation continues along private drive

Front doors face street and interior courtyard

Common courtyard

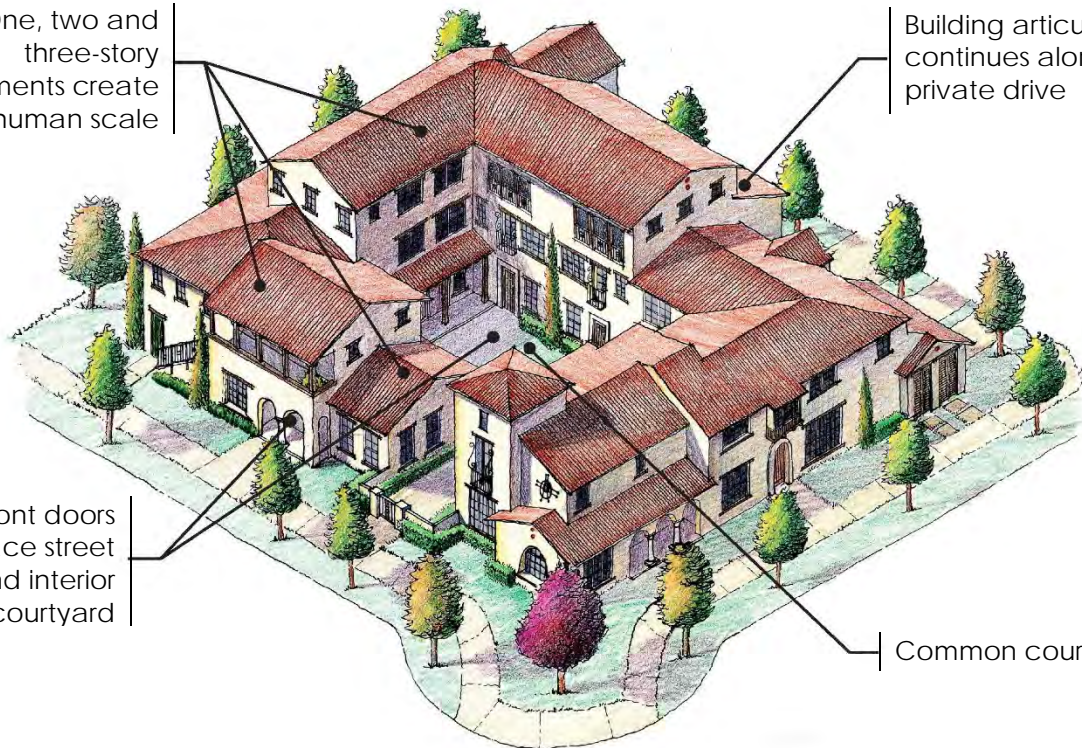


Figure 6.01-3B: Example Multiple-Family Development — MDR-18 (11.1 to 18.0 DU/Acre) Zoning District

Motorcourt Townhomes — 18.1 to 25 DU/Acre

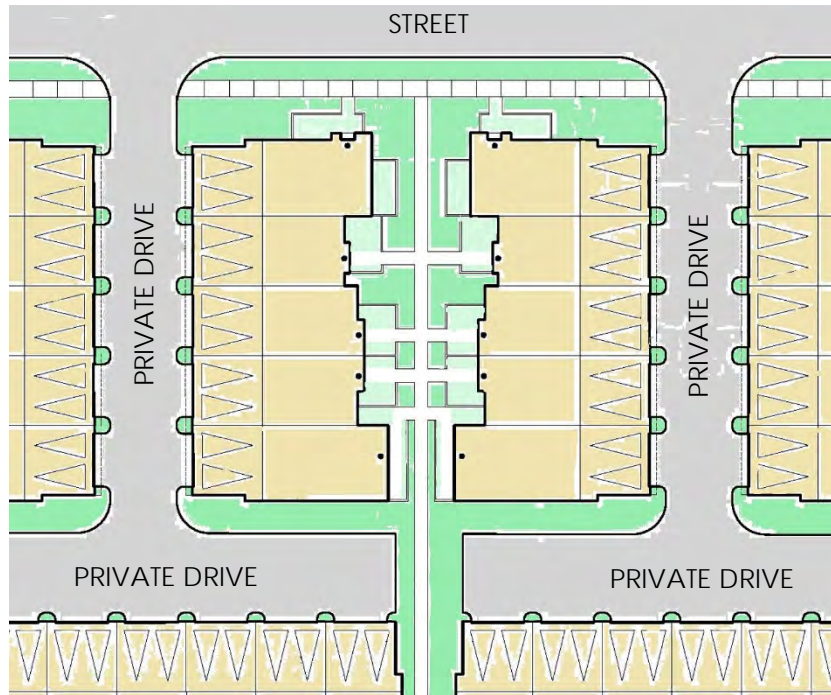


Figure 6.01-3C: Example Multiple-Family Development — MDR-25 (18.1 to 25.0 DU/Acre) Zoning District

Stacked Flats Condominiums Over Podium Parking — 25.1 to 45 DU/Acre

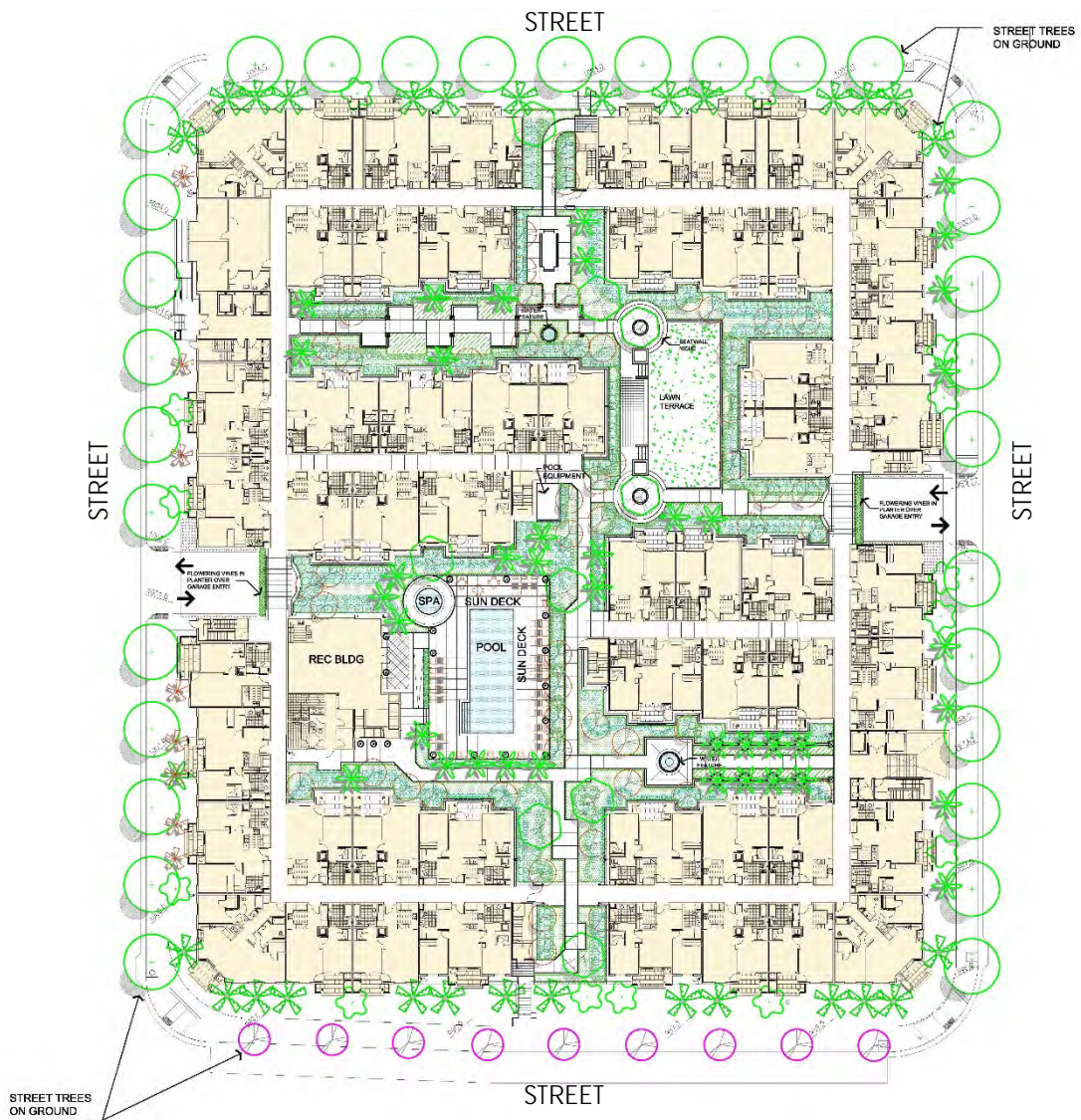


Figure 6.01-3D: Example Multiple-Family Development — HDR-45 (25.1 to 45.0 DU/Acre) Zoning District

D. Exceptions to Development Standards. The following exceptions from the maximum height and minimum setback requirements stipulated in Table 6.01.010-1 (Traditional Single-Family Residential Development Standards), Table 6.01.010-2 (Single-Family Residential Small Lot and Cluster Development Standards), and Table 6.01.010-3 (Multiple-Family Residential Development Standards) shall be permitted:

1. Height.

a. *Aerials and Antennas, Chimneys, Cupolas, Elevator Penthouses, Flagpoles, Monuments, Parapet Walls, Spires, Towers, Water Tanks, and Other Similar Structures.* Aerials and antennas, chimneys, cupolas, elevator penthouses, flagpoles, monuments, parapet walls, spires, towers, water tanks, and other similar structures may be erected to a height of up to 25 percent above the prescribed height limit of the base zoning district.

b. *Amateur (HAM) Radio Antennas.* HAM radio antennas may exceed the maximum prescribed height limit of a zoning district by a maximum of 10 FT. The Zoning Administrator, however, may allow HAM radio antennas to exceed this height limitation if it is necessary to accommodate amateur radio service communications. A HAM radio antenna that exceeds the maximum prescribed height limit of the zoning district in which it is located shall not exceed the minimum height and dimensions necessary to accommodate amateur radio service communications.

c. *Wireless Telecommunication Facilities.* Wireless telecommunication facilities shall comply with Section 5.03.420 (Wireless Telecommunications Facilities) of this Development Code.

2. Encroachments into Required Setback Areas.

a. *Attached Porte Cocheres.* Porte cocheres attached to the main dwelling may extend into a required front setback a maximum of 30 percent of the required setback depth and may extend into a side setback a maximum of 50 percent of the required setback width, provided the porte cochere is no greater than 20 FT in width. In no case, however, shall the side setback width be reduced to less than ~~2.5~~ 3 FT.

b. *Cornices, Eaves, Canopies, Decorative Wall Elements, and Similar Architectural Features.* Cornices, eaves, canopies, decorative wall elements, and similar architectural features may extend into a required front, street side, or rear setback area, a maximum of 50 percent of the required setback, not to exceed 2.5 FT.

c. *Fireplaces and Chimneys.* Fireplaces and chimneys may extend a maximum of 2 FT into a required front, rear, side, or street side setback area; however, in no case shall the side setback be reduced to less than 3 FT.

d. *Porches, Patios, and Decks.* A porch, patio, or deck, may extend up to 30 percent into a required street setback area, provided the porch, patio, or deck, is no greater than 20 FT in width.

e. *Decorative Archways, Pergolas, and Porticos.* Decorative archways, pergolas, and porticos may be located within a front or street side setback area, provided the structure does not exceed 5 FT in width, 4 FT in depth, and 8 FT in height, and a minimum clear interior vertical dimension of 7 FT is maintained.

f. *Patio Covers.* Support structure for patio covers (i.e., columns, beams and lintels) attached to single-family dwellings may extend into a required rear setback, to within 10 FT of the rear property line, to within 5 FT of an interior property line and to within 5 FT of a street side property line.

g. *Signs.* Signs allowed pursuant to Division 8.1 (Sign Regulations) of this Development Code may encroach into a required front or street side setback area, or rear setback area of a through-lot.

h. *Single-Story Additions to Single-Family Dwellings.* Single-story additions to single-family dwellings may extend into a required rear setback to within 10 FT of the rear property line, provided the building addition does not occupy more than 25 percent of the required rear setback area.

i. *Stairwells and Balconies.* Open, unenclosed stairways and balconies, which are not covered by a roof or canopy, may extend a maximum of 4 FT into a required setback area; however, in no case shall the side setback be reduced to less than 2.5 FT.

j. *Walls, Fences, and Obstructions.* Walls, fences, and obstructions may be permitted within required setback areas pursuant to the provisions of Division 6.02 (Fences, Walls and Obstructions) of this Chapter.

k. *Utility and Storage Closets.* Utility and storage closets may extend a maximum of 2 FT into a required rear or side setback area. In no case, however, shall the setback be reduced to less than 3 FT.

E. Open Space Requirements for Small Lot Traditional and Alley-Loaded Development Projects, Cluster Single-Family Development Projects, and Multiple-Family and Mixed-Use Development Projects.

1. It is the intent of this section to ensure sufficient open space areas for the active enjoyment of recreational activities by residents and guests of small lot single-family and cluster development projects, and multiple-family and the residential portion of mixed-use development projects. In this regard, active open space elements shall be of sufficient size and location, and easily accessible to each dwelling unit.

2. Active open space areas that feature recreational amenities, such as pools, spas, court activities, etc., shall be placed and managed so as not to infringe upon the peacefulness of any neighboring traditional single-family development. The following open space areas shall contribute to the open space requirements for single-family small lot and cluster development projects, and multiple-family and the residential portion of mixed-use development projects:

a. *Minimum Open Space Requirements.*

(1) Small Lot Traditional and Alley-Loaded Development Projects, and Cluster Single-Family Development Projects—Small lot traditional, small lot alley-loaded, and cluster single-family development projects, which consist of more than 3 dwellings, shall devote a minimum of 20 percent of the project site area shall be devoted to open space (private and common area), and shall include common recreation amenities and facilities provided pursuant to Paragraph E.2.c (Common Active Open Space Area) et seq., of this Section.

(2) Minimum Open Space Requirements for Multiple-Family and Mixed-Use Development Projects—

(a) Table 6.01-4 (Minimum Open Space Requirements for Multiple-Family and Mixed-Use Development Projects), below, establishes the minimum open space requirements for multiple-family development projects and the multiple-family residential portion of mixed-use development projects consisting of more than 3 dwellings. The required open space area shall be calculated on a per unit basis and includes [i] private open space for the exclusive use of a dwelling's occupants and guests, and [ii] common open space areas for the enjoyment of all residents within a development project. Common open space consists of active areas, with recreation facilities, and passive areas incorporating features that enhance the appearance and desirability of a development project, such as turf areas, exotic plantings, pathways, waterscape, hardscape, rockscapes, benches, gazebos, raised planters, and other unique features.

Table 6.01-4: Minimum Open Space Requirements for Multiple-Family and Mixed-Use Development Projects

Open Space Type	Zoning Districts		
	MDR-11 & MDR-18	MDR-25	HDR-45
Private Open Space	200 SF (40%)	150 SF (37.5%)	60 SF (20%)
Common Open Space	300 SF (60%)	250 SF (62.5%)	250 SF (80%)
Total Open Space	500 SF (100%)	400 SF (100%)	310 SF (100%)

(b) The ratios of “private” open space area to “common” open space area specified Table 6.01-4 (Minimum Open Space Requirements for Multiple-Family and Mixed-Use Development Projects), above, are recommended and may be adjusted by the developer, based upon the housing market the proposed development is intended to serve, and subject to approval by the Approving Authority for the project. At a minimum, the “required total” open space for each zoning district shall be provided by all single-family residential small lot and cluster development projects, and multiple-family development projects.

(c) Off-street parking spaces, drive aisles, driveways, loading areas, or service areas, shall not be included in minimum open space calculations.

b. Private Open Space Areas.

(1) For small lot and cluster single-family development projects, a contiguous useable private open space area shall be provided for each dwelling at ground level, with a minimum clear horizontal dimension of 15 FT in depth by 15 FT in width (225 SF), and a minimum clear vertical dimension of 8 FT.

(2) For multiple-family dwellings, contiguous useable private open space located at the dwelling’s main living level shall be provided, having a minimum contiguous clear area of 60 SF, a minimum clear horizontal dimension of 7 FT, and a minimum clear vertical dimension of 8 FT. Other open space areas located on balconies or roof decks shall have a minimum contiguous clear area of 50 SF, a minimum clear horizontal dimension of 6 FT, and a minimum clear vertical dimension of 8 FT.

(3) Private ground level open spaces located on the street side of a structure shall be screened from street public view by a decorative wall or fence, and densely planted landscaping.

(4) Private open spaces shall be permanently maintained in an orderly manner, and kept clear of weeds and refuse, debris, rubble, or any other waste.

c. *Common Active Open Space Area.*

(1) Common active open space areas containing recreation facilities shall be provided pursuant to Table 6.01-5 (Minimum Requirements for Common Recreation Amenities). For the purpose of this provision, required recreation facilities shall be categorized as follows:

(a) **Major Recreation Facilities**—A major recreation facility is intended to be a significant recreation node or focal point for residents, and include recreation buildings, swimming or wading pools, splash pads and water play fountains, tennis courts, childcare facilities, and other major amenities requiring significant investment and of appropriate size to serve the project residents, as determined by the City. (Note: For projects consisting of 25 or fewer dwellings, two minor recreation facilities may be provided in place of one major recreation facility.)

(b) **Minor Recreation Facilities**—A minor recreation facility is intended to augment the variety and availability of recreation facilities, and include children’s tot lots for ages 2 to 5 and/or play areas/equipment for ages 5 to 12, spas or saunas, picnic and barbecue areas, cabanas and shade structures, basketball courts, volleyball courts, community gardens, and other similar amenities requiring significant investment and appropriate to serve project residents, as determined by the City.

Table 6.01-5: Minimum Requirements for Common Recreation Amenities

Type	No. of Dwelling Units							
	0-10	10-25	26-100	101-150	151-200	201-250	251-300	> 300
Major Facilities:	0	1	1	1	2	2	3	One per 100 DUs
Minor Facilities:	1	0	1	2	2	3	3	One per 50 DUs

(2) Common active open space areas shall not be located within required setback areas from public or private streets.

(3) Common active open space areas shall be located a minimum of 10 FT from any habitable structures, and shall have a minimum contiguous area of 300 SF, with no horizontal dimension less than 15 FT, and no clear vertical dimension less than 8 FT.

(4) All common active open space areas shall be planted with permanent landscaping or be devoted to recreational facilities, such as swimming pools, tennis courts, tot lots, patios, or similar open space and recreational facilities.

(5) Common active open space areas are to be permanently maintained in an orderly manner.

d. *Common Passive Open Space Area.*

(1) Common passive open space areas shall not be located within required setback areas from public or private streets.

(2) Passive common open space areas shall be located a minimum of 5 FT from the habitable portion of any dwelling on the project site.

(3) Passive common open space areas shall have a minimum dimension of 5 FT; however, not more than 50 percent of the passive areas having a dimension less than 10 FT may be counted toward the minimum open space requirements of this Section.

F. **General Provisions.** The following general provisions are applicable within all residential zoning districts:

1. Single-Family Dwellings.

a. *Minimum Dwelling Width.* All traditional single-family residential dwellings units, including mobile homes constructed outside of mobile home parks, shall have a minimum overall width of 24 FT, excepting accessory detached residential structures and second dwellings.

b. *Variety of Floor Plans and Elevations.* For the development of 5 or more single-family dwellings, a variety of floor plans and building elevations shall be provided pursuant to Table 6.01-6 (Minimum Requirements for Floor Plan and Exterior Elevation Variation), below.

Table 6.01-6: Minimum Requirements for Floor Plan and Exterior Elevation Variation for Single-Family Dwellings

No. of Dwellings Proposed	Minimum No. of Differing Floor Plans Required	Minimum No. of Elevations for Each Floor Plan Required
5 to 10	2	2
11 to 25	2	3
26 to 50	3	3
51 to 75	3	4
76 to 100	4	4
> 100	Requirement for 76 to 100 dwellings, plus one additional floor plan with 4 elevations for each additional 25 units exceeding 100	

2. Roofing Materials on Sloped Roofs. Roofing materials used on sloped roofs, whether new construction or replacement roofing, shall be of clay or concrete tile, architectural grade dimensional composition shingle, or decorative metal shingle. Built-up/rock, roll-roofing, or other material shall not be permitted.

3. Temporary Structures. No temporary structure shall be located within a front or street side yard area. A temporary structure may be located within the rear or interior side yard area, provided it is screened from view by a solid 6-FT high fence or wall with appropriate view-obstructing access gate.

4. Refuse Storage Areas.

a. Within all residential zoning districts, refuse and recyclable materials shall be stored in an appropriate container, out of view from public streets and adjacent properties.

b. Any new dwelling unit or residential development project, for which a building permit has been issued, shall provide adequate, accessible, and convenient areas and facilities for the collection and storage of refuse and recyclable materials.

c. All animal keeping uses within residential zoning districts that generate a substantial amount of waste or refuse, as determined by the Ontario Municipal Utilities Company, shall provide refuse enclosures conforming to City standards.

d. New dwellings that have individual trash pick-up shall include an area for the storage of recyclable materials within a garage, or side or rear yard area. Furthermore, developers shall provide areas or systems containing recyclable materials receptacles, such as under-cabinet rollout drawers within kitchens, to make recycling more convenient and accessible to residents.

e. Single-family small lot and cluster developments, and multiple-family development projects that have not been approved by the City for individual dwelling unit pick-up of refuse and recyclable materials, shall provide trash enclosures for the storage of refuse and recyclable materials containers, as follows:

(1) The number of enclosures, and their precise locations, dimensions, and design shall be provided consistent with City standards.

(2) Trash enclosures shall be designed to contain separate containers for the collection of refuse and recyclable materials, with an adequate number of containers provided to allow for the collection of both refuse and recyclable materials generated by the development, pursuant to standards established by the Ontario Municipal Utilities Company.

(3) Trash enclosures shall meet the minimum design standards depicted in the standard drawings adopted by the City, which shall include: [i] a minimum 6-FT high decorative masonry wall, with appropriate view-obstructing gates for container access, [ii] separate pedestrian access that is designed to screen the interior of the enclosure from view from the exterior and prevent refuse dispersion, and [iii] a decorative overhead roof structure to protect bins containing recyclable materials from adverse environmental conditions, which might render the collected materials unusable, and screen trash bins from view of the upper floors of adjacent dwellings. Furthermore, trash enclosures shall be architecturally enhanced, and shall be consistent with the architectural design of adjacent buildings.

(4) Trash enclosure dimensions shall be of adequate size to accommodate containers consistent with the City's current methods of collection within the area in which the project is located.

(5) Signs clearly identifying all recycling and refuse collection areas, and the materials accepted for recycling shall be posted adjacent to all points of access to each trash enclosure.

(6) Trash enclosures shall be located a minimum of 10 FT from the interior project boundary/property line.

(7) Care shall be given when placing trash enclosures immediately adjacent to dwelling units; however, in no case should a trash enclosure be located within 10 FT of the livable portion of a structure.

(8) Trash enclosures shall be bordered by a minimum 5-FT wide planter and screened with landscaping on all exposed sides, excluding the side with bin access gates.

(9) Prior to the issuance of an occupancy permit, a developer or home owners association may be required to develop a written recycling plan, which specifies the identification of targeted materials to be recycled, and methods of recycling program promotion to tenants or home owners.

5. Stored Automobiles, Recreational Vehicles, Light Trucks, Trailers, and Other Similar Vehicles.

a. Automobiles, boats, recreational vehicles, trucks, trailers and other similar vehicles stored within a front or street side yard area, is prohibited. For the purposes of this Section, the term “stored” means continuously parked in the same location for more than 72 hours.

b. Automobiles, boats, recreational vehicles, trucks, trailers, and other similarly used vehicles that are not stored within an enclosed structure, shall comply with the following:

(1) Vehicles shall be stored on a paved surface and screened from public view by buildings, decorative screen walls or fences, or a combination thereof.

(2) Vehicles shall only be stored on property owned by the owner of the vehicle or on property where the registered owner resides.

(3) Vehicles shall bear current vehicle registration (as required by state law).

(4) Vehicles shall not be stored in a wrecked, dismantled, or inoperative condition.

(5) Vehicles stored within side and rear yard areas shall be limited to 5 percent of the total lot area.

c. Recreational vehicles shall not be occupied or otherwise used as a living unit.

6. Landscaping.

a. *Traditional and Small Lot Single-Family Development.* The front and street side yards of lots developed with single-family dwellings shall be fully landscaped and provided with an automatic irrigation system irrigated prior to Certificate of Occupancy issuance.

b. *Maximum Allowed Area Devoted to Hardscape.* A maximum of 45 percent of the front yard of traditional single-family lots, including the street side yard area of corner lots, that is open to public view may be comprised of hardscape materials, including, but not limited to, paved porches, patios, courtyards, walkways, and driveways, and areas of gravel and/or decomposed granite.

c. *Single-Family Cluster and Multiple-Family Development.* All areas of a development project not covered by structures, drive aisles, off-street parking facilities, or hardscape, shall be fully landscaped and provided with a permanent automatic irrigation system prior to Certificate of Occupancy issuance, excepting private open space areas that are enclosed by a minimum 6-FT high decorative wall or fence.

7. Drive Approaches, Driveways, and Drive Aisles. Residential drive approaches, driveways, and drive aisles shall comply with the following:

a. *Drive Aisles and Driveways.*

(1) Drive aisles and driveways shall be allowed solely for the purpose of providing access to off-street parking facilities, and emergency vehicle access to a property.

(2) For lots developed with single-family dwellings:

(a) A driveway shall lead to a garage or carport, and shall not exceed the overall width of the garage or carport, except that vehicular access (maximum 10 FT in width) may be provided to the side or rear yard area of lot used for vehicle storage pursuant to Paragraph 6.01.010.G.5 (Storage of Automobiles, Recreational Vehicles, Light Trucks, Trailers, and Other Similar Vehicles) of this Section; and

(b) Temporary off-street parking within a front or street side yard area shall only be allowed on a driveway leading to a garage or carport, or on an approved circular driveway constructed pursuant to Subparagraph 6.01.010.G.7.b (Circular Driveways) of this Section.

(c) Corner lots may have a rear yard access drive from a side street, subject to Planning Director and City Engineer approval. The rear yard access drive shall not exceed 10 FT in width and shall lead to a parking area that is screened by a view-obstructing wall or fence, with appropriate view-obstructing gate.

b. *Circular Driveways.* Circular driveways shall be permitted on lots developed with a single-family dwelling, which meet all of the following:

(1) The lot is located within the AR-2, RE-2, RE-4, or LDR-5 zoning district, or AG overlay zoning district, and is at least 10,000 SF in area;

(2) The property takes vehicular access from an arterial street, as identified on Exhibit M1 (Mobility Plan Map) of the Policy Plan component of The Ontario Plan, and does not front onto, or take vehicular access from, Euclid Avenue;

(3) The dwelling is setback at least 30 FT behind the front property line;

and

(4) The proposed circular driveway does not exceed 10 FT in width.

c. *Maximum Drive Approach Width.*

(1) *Driveway Access for Traditional Single-Family Developments—*A drive approach on a public street shall not exceed the maximum widths prescribed by Table 6.01-

7 (Maximum Single-Family Residential Drive Approach Widths), below, based upon the lot width range.

Table: 6.01-7: Maximum Single-Family Residential Drive Approach Widths

<i>Lot Width Range</i>	<i>Maximum Drive Approach Width</i>
Less than 51 FT	12 FT
51 to 80 FT	16 FT
Greater than 80 FT	20 FT

(2) Drive Aisle Access for Single-Family Cluster and Multiple-Family Developments—A drive approach providing street access to an intersecting drive aisle shall not exceed the width of the corresponding drive aisle, not to exceed 26 FT in width, unless otherwise required by the City Engineer.

d. *Drive Approaches, Driveways, and Drive Aisles Serving Developments with Multiple Dwellings.*

(1) Drive approaches serving a development project of 5 or more dwellings shall be delineated with enhanced paving treatment, such as interlocking pavers, textured and color pigmented concrete, or stamped concrete. Such treatment shall extend from the back of the drive approach to the first intersecting drive aisle or parking space.

(2) Single-family and multiple-family development projects that include dwellings configured into one or more motorcourts, shall incorporate enhanced paving treatments consisting of interlocking pavers, and textured and/or color pigmented concrete, throughout all motorcourt drives.

(3) Pedestrian pathways that cross driveways and drive aisles shall be delineated by enhanced paving treatments, such as interlocking pavers, and textured and/or color pigmented concrete.

8. Conversion of Garages. No garage shall be converted to another use unless a replacement garage is constructed on-site, which meets the minimum requirements of Division 6.03 (Off-Street Parking and Loading) of this Chapter.

9. Equestrian Trails and Related Facilities. The following standards shall govern the establishment of equestrian trails and easements within the City:

a. If required by Table 6.01-1 (Traditional Single-Family Residential Development Standards) of this Section, an unobstructed 8-FT wide easement for equestrian trail purposes shall be dedicated immediately adjacent to the front property line. Furthermore, if determined necessary by the Planning Director, additional 8-FT wide equestrian trail easements may be required at the end of blocks, and along interior side, street side, or rear property lines, to create connections to adjacent public streets or equestrian trail easements. Moreover, if determined by the Planning Director that providing equestrian easements on both sides of a street is not necessary or practical, the requirement to provide equestrian trail easements may be waived.

b. Trails shall not be surfaced with hard materials such as concrete or asphalt. Preferred surface materials include wood chips, decomposed granite, and shale;

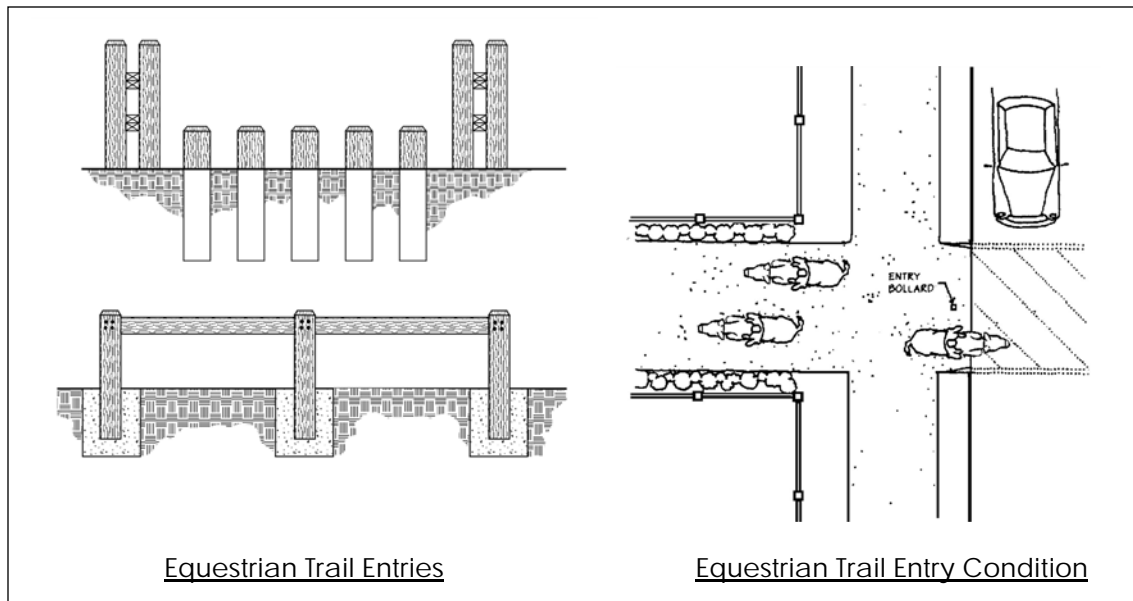


Figure 6.01-2: Equestrian Trail Step-Through Entry Design

c. Fencing built at the edge of an easement shall not be over 48 inches in height; an additional inch of height shall be allowed for every 2 inches that the fence is setback from the easement. Within 4 FT of the easement, fences shall not be opaque for more than 50% of their surface area. Wooden rail and wood plank fencing are preferred, while chainlink and wrought iron fencing should be avoided. Entries to individual properties should be accentuated with hitching posts and gates;

d. Entrances to an equestrian trail from the street shall allow the free movement of pedestrians and equestrians. Vehicular access to the trail may be limited by removable bollards or a gate, and should be designed to permit emergency vehicle access and occasional vehicular access by residents, as shown in Figure 6.01-2 (Equestrian Trail Step-Through Entry Design) and Figure 6.01-3 (Equestrian Trail Steel Barrier Gate Entry Design). Street crossing by pedestrians and equestrians should be facilitated at the street-trail entry by restricting on-street

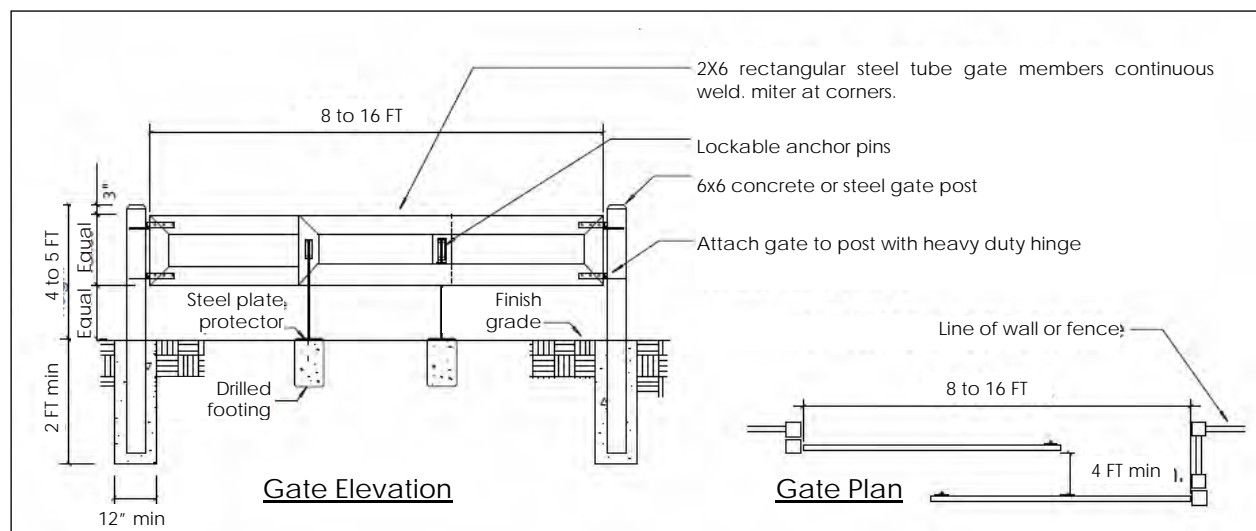


Figure 6.01-3: Equestrian Trail Steel Barrier Gate Entry Design

parking, narrowing paved widths (to minimize crossing distances), and marking the crossing with striping and signs.

10. ~~Infill Traditional Single-Family Housing Projects Dwellings~~. Infill ~~traditional~~ single-family ~~housing projects~~ dwellings within existing residential neighborhoods are to be complementary with the character of the surrounding neighborhood in which they are proposed in terms of building height, setbacks, general architectural style, and use of exterior finish materials, and shall comply with the following standards:

a. New ~~housing projects~~ ~~infill traditional single-family dwellings~~ constructed within existing ~~residential~~ neighborhoods shall be integrated with ~~existing~~ surrounding homes to protect, enhance, and preserve the physical integrity of the existing neighborhood.

b. The area, dimensions, lot coverage, height, bulk, and scale of a proposed ~~infill housing project~~ ~~infill traditional single-family dwellings~~ shall be compatible with existing residential development in the surrounding neighborhood.

c. Infill ~~housing projects~~ ~~traditional single-family dwellings~~ shall be plotted on a lot in a manner consistent with the pattern of development in the surrounding ~~residential~~ neighborhood. The front door should be oriented toward the frontage street and any secondary entrances and side yard facing windows should be situated in such a way that the privacy of adjacent homes is not substantially impacted. Placing side yard facing windows across from side yard facing windows of adjacent houses is discouraged.

d. Garages shall be oriented consistent with garage orientations within the surrounding neighborhood. Garages shall be oriented with access off an alley on lots with alley access.

e. New street curb cuts should not be permitted on lots with alley access. If permitted, new curb cut locations should not compromise street trees, visibility, or neighborhood consistency.

f. Separation of pedestrian and vehicular circulation within the lot is encouraged. Exterior doors should not exit onto a driveway unless a porch or landing is provided.

11. Mobile Homes and Manufactured Housing on Residential Lots Not Constructed Within a Mobile Home Park. The following standards shall govern the development of mobile homes and manufactured housing on residential lots not constructed within a mobile home park:

a. Each housing unit shall meet and be certified under the standards set forth in the National Manufactured Housing Construction and Safety Act (42USC5401 et. seq.), as amended, at the time of any application for the placement of a mobile home or a manufactured housing unit;

b. The mobile home or manufactured housing unit shall be placed on a permanent foundation system;

c. The mobile home is to be covered with exterior finish materials similar in appearance to new, conventionally constructed dwellings within area surrounding the project site;

d. The exterior finish material shall extend to the ground. If a solid concrete or masonry perimeter foundation is used, the exterior finish material need not extend below the top of the foundation. Alternative skirting materials commonly found on conventionally built residential structures shall be considered compatible;

e. The roofing material shall be of a type commonly found on conventionally built residential structures located within the area surrounding the project site;

f. Electricity, water and natural gas service, and sewer connections are to be made in a permanent manner, as typically required for permanent buildings. Gas shut-off valves, meters, and regulators shall not be located beneath a mobile home or manufactured housing structure; and

g. An attached or detached garage, which is similar to conventionally built residential structures within the area surrounding the project site, shall be provided for each mobile home or manufactured housing unit. The roof material and exterior wall finishes of the garage or carport shall exactly match the mobile home or manufactured housing unit.

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

13. Swimming Pools, Hot Tubs, Spas, Ponds, and Decorative Bodies of Water. Swimming pools, hot tubs, spas, ponds, and decorative bodies of water shall be permitted ancillary to those land uses allowed within residential zoning districts pursuant Table 5.02-1 (Land Use Matrix), subject to the following regulations governing their placement, construction, and security:

a. Swimming pools, hot tubs, spas, ponds, and decorative bodies of water that are 1.5 FT or more in depth, shall be secured by a ~~minimum 5 FT high nonclimbable~~ decorative fence or wall, ~~measured on the exterior side, to prevent unauthorized access~~ pursuant to the requirements of Section 6.02.020.A.3 (Ponds and Swimming Pools) of this Development Code.

b. All gates or doors within the fence or wall shall be kept securely closed at all times when not in use. ~~The gate or door is to be equipped with a self-closing and self-latching device, which enables the gate or door to be securely closed.~~

c. A clear path, minimum of 3 FT wide, shall be provided around the entire perimeter of a swimming pool, hot tub, spa, pond, or decorative body of water to permit emergency access. For properties containing 2 or fewer dwellings, a clear path shall be provided around at least 50 percent of said perimeter;

d. Swimming pools, hot tubs, spas, ponds, and decorative bodies of water that are 1.5 FT or more in depth shall not be constructed within a front yard area and shall be setback a minimum of ~~5~~ 3 FT from any side or rear property line.

e. Diving boards, slides, waterfalls, fountains, decorative rockscapes, and other similar appurtenances shall be setback a minimum of 5 FT from side and rear property lines, except that appurtenances that exceed 6 FT in height, measured from adjacent grade to the highest point of the structure, shall comply with the minimum building setback requirements of the applicable zoning district.

f. Swimming pools, hot tubs, spas, ponds, and decorative bodies of water shall comply with all applicable provisions of the City's building code.

14. **Lighting.** Exterior light fixtures shall be designed and/or located to eliminate adverse impacts of light spillover on to adjacent properties and promote safe vehicular and pedestrian access.

a. Exterior light fixtures shall prevent glare and light spillover on to adjacent properties, buildings, and public and private streets and roadways.

b. Parking lot lighting shall comply with Section 6.03.050 (Parking Lot Lighting) of this Development Code, and OMC Section 4-11.09(j).

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

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

e. Steps, ramps, and seatwalls shall be illuminated with built-in light fixtures, where possible.

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

a. Exterior building colors shall be low-reflecting and subtle. Furthermore, overly intense, overly bright, or fluorescent or Day-Glo colors, shall not be used on a building exterior, as determined by the Planning Director.

b. The exterior building color of a new development project shall be reviewed and approved in conjunction with the approval of the structure by the Approving Authority. Development projects consisting of multiple buildings shall incorporate colors that are coordinated between structures, utilizing compatible hues and intensities. The final review and approval of paint colors, utilizing a color test, may be required by the City, prior to painting a building.

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

G. Small Lot Infill Subdivisions.

1. **Purpose.** The purpose of this Subsection is to regulate the development and subdivision of existing lots within certain residential and mixed use zoning districts, with infill small lots as an alternative form of fee simple homeownership.

2. **Applicability.** Small Lot Infill Subdivisions are permitted within residential and mixed use zoning districts specified in Table 5.02-1 (Land Use Matrix) of this Development Code.

3. **Development Standards.**

(a) **Site Development Standards.** A Small Lot Infill Single-Family Subdivision shall comply with the following site development standards:

(1) **Maximum Number of Dwelling Units.** A Small Lot Infill Single-Family Subdivision shall contain no more than 45 dwelling units.

(2) **Density Range.** A Small Lot Infill Single-Family Subdivisions shall comply with the density requirements of the underlying zoning district in which it is located.

(3) **Lot Area and Dimension.** Each individual lot established by a Small Lot Infill Single-Family Subdivision shall have a minimum area of 480 SF and a minimum lot width of 16 FT.

(4) **Lot Coverage and Open Space.**

(a) There shall be a maximum lot coverage of 80 percent for each individual lot established by a Small Lot Infill Subdivision.

(b) As an alternative to Subdivision (a), above, a Small Lot Infill Subdivision may provide common open space amenities within a common open space easement, which is equal to at least 20 percent of the total subdivision area, and having no horizontal dimension less than 5 FT. Furthermore, each dwelling shall be provided a minimum of 50 SF of private open space (patios and/or balconies) having no horizontal dimension less than 5 FT.

(5) **Lot Access.** Access to a lot containing a dwelling unit and its required parking shall be by way of a public or private street, alley, or access easement.

(6) **Off-Street Parking.** Refer to Division 6.03 (Off-Street Parking and Loading) for off-street parking requirements. For Small Lot Infill Subdivisions, there shall be no limitations on the use of tandem parking spaces, except that tandem parking shall be no more than 2 parking spaces in depth.

(7) **Fences, Walls, and Obstructions.** Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts).

(8) **Landscaping.** Refer to Division 6.05 (Landscaping) and Paragraph 6.01.010.G.6 (Landscaping).

(9) **Historic Preservation.** Certain portions of residential and mixed use zoning districts are identified as historic or potentially historic and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.

(10) **Security Standards.** Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).

(11) Noise. Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Tile 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

(12) Airport Safety Zones. Properties within the Airport Influence Area (AIA) established by the Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.

(b) *Building Development Standards.*

(1) Minimum Setbacks.

(a) No front, side, or rear yard setback is required between interior lots within an approved Small Lot Infill Single-Family Subdivision; however, a minimum 5-FT setback shall be provided where a lot abuts a lot that is not created pursuant to this Section.

(b) The front yard setback required by the underlying zoning district shall apply to the front lot line of a Small Lot Infill Subdivision that abuts a public street.

(c) Any Small Lot Infill Subdivision sharing a property line with a LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Ac) or higher density residentially zoned property, shall provide front, side, and rear yard setbacks along the subdivision perimeter that are consistent with the requirements of the underlying residential zoning district.

(d) Any Small Lot Infill Single-Family Subdivision not sharing a property line with a LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Ac) or higher density residentially zoned property shall provide a minimum 5-FT setback along the side lot line of the subdivision perimeter and a minimum 10-FT setback along the rear lot line of the subdivision perimeter.

(2) Building Separations. There shall be a minimum 6-FT separation between buildings, except that a minimum 10-FT separation shall be provided between the front face (contains the primary entry) of a Small Lot Home and the adjacent building wall of a neighboring Small Lot Home. Chimneys may extend up to 2 FT into the minimum building separation area.

(3) Maximum Height. Within a Small Lot Infill Subdivision, the maximum allowed building height is 40 FT.

(4) Driveway Length. Straight-in driveways to garages shall have a minimum length of 18 FT, measured from the right-of way of a public or private street, or from the edge of a private drive. No driveways shall be more than 5 FT in length if parking is not provided in front of a garage.

4. *Building Design.*

(a) *Dwelling Orientation.*

(1) Small Lot Dwelling Units that abut a public or private street shall orient the primary entryway (front door) toward the street. Where there is a physical site constraint, provide a clearly identifiable pedestrian entry to the site from the street.

(2) Small Lot Dwelling Units located in the interior of the subdivision shall orient the primary entryway toward, and be visible from, a pedestrian pathway that is connected to a public or private street.

(3) Small Lot Dwelling Units that abut an alley shall orient the primary entryway toward the alley or shall be connected to a pedestrian pathway that leads directly to a public or private street.

(b) *Small Lot Dwelling Primary Unit Entries.*

(1) All Small Lot Dwelling Units shall have a primary entry. All primary entries shall be provided with the address or unit identification, ornamental low-level lighting to illuminate the entry area, and a porch or landing.

(2) All primary entries shall incorporate all of the following elements:

(a) The entry shall be recessed at least 3 FT behind the building façade to create a covered porch or landing area.

(b) The entry shall be designed with an overhead projection of at least 12 inches (awning, canopy, roof, or other design features) in depth, which distinguish the entry area from the rest of the building façade.

(c) The entry shall be clearly marked with a side lite window panel, adjacent window, or a door with a window.

(d) The entry porch or landing area shall be raised at least one stair step (6-inch riser) above the pedestrian pathway, except as otherwise required by the Building Code, Americans with Disabilities Act, or Universal Design Standards.

(e) The entry porch or landing area shall be enhanced with decorative paving, texture, pattern, or color that is differentiated from the pedestrian pathway.

(c) *Façade Articulation.* Façades facing a public or private street, the project perimeter, and all portions of exterior building elevations located greater than 7 FT from an adjacent Small Lot Dwelling Unit, shall be treated with an equal level of detail and articulation, and shall incorporate all of the following façade articulation techniques:

(1) Change in exterior building materials to include at least two high-quality building façade materials that accentuate or correspond to variations in building massing. Building materials may include, but are not limited to wood, glass, brick, metal spandrel, cement board siding, tile, or other material acceptable to the Approving Authority.

(2) Porticos, awnings, terraces, balconies, eyebrows, or trellises of at least 12 inches in depth that provide variations in the building plane.

(3) Window treatments that are recessed behind the building façade a minimum of 4 inches. Windows or doors that are flush with the plane of the building (rather than recessed at least 4 inches) will not qualify as facade articulation.

(4) A break in the façade plane of at least 8 inches in depth, which is applied to at least 10 vertical FT of the facade.

(5) Other additional architectural enhancements that create a human scale to the building. Examples include handrails, fixed planters, and ornamental details such as lighting, molding, tiles, or other similar design elements acceptable to the Approving Authority.

(d) *Varied Roofline.* Any Small Lot Dwelling Unit façade exceeding two stories in height, which faces a public or private street, shall be provided with an articulated roofline incorporating at least two of the following design elements:

(1) A roof with a slope equal to or greater than 3 inches of rise for every 12 inches of run, including but not limited to a sloped or curved roofline at the top of the dwelling.

(2) An open deck having a minimum clear area of 6 FT in depth and 8 FT in width.

(3) A flat roof with a minimum of 2 FT vertical height difference for a minimum of 10 horizontal FT along the roofline of each building façade.

(4) A vertical break in the façade plane of at least 1.5 FT in depth, which extends up and through the roofline.

(5) Any form of roofline variation incorporating a change or break in roof plane, such as horizontal recesses, incorporation of dormers, or other similar design elements acceptable to the Approving Authority.

(e) *Roof Decks.* All roof decks shall be stepped back a minimum of 5 FT from the roof edge to prevent direct views of abutting residential neighbors, except that roof decks facing a street are not required to be stepped back.

(f) *Building Massing Variation.*

(1) Small Lot Dwelling Units shall be grouped into clusters to avoid long spans of building wall, not to exceed six dwelling units in a single continuous row or 180 linear FT, whichever is less. Clusters of Small Lot Dwelling Units shall be separated with a building gap of at least 6 FT, which shall be treated with a combination of landscaping, open space, common walkways, or driveways.

(2) Small Lot Dwelling Units in a single row shall provide a horizontal change in plane in the building façade of at least 1.5 feet for every 3 dwelling units, or every 90 linear FT, whichever is less. The Approving Authority may approve alternate exterior building designs that achieve the City's desired variation in building massing.

(3) The exterior design of adjoining Small Lot Dwelling Units shall be unique, so as to provide architectural variety within a subdivision. A Small Lot Infill Subdivision containing more than 5 dwelling units in a single row shall provide at least two variations in building design, such as changes in dwelling orientation, primary entryways, fenestration patterns, façade articulation, and rooflines. A Small Lot development of 10 or more dwelling units shall provide at least 3 variations in exterior building design.

5. Pedestrian Connectivity and Access.

(a) *Pedestrian Pathways.*

(1) Pedestrian pathways, minimum 3 FT in width, shall be provided from the public street to all primary entryways and common areas.

(2) A pedestrian pathway located within or parallel to a common driveway shall be constructed and/or treated with a change of material, finish, pattern, or paving that distinguishes the pathway from vehicular traffic.

(3) Small Lot Infill Subdivisions shall provide pedestrian and bicycle access to surrounding neighborhood streets.

(b) *Walls and Fences.*

(1) Walls and fences abutting a public or private street or alley, or common open space area, shall be decorative. Walls shall be finished with a decorative masonry material, such as brick, natural or cultured stone, or stucco, or be constructed of decorative concrete block, such as split-face, slump, burnished, or shot block. Fences shall be constructed of ornamental tube steel or iron.

(2) Garden walls and fences, maximum 3 FT in height, that abut a public or private street shall provide a point of entry into each individual lot that abuts the street.

(c) *Landscaping, Common Open Space Areas, and Amenities.*

(1) All areas of a Small Lot Infill Subdivision not used for buildings, parking areas, driveways, pedestrian pathways, utilities, or common open space areas shall be automatically irrigated, and fully landscaped and maintained.

(2) Required common open space areas shall have a minimum area of 300 SF, with no horizontal dimension less than 15 FT, measured perpendicular from any point on each of the boundaries of the open space area. Driveways, parking spaces, or pedestrian pathways cannot be counted toward the open space requirement.

(3) Required common open space areas shall be open to the sky and have no structures that project into the common open space area, excepting structures provided as a common open space enhancement pursuant to Subparagraph G.3(c)(5), below.

(4) Common open space areas shall be located at grade level, contiguous or connected, and readily accessible to all residents of the Small Lot Infill Subdivision.

(5) Common open space areas shall be multi-functional and designed to accommodate a range of passive, active, or social uses, and may include enhancements such as activity lawns, swimming pools, spas, picnic tables, benches, children's play areas, ball courts, barbecue areas, sitting areas, decorative bike racks, and/or dog washing stations. Enhanced common side and rear yards that meet the minimum area and dimension specified in Subparagraph G.3(c)(2), above, may be counted toward common open space requirements.

(6) All yards of a subdivision abutting the right-of-way shall be improved with landscaping (combination of groundcover, shrubs, and trees) and amenities. Amenities may include decorative fencing, uncovered patios, enhanced pedestrian pathways, garden walls, seating areas, and/or decorative bike racks.

6. Small Lot Infill Subdivisions with Existing Dwellings. Small Lot Infill Subdivisions incorporating existing dwelling units, such as, but not limited to, multiple detached single-family structures or historic detached bungalow courts on a single lot, may be subdivided. The conversion of an existing structure to a Small Lot Infill Subdivision shall be required to comply with the following design standards:

(a) Common Access Driveway. Existing common access driveways, pedestrian pathways, and central common open space areas shall be maintained and not reduced in size.

(b) Pedestrian Pathway. Pedestrian pathways, minimum 3 FT in width, shall be provided from the public street to all primary entryways and common areas, such as centralized trash enclosures, guest parking, and open space easements, etc. If narrower pathways exist, they may be maintained in the same footprint and area and shall not be further reduced in width.

(c) Existing Structures. New dwelling unit construction or building additions affecting designated or identified historic structures shall be in conformance with the Secretary of the Interior's Standards for Rehabilitation.

(d) New Dwelling. All new dwelling units shall meet all applicable design standards in Paragraphs G.3 (Development Standards) and G.4 (Building Design) of this Subsection.

(e) Landscaping. All areas of the Small Lot Infill Subdivision not used for buildings, parking areas, driveways, pedestrian pathways, utilities, or amenity areas shall be fully landscaped and maintained, and automatically irrigated.

H. Density Bonus and Other Incentives.

1. Purpose. The purpose of these provisions is to establish a process whereby the City may provide a density bonus and other incentives to a developer agreeing or proposing to produce affordable housing within the City. The density bonus and incentives allowed by these regulations are used by the City as a means of meeting its commitment to encouraging the provision of affordable housing to all economic groups living within the City.

2. Applicability. A developer may request a density bonus and other incentives as prescribed in GC Section 65915, et seq. These density bonus provisions shall apply to single-family and multiple-family residential development projects, and mixed-use development projects, which contain a minimum of 5 dwelling units, excluding dwellings units granted as a density bonus.

3. Procedure. A request for a density bonus and other incentives shall be filed, processed, and acted upon following the procedures for Development Agreements contained in Section 4.01.015 (Development Agreements) of this Development Code, and shall require the approval and adoption of a Development Agreement and a Density Bonus Agreement for its implementation. The Density Bonus Agreement shall be filed, processed, and acted upon following the procedures for Development Agreements.

4. Findings and Decision. In considering a proposed density bonus and other incentives, the Approving Authority shall consider and clearly establish that the density bonus and other incentives are consistent with the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and any applicable specific plans, giving reasons as to how the proposed density bonus and other incentives are consistent. Furthermore, the Approving Authority

shall grant the requested concession or incentive, unless one or more of the following findings is established, based upon substantial evidence:

a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in HSC Section 50052.5, or for rents for the targeted units to be set as specified in GC Section 659159(c).

b. The concession or incentive would have a specific adverse impact, as defined in GC Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

c. The concession or incentive would be contrary to state or federal law.

I. Residential Design Guidelines.

1. The City Council shall establish by resolution, residential design guidelines applicable to all residential zoning districts, which are intended as a reference to assist the designer in understanding the City's goals and objectives for residential development. The guidelines shall compliment the mandatory residential development regulations contained in this Section, by providing examples of potential design solutions, and by providing design interpretations of the various mandatory regulations contained herein.

2. The design guidelines authorized herein shall be enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

6.01.015: Commercial Zoning Districts

J. Purpose. The purpose of the provisions of this Section is to ensure that development within commercial zoning districts of the City will contribute toward an urban environment of stable, desirable character; which is compatible with existing and future development; and is consistent with the goals and policies of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. These regulations are further established to:

1. Promote the construction of well-designed professional office buildings.

2. Reserve certain areas of the City, consistent with the Policy Plan (General Plan) component of The Ontario Plan, allowing the establishment of a full range of retail stores, business and professional offices, personal and business service establishments, transportation related service establishments, and certain wholesale establishments, which are scaled to meet the needs of City neighborhood dwellers, residents of the City as a whole, residents of the nearby region and visitors.

3. Establish appropriate standards for the siting of neighborhood convenience retail stores, helping foster neighborhood cohesion, and reducing the need for vehicular traffic.

4. Encourage the construction of attractive and functional community shopping centers at strategic locations throughout the City, consistent with the Policy Plan (General Plan) component of The Ontario Plan.

5. Ensure adequate space on commercial lots to meet the needs of commercial development, including on-site parking, loading, and landscaping.

6. Provide a strong economic and financial base, and to increase employment opportunities for City residents and those of the surrounding area.

7. Ensure a high quality of exterior appearance for commercial uses and structures is maintained in harmony with the visual character of the area in which they are located, and at the same time, minimize the impact of uses and structures on surrounding residential neighborhoods.

8. Provide specific design guidelines that will result in well-designed and high quality commercial development projects.

K. **Applicability.** The standards and guidelines established by this Section shall apply to each of the City's commercial zoning districts. Furthermore, the provisions of this Section shall apply to all commercial land subdivisions and any new commercial construction, addition, remodel, or reallocation requiring a building permit or other similar entitlement by the City.

L. **Commercial Zoning District Development Standards.** Development within commercial zoning districts shall comply with the requirements of Table 6.01-8 (Commercial Zoning District Development Standards), below, which specifies standards for the development of structures within the CS, CN, CC, CR, CCS, OL, and OH zoning districts.

Table 6.01-8: Commercial Zoning District Development Standards

Requirements	Commercial Zoning Districts							Additional Regulations
	CS	CN	CC	CR	CCS	OL	OH	
A SITE DEVELOPMENT STANDARDS								
1. Minimum Lot Size	10,000 SF			20,000 SF	7,200 SF		Note 1	
2. Maximum Floor Area Ratio (FAR)	0.4			1.0	0.75		Note 5	
3. Minimum Lot Dimensions								
a. Lot Width	100 FT				60 FT		Note 1	
b. Lot Depth	100 FT						Note 1	
4. Minimum Landscape Coverage	Refer to Division 6.05 (Landscaping) landscape standards. Also refer to Paragraph 6.01.010.G.6.c (Single-Family Cluster and Multiple-Family Development) for additional standards addressing multiple-family development within commercial zoning districts.							
a. Interior Lots	15%		10%		15%		Notes 2 and 3	
b. Corner Lots	18%		13%		18%		Notes 2 and 3	
c. Off-Street Parking Areas	7%						Section 6.05.030.D (Landscaping of Off-Street Parking Facilities)	
5. Minimum Parking Space and Drive Aisle Separations								
a. Parking Space or Drive Aisle to Street Property Line								

Table 6.01-8: Commercial Zoning District Development Standards

Requirements	Commercial Zoning Districts							Additional Regulations
	CS	CN	CC	CR	CCS	OL	OH	
(1) Freeway	20 FT							
(2) Arterial Street	20 FT			25 FT		20 FT		
(3) Collector and Local Street	20 FT			15 FT		10 FT		
b. Parking Space or Drive Aisle to Interior Property Line	10 FT	5 FT						
Exception: Property line common to a residential zoning district	10 FT (area shall be densely landscaped)							
c. Parking Space or Drive Aisle to Buildings, Walls, and Fences	5 FT							Note 4
6. Walls, Fences and Obstructions	Refer to Section 6.02.025 (Design Standards for Nonresidential Zoning Districts).							
7. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading).							
8. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance).							
9. Historic Preservation	Certain portions of commercial zoning districts are identified as historic or potentially historic and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.							
10. Signs	Refer to Division 8.1 (Sign Regulations).							
11. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).							
12. Noise	Buildings shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).							
13. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.							
B BUILDING DEVELOPMENT STANDARDS								
1. Minimum Street Setback								
a. From Freeway Property Line	20 FT							
b. From Arterial Street Property Line	20 FT			25 FT		20 FT		
c. From Collector and Local Street Property Line	20 FT			15 FT		10 FT		
2. Minimum Interior Property Line Setback	10 FT	5 FT	0 FT			5 FT	0 FT	
Exception: Setback at a property line common to a residential zoning district	15 FT		20 FT			15 FT		

Table 6.01-8: Commercial Zoning District Development Standards

Requirements	Commercial Zoning Districts							Additional Regulations
	CS	CN	CC	CR	CCS	OL	OH	
3. Maximum Height	Pursuant to the requirements of ALUCP Appendix J							Note 5
Exception: Project contains properties having one or more property lines common with, or across the street from, a residential zoning district	Same as the adjacent residential zoning district							
4. Minimum Setback From Major Pipelines (to habitable structures)	50 FT							Note 6

Notes:

1. There is no minimum lot area or dimension for common interest subdivisions established pursuant to Section 6.08.010 (Common Interest Subdivisions) of this Development Code.
2. Landscaped areas with a minimum dimension of 5 FT or more shall contribute toward the “minimum landscape coverage” calculation.
3. The “minimum landscape coverage” calculation for interior and corner lots shall exclude all landscaped areas located within public rights-of-way.
4. The minimum separation area between a building, wall or fence, and a parking space or drive aisle, shall be fully landscaped. The separation area may include pedestrian walkways, as necessary; however, a minimum 3-FT wide planter area shall be maintained between a building wall and a pedestrian walkway. The minimum separation dimension does not include any area devoted to vehicle overhang.
5. The maximum building height and FAR may be restricted pursuant to the Ontario International Airport Land Use Compatibility Plan (ALUCP). Refer to the ALUCP for properties affected by airport safety zones and refer to Appendix J (High Terrain Zone and Existing Airspace Obstructions Study) of the ALUCP for maximum building/structure heights.
6. Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:
 - a. Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and
 - b. Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.

M. Exceptions to Development Standards.

1. Building Height.

a. Aerials and Antennas, Chimneys, Cupolas, Elevator Penthouses, Flagpoles, Monuments, **Parapet Walls**, Spires, Towers, Water Tanks, and Other Similar Structures. Aerials and antennas, chimneys, cupolas, elevator penthouses, flagpoles, monuments, **parapet walls**, spires, towers, water tanks, and other similar structures may be erected to a height of up to 25 percent above the prescribed height limit of the base zoning district.

b. Amateur (HAM) Radio Antennas. HAM radio antennas may exceed the maximum prescribed height limit of a zoning district by a maximum of 10 FT. The Zoning

Administrator, however, may allow HAM radio antennas to exceed this height limitation if it is necessary to accommodate amateur radio service communications. A HAM radio antenna that exceeds the maximum prescribed height limit of the zoning district in which it is located shall not exceed the minimum height and dimensions necessary to accommodate amateur radio service communications.

c. *Wireless Telecommunication Facilities.* Wireless telecommunication facilities shall comply with Section 5.03.420 (Wireless Telecommunications Facilities) of this Development Code.

2. Encroachments into Required Setback Areas.

a. *Balconies.* Balconies may extend into a required street or interior property line setback area a maximum of 50 percent of the required setback, not to exceed 4 FT.

b. *Cornices, Eaves, Canopies, Decorative Wall Elements, and Similar Architectural Features.* Cornices, eaves, canopies, decorative wall elements, and similar architectural features may extend into a required street or interior property line setback area a maximum of 50 percent of the required setback, not to exceed 4 FT.

c. *Signs.* Signs and advertising structures may encroach into a required front setback area, street side setback area, or rear setback area of a through-lot, pursuant to Division 8.1 (Sign Regulations) of this Development Code.

d. *Walls, Fences, and Obstructions.* Walls, fences, and obstructions may be permitted within required setback areas pursuant to the provisions of Division 6.02 (Fences, Walls and Obstructions) of this Chapter.

N. General Provisions.

1. Building Setback Areas Adjoining Streets. Except as otherwise specifically provided by this Development Code, required setback areas adjoining streets shall only be used for the placement of landscaping and irrigation installed pursuant to Division 6.05 (Landscaping); public art works installed pursuant to Division 6.07 (Public Art); vehicular and pedestrian accesses, off-street parking and vehicular circulation, and site lighting pursuant to Division 6.03 (Off-Street Parking and Loading), walls and fences installed pursuant to Division 6.02 (Walls, Fences, and Obstructions), and signs installed pursuant to Division 8.1 (Sign Regulations) of this Development Code.

2. Location of Off-Street Parking Lots on Properties that Front or Have Direct Access to Euclid Avenue. Proposed off-street parking lots on properties with Euclid Avenue frontage, or having direct access to Euclid Avenue, shall be located at the side or rear of the buildings they serve, excepting shared off-street parking lots serving shopping centers. This provision shall not preclude the City approval of access driveways to parking lots on properties with Euclid Avenue frontage, or having direct access to Euclid Avenue.

3. Parking Space and Drive Aisle Setback Areas. Parking space and drive aisle setback areas required pursuant to Table 6.01-7 (Commercial Zoning District Development Standards) of this Division shall only be used for landscaping and irrigation installed pursuant to Division 6.05 (Landscaping), walls and fences installed pursuant to Division 6.02 (Walls, Fences, and Obstructions), public art works installed pursuant to Division 6.07 (Public Art), and signs installed pursuant to Division 8.1 (Sign Regulations) of this Development Code.

4. Compatibility with Existing Surrounding Development. New buildings shall respect and enhance the qualities and features of the existing neighborhood or area in which they are built. In-fill development projects within existing developed areas that have an established character shall be compatible with, or complement, the established architectural character of the area in terms of [i] consistency of rooflines, materials, and colors; [ii] similar window and door patterns; and [iii] similar decorative elements.

5. Compatibility within a Complex or Center. Development projects consisting of multiple buildings within a complex or center shall be designed as a distinct place or district, establishing a cohesive identity for the development, which differentiates it from other commercial development projects within the area.

6. 360-Degree Architecture. Buildings shall not have the appearance of a false facade attached to the front of a uniform building shell. A building shall be designed to ensure that its massing and proportion, along with its colors and architectural detailing, are consistent on all building walls, giving a four-sided (360-degree) appearance.

7. Corporate Architecture. A building within a complex or center, or an in-fill building within a developed area that has an established character, shall not be dominated by corporate or trademark architectural details, or building forms intended to serve as signing and marketing elements.

a. Individual corporate image, trademark, or design elements and colors intended to market the occupant of a building shall be incorporated only as secondary design elements, and not as dominant features of the building. These secondary design elements shall be compatible with the surrounding development and shall not define the character or style of the building or development.

b. The City hereby reserves the right to require significant departures from “corporate architecture,” which is proposed for the purpose of marketing or branding the occupant of a structure, when such architectural features are determined by the Approving Authority, to dominate the established architectural theme or character of a complex or center, or that of a developed area that has an established architectural character.

8. Building Materials. Building exteriors shall be finished with attractive and durable materials, which are of high quality and require minimal maintenance.

a. *Acceptable Exterior Building Finishes.* Exterior building finishes shall be classified according to their visual weight and are listed in Table 6.01-9 (Acceptable Exterior Building Finishes), below. The list of finishes is not all-inclusive but is intended to describe the types of finishes applicable to each weighted category.

Table 6.01-9: Acceptable Exterior Building Finishes

<i>Heavy Materials</i>	<i>Intermediate Materials</i>	<i>Light Materials</i>
Natural Stone	Stucco	Natural Wood
Integrally-Colored Decorative Masonry Block	Exterior Insulation and Finishing System (EIFS)	Cement Board
Brick	Smooth Textured Tilt-Up or Precast Concrete Panels	Synthetic Wood
Cast and Synthetic Stone		Architectural Metal

Table 6.01-9: Acceptable Exterior Building Finishes

<i>Heavy Materials</i>	<i>Intermediate Materials</i>	<i>Light Materials</i>
Richly Textured Tilt-Up or Precast Concrete Panels		Glass Curtain Wall

b. Hierarchy of Materials.

(1) **Heavy Materials**—Heavy materials shall be principally located: (a) at the base of the structure, as a foundation material that visually carries the weight of the structure; and/or (b) on significant architectural elements of a structure, to define those elements or suggest that the building has been built and added to, over time. Generally, heavy materials comprise the foundation (most visually significant) materials used on the exterior wall surface area.

(2) **Intermediate Materials**—Intermediate materials shall be situated so as to be visually supported by heavy materials. Generally, intermediate materials comprise the body (primary building material) of a building.

(3) **Light Materials**—Light materials shall be positioned above intermediate materials, at the top of the structure, and visually supported by the intermediate and heavy materials below.

c. Manufactured Materials. The use of manufactured materials, such as synthetic, cast, and cultured materials is allowed, provided the materials are identical in appearance and of equal or greater durability to the natural materials they are intended to emulate.

9. Use of Structural Masonry and Masonry Veneers. Concrete block, brick, stone, and other types of structural masonry or masonry veneer shall be detailed as masonry bearing walls, especially at openings. Proper masonry detailing allows the building to be more pleasing to the eye, as the openings appear to be structurally supported.

a. Exterior Corners. Stone and brick used on exterior walls shall not terminate at exterior corners, except where such termination would be consistent with the architectural style being represented.

b. Masonry Openings. Openings in a block, brick, or stone façade, including all windows and doors, shall have a lintel, arch, or soldier course at the top of the opening, which appears to structurally support the area of masonry above the opening.

c. Horizontal Change in Material. A horizontal change in material from masonry to another material shall include a decorative cap or sill that projects from the face of the building.

10. Parapets and Cornices.

a. A parapet wall and decorative cornice shall be used to visually terminate an exterior wall on a building with a flat roof and shall be used as the primary method for screening roof-mounted mechanical equipment.

b. The parapet and cornice design shall be in proportion to the size and scale of the building and shall reflect the architectural style and detailing of the building.

11. Gutters and Downspouts.

- a. Gutters and downspouts shall be concealed from public view, unless designed as a continuous architectural feature.
- b. Exposed gutters and downspouts used as architectural features should be colored to match the fascia or wall material to which they are attached.
- c. Care shall be taken to avoid locating downspouts near building public entrances and openings.

12. Glazing. The ground floor glazing of a building shall be transparent. Ground floor transparency guarantees a visual connection to the casual observer located at the building exterior, which is an essential feature of commercial structures. By exposing the ground floor to the exterior, there is an invitation to participate with the activity inside. Furthermore, the use of transparent glazing provides the City's public safety personnel the ability to view inside a building without having to first enter the structure.

- a. The minimum glazing required on all primary building façades shall be equal to at least 60 percent of the view plane area, with at least 50 percent of the view plane area being transparent.
- b. For the purposes of these regulations governing glazing on a building, the following words, terms, and phrases are defined as follows:

(1) *Primary Facade.* Primary facade shall mean any exterior building elevation that faces a street, access way, pedestrian walkway, or drive aisle internal to a complex or center. For the purposes of this requirement, alleys and service drives shall not be considered a street, access way, or internal drive aisle.

(2) *View Plane Area.* View plane area shall mean the wall area on the primary façade of a building, which is located between 2 FT and 10 FT above the adjacent exterior grade.

(3) *Transparent.* Transparent shall mean glazing that is see-through from both the exterior and the interior of the building. This does not, however, preclude the use of tinted glazing.

- c. This standard shall not apply if the Approving Authority determines that the required transparency is inconsistent with the operational or design needs of the building.

13. Lighting. Commercial development shall incorporate lighting fixtures that are decorative and are designed to eliminate adverse impacts of light spillover and promote safe vehicular and pedestrian access.

- a. Light fixtures shall be full cut-off fixtures to prevent glare and light spill off the project site onto adjacent properties, buildings, and roadways.
- b. Parking lot lighting shall comply with Section 6.03.050 (Parking Lot Lighting) of this Development Code and OMC Section 4-11.09(j).

c. Lighting fixtures shall be color-correct types, such as halogen, metal halide, or LED, to ensure true-color at night, visual comfort for pedestrians, and energy efficiency.

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

e. Steps, ramps, and seatwalls shall be illuminated with built-in light fixtures, where possible.

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

a. Exterior building colors shall be low-reflecting and subtle. Furthermore, overly intense, overly bright, or fluorescent or Day-Glo colors, shall not be used on a building exterior, as determined by the Planning Director.

b. The exterior building color of a new development project shall be reviewed and approved in conjunction with the approval of the structure by the Approving Authority. Development projects consisting of multiple buildings shall incorporate colors that are coordinated between structures, utilizing compatible hues and intensities. The final review and approval of paint colors, utilizing a color test, may be required by the City, prior to painting a building.

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

15. Roof Access Ladders. Ladders for roof access shall be mounted on the inside of the building, or if located on the building exterior, shall be completely concealed from public view.

16. Equipment Screening.

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 by landscaping and/or decorative low garden walls.

17. Refuse Storage Areas (Trash Enclosures).

a. Within commercial zoning districts, refuse and recyclable materials shall be stored in an appropriate container, out of view of public or private streets, and adjacent properties.

b. Refuse and recyclable materials container storage shall be within City-approved enclosures designed to contain separate containers for the collection of refuse and

recyclable materials. The number of trash enclosures required, their precise locations and dimensions, and their design shall be pursuant to the City's Refuse and Recycling Planning Manual. The requirement for refuse container storage areas may be reduced or waived by the Approving Authority if a trash compactor is used, which is screened from public view.

c. Trash enclosures shall consist of a minimum 6-FT high decorative masonry wall, with appropriate view-obstructing gates for container access, and separate pedestrian access, which is designed to screen the interior of the enclosure from view from the exterior and prevent refuse dispersion. The enclosure design shall be consistent with the architectural design of adjacent buildings and shall include a decorative overhead roof structure to protect bins containing recyclable materials from adverse environmental conditions, which might render the collected materials unusable.

d. To the extent practicable, trash enclosures shall be located away from property lines common with sensitive uses, such as, but not limited to, dwellings, schools, playgrounds, childcare centers, health care facilities, rehabilitation centers, convalescent centers, and retirement homes.

e. Trash enclosure dimensions shall be of adequate size to accommodate containers consistent with the City's current methods of collection within the area in which the project is located.

f. Signs clearly identifying all recycling and refuse collection areas, and the materials accepted for recycling, shall be posted adjacent to all points of access to each trash enclosure.

g. Trash enclosures shall be bordered by a minimum 5-FT wide planter and screened with landscaping on all exposed sides, excluding the side with bin access gates, except when located out of public view.

h. Prior to the issuance of an occupancy permit, a developer or property owner(s) may be required to develop a written recycling plan, which specifies the identification of targeted materials to be recycled, and methods of recycling program promotion to tenants.

18. Trip Reduction. All new development projects shall fully implement trip reduction measures in compliance with Division 6.04 (Congestion Management and Trip Reduction) of this Chapter.

19. Outdoor Loading and Storage Areas.

a. Loading facilities shall be designed and constructed pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code.

b. Areas designated for open space, landscaping, off-street parking, loading, and vehicular circulation and maneuvering shall not be used for the outdoor storage of materials or equipment.

c. The outdoor storage of materials and equipment shall be permitted only within the CC and CR zoning districts in conjunction with, and ancillary to, the primary allowed land use. Outdoor loading and storage areas, and loading doors, shall be fully enclosed by a masonry screen wall with view-obstructing gates pursuant to Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) of this Development Code. Walls and

gates visible to the public shall be decorative. Chain link fencing with a screening material shall not be used to screen loading and storage activities and areas.

20. Outdoor Activities. All business activities shall be conducted entirely within a completely enclosed structure, except for the following:

a. Sale or display of new or used automobiles, boats, trucks, recreational vehicles and similar large equipment;

b. Outdoor cafes and eating areas;

c. Sale or display of building material, lumber, nursery stock and similar bulk stock, subject to the location and screening requirements of this Section;

d. Temporary activities, such as Christmas tree sales, sidewalk sales and other temporary or seasonal activities, subject to the issuance of an Administrative Use Permit for temporary uses, activities, and facilities pursuant Section 4.03.015 (Administrative Use Permits) of this Development Code;

e. Off-street parking facilities, and outdoor loading and storage areas, which are properly screened pursuant to Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) of this Chapter; and

f. As allowed pursuant to the standards contained in Division 5.03 (Standards for Specific Land Uses, Activities as Facilities) of this Development Code.

21. Noise. Within all commercial zoning districts, structures and equipment shall be designed, located, constructed, and operated in a manner so as not to exceed the maximum interior and exterior noised levels set forth in OMC Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

22. Airport Safety Zones. Within commercial zoning districts, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.

23. Security Standards. Within commercial zoning districts, any lot, and any building or structures thereon, shall comply with all applicable requirements of OMC Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings).

O. Commercial Design Guidelines.

1. The City Council shall establish by resolution, commercial design guidelines applicable to all commercial zoning districts, which are intended as a reference to assist the designer in understanding the City's goals and objectives for commercial development. The guidelines shall compliment the mandatory commercial development regulations contained in this Section, by providing examples of potential design solutions and by providing design interpretations of the various mandatory regulations contained herein.

2. The design guidelines authorized herein shall be enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

6.01.020: Mixed-Use Zoning Districts

A. Purpose.

1. The purpose of this Section is to establish regulations intended to encourage innovative mixed-use development as an alternative to the typical suburban, use-segregated developments found throughout the Inland Empire, which is consistent with the goals and policies of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. Generally, mixed-use districts are intended for the creation of development projects that:

- a. Create a dynamic, walkable, mixed-use environment;
- b. Provide for a development pattern that encourages the use of public transportation;
- c. Provide for a mix of housing types that are within close proximity to retail and service uses;
- d. Establish high standards for the design and development of buildings, infrastructure, and landscaping;
- e. Ensure a high degree of pedestrian and vehicular connectivity, and enhance the vitality of commercial corridors within the City;
- f. Facilitate the development of housing, retail, and office uses within close proximity to one another, allowing residents to walk to retail and service uses, and transit services; and
- g. In selected areas, locate buildings close to the street, so that streets and squares feel enclosed, establishing outdoor rooms.

2. The intent of each established mixed-use district is as follows:

a. *Downtown Mixed-Use Area.* The Downtown Mixed-Use District (MU-1 zoning district) is intended to accommodate an intensive mixture of vertical and horizontal retail and office uses at a development intensity of up to 2.0 FAR, and residential uses at a density of 25 to 75 DU/AC. The Downtown Mixed-Use District is intended to encourage the development and revitalization of the City's historic downtown district in such manner as to achieve the District's full potential as a unique shopping and residential area, as well as the City's focus for governmental, cultural, and educational activities.

b. *East Holt Mixed-Use Area.* The East Holt Mixed-Use District (MU-2 zoning district) is intended to accommodate the intensification of the East Holt Boulevard Corridor with low-rise (up to 5 stories) buildings housing a mixture of retail and office uses at a development intensity of up to 2.0 FAR and 1.0 FAR, respectively, and residential uses at a density of 14 to 40 DU/AC. The intent of this zoning district is to create identity and place along the Holt Boulevard Corridor and provide a connection between the Downtown Mixed Use Area and the Ontario Airport Metro Center.

c. *Euclid/Francis Mixed-Use Area.* The Euclid/Francis Mixed-Use District (MU-11 zoning district) is intended to accommodate a low-rise (up to 3 stories) mixture of retail uses at an

intensity of up to 1.0 FAR, and residential uses at a density of 14 to 25 DU/AC, that will create identity and place along the Euclid Avenue corridor.

B. Applicability. The standards and guidelines established by this Section shall apply to each of the City's mixed-use zoning districts. Furthermore, the provisions of this Section shall apply to all land subdivisions for mixed-use purposes, and any new mixed-use construction, addition, remodel, or reallocation requiring a building permit or other similar entitlement by the City.

C. Mixed Use Zoning District Development Standards. Development within the MU-1, MU-2, and MU-11 mixed-use zoning districts shall comply with the following standards:

1. MU-1 (Downtown Mixed Use Area) Zoning District.

a. *Planned Unit Development Required.* Within the MU-1 zoning district, development shall occur only after a Planned Unit Development has first been adopted for the affected property pursuant to Section 4.01.030 (Planned Unit Developments and Amendments) of this Development Code.

b. *Area Plan and Form-Based Development Standards In Lieu of Planned Unit Development Adoption.* In lieu of Planned Unit Development adoption, the City may elect to prepare and adopt an Area Plan to provide additional policy-level guidance for development within MU-1 zoning district, in conjunction with the inclusion of appropriate form-based development standards within this Section, to be established on a minimum per block basis.

c. *Allowed Development Density/Intensity.* Within the MU-1 zoning district, residential development shall range from a minimum allowed density of 25 dwelling units per acre, to a maximum allowed density of 75.0 dwelling units per acre. Commercial-retail and/or office development shall not exceed 2.0 FAR.

d. *Zoning District Buildout Limits.* Within the MU-1 zoning district, buildout shall not exceed the maximum number of dwelling units and nonresidential building area allotted for the Downtown Mixed-Use District, as prescribed by Exhibit LU-3 (Future Buildout) of The Ontario Plan.

e. *Downtown Ontario Design Guidelines.* In August 1998, the City Council adopted the Downtown Ontario Design Guidelines, included as Reference "C" of this Development Code, which establishes a set of architectural, graphic, and lighting design principles, to provide guidance to business owners, homeowners, City staff, and design professionals, for the development and/or rehabilitation of properties within the City's historic original downtown area (project area). The project area is bordered by "I" Street on the north, Vine Street on the west, Sultana Avenue on the east, and railroad tracks on the south, and is defined in Figure 1.4 (Land Use Districts) of the Downtown Ontario Design Guidelines. The design guidelines also apply to those properties located across the street from, and directly abut, the project area.

2. MU-2 (East Holt Mixed-Use Area) Zoning District.

a. *Planned Unit Development Required.* Within the MU-2 zoning district, development shall occur only after a Planned Unit Development has first been adopted for the affected property pursuant to Section 4.01.030 (Planned Unit Developments and Amendments) of this Development Code.

b. *Allowed Development Density/Intensity.* Within the MU-2 zoning district, residential development shall range from a minimum allowed density of 14.1 dwelling units per acre, to a maximum allowed density of 40.0 dwelling units per acre. Commercial-retail development shall not exceed 1.0 FAR and commercial-office development shall not exceed 2.0 FAR.

c. *Zoning District Buildout Limits.* Within the MU-2 zoning district, buildout shall not exceed the maximum number of dwelling units and nonresidential building area allotted for the East Holt Mixed-Use Area, as prescribed by Exhibit LU-3 (Future Buildout) of The Ontario Plan.

3. MU-11 (Euclid/Francis Mixed-Use Area) Zoning District.

a. *Residential Development.* Within the MU-11 zoning district, residential development shall be allowed pursuant to the standards of the HDR-25 zoning district and shall range from a minimum allowed density of 14.0 dwelling units per acre, to a maximum allowed density of 25.0 dwelling units per acre.

b. *Nonresidential Development.* Within the MU-11 zoning district, nonresidential development shall be allowed pursuant to the requirements of the CN zoning district, and shall not exceed 1.0 FAR.

c. *Zoning District Buildout Limits.* Within the MU-11 zoning district, buildout shall not exceed the maximum number of dwelling units and nonresidential building area allotted for the Euclid/Francis Mixed-Use Area, as prescribed by Exhibit LU-3 (Future Buildout) of the Policy Plan (General Plan) component of The Ontario Plan.

6.01.025: Industrial Zoning Districts

A. *Purpose.* The purpose of this Section is to ensure that development within the industrial zoning districts of the City will contribute toward an urban environment of stable, desirable character, which is harmonious with existing and future development, and is consistent with the goals and policies of the Policy Plan (General Plan) component of The Ontario Plan. These regulations are further established to:

1. Reserve appropriate areas in the community for a full range of industrial uses, which are grouped to achieve maximum compatibility with respect to the characteristics of the various types of industrial activities and processes;

2. Encourage the development of all types of industrial establishments in a manner that is consistent with sound standards of public health and safety;

3. Allow certain types of light industrial uses that are relatively free of nuisance or hazardous features, which may be located in areas nearest to residential, office, and commercial areas, while providing space for industrial uses with more severe impacts in more remote locations;

4. Protect areas appropriate for industrial development from intrusion by residences and other incompatible uses, while providing opportunities for various types of industrial establishments and similar uses to concentrate in mutually beneficial relationships to each other;

5. Ensure the provision of adequate space to meet the needs of industrial development, including landscaped setbacks, off-street parking and truck loading areas;

6. Strengthen the City's economic base and jobs-housing balance by increasing employment opportunities close to home for residents of the City and surrounding communities;

7. Ensure that the appearance of industrial buildings and uses is compatible with the visual character of the area in which they are located; and

8. Provide a sufficient number of appropriately located sites for adult businesses within the IH (Heavy Industrial) zoning district.

B. Applicability. The standards and guidelines established by this Section shall apply to each of the City's industrial zoning districts. Furthermore, the provisions of this Section shall apply to all industrial land subdivisions and any new industrial construction, addition, remodel, or reallocation requiring a building permit or other similar entitlement by the City.

C. Development Standards. Development within industrial zoning districts shall comply with the requirements of Table 6.01-10 (Industrial Zoning District Development Standards), below, which specifies standards for the development of structures within the BP, IP, IL, IG, and IH zoning districts.

Table 6.01-10: Industrial Zoning District Development Standards

Requirements	Industrial Zoning Districts					Additional Regulations
	BP	IP	IL	IG	IH	
A. SITE DEVELOPMENT STANDARDS						
1. Minimum Lot Area	1.0 AC		10,000 SF			Note 1
2. Maximum Floor Area Ratio (FAR)	0.60		0.55			Note 7
3. Minimum Lot Dimensions	100 FT – Lot Width 100 FT – Lot Depth					Note 1
4. Minimum Landscape Coverage	Refer to Division 6.05 (Landscaping)					
a. Interior Lots	15%	10%				Notes 2 and 3
b. Corner Lots	20%	15%				Notes 2 and 3
c. Off-Street Parking Areas	7%					See Section 6.05.030.D (Landscaping of Off-Street Parking Facilities)
5. Minimum Parking Space and Drive Aisle Separations						
a. Parking Space or Drive Aisle to Street Property Line	20 FT		10 FT			
b. Parking Space or Drive Aisle to Interior Property Line	5 FT					Notes 4 and 5
<u>Exception:</u> From property line common with residential district	10 FT (area shall be densely landscaped)			n/a		

Table 6.01-10: Industrial Zoning District Development Standards

Requirements	Industrial Zoning Districts					Additional Regulations
	BP	IP	IL	IG	IH	
<p>c. Parking Space to Buildings, Walls, and Fences</p> <p>10 FT - Areas adjacent to public entries and office areas 5 FT - Areas adjacent to other building areas</p>						Note 5
<p><u>Exception:</u> Within screened loading and storage yard areas</p>	0 FT					
<p>d. Drive Aisles to Buildings, Walls, and Fences</p> <p>10 FT</p>						Note 5
<p><u>Exception:</u> Within screened loading and storage yard areas</p>	0 FT					
<p>6. Minimum Screened Loading and Storage Yard Separations</p>						
<p>a. Enclosed Loading and Storage Yard to Street Property Line</p> <p>20 FT - Freeways 20 FT - Arterial Streets 10 FT - Collector/Local Streets</p>						
<p>b. Screened Loading and Storage Yard to Interior Property Line</p> <p>0 FT</p>						
<p><u>Exception:</u> From interior property line common with residential district</p>	10 FT (area shall be densely landscaped)				n/a	
<p>c. Screened Loading and Storage Yard to Buildings, Walls, and Fences</p> <p>0 FT</p>						
<p>7. Walls, Fences and Obstructions</p>	Refer to Section 6.02.025 (Design Standards for Nonresidential Zoning Districts).					
<p>8. Off Street Parking</p>	Refer to Division 6.03 (Off-Street Parking and Loading).					
<p>9. Property Appearance and Maintenance</p>	Refer to Division 6.10 (Property Appearance and Maintenance).					
<p>10. Historic Preservation</p>	Certain portions of commercial zoning districts are identified as historic or potentially historic, and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.					
<p>11. Signs</p>	Refer to Division 8.1 (Sign Regulations).					
<p>12. Security Standards</p>	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).					
<p>13. Noise</p>	Buildings shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).					
<p>14. Airport Safety Zones</p>	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.					

Table 6.01-10: Industrial Zoning District Development Standards

Requirements	Industrial Zoning Districts					Additional Regulations
	BP	IP	IL	IG	IH	
B. BUILDING DEVELOPMENT STANDARDS						
1. Maximum Area Per Building	45,000 SF - Single-Tenant 60,000 SF - Multi-Tenant		See Note 9	n/a		
2. Minimum Street Setback						
a. From Freeway Property Line	20 FT					
b. From Arterial Street Property Line	10 FT - Holt Boulevard 20 FT - All Other Arterial Streets					
c. From Collector and Local Street Property Line	10 FT					
3. Minimum Interior Property Line Setback	0 FT					Note 6
<u>Exception:</u> Property line common with residential districts	30 FT					
4. Maximum Height	45 FT		55 FT			Note 7
5. Minimum Setback From Major Pipelines (to habitable structures)	50 FT					Note 8

Notes:

1. There is no minimum lot area or dimension for common interest subdivisions established pursuant to Section 6.08.010 (Common Interest Subdivisions) of this Development Code.
2. Landscaped areas with a minimum dimension of less than 5 FT shall not contribute toward the “minimum landscape coverage” calculation.
3. The “minimum landscape coverage” calculation for interior and corner lots shall exclude all landscaped areas located within public rights-of-way.
4. Within yard areas fully screened by a decorative wall, there shall be no minimum drive aisle or parking space setback required, unless adjacent to residentially zoned properties.
5. The minimum separation area between a building, wall, or fence, and a parking space or drive aisle, shall be fully landscaped. The separation area may include pedestrian walkways, as necessary; however, a minimum 3-FT wide planter area shall be maintained between a building wall and a pedestrian walkway. The minimum separation dimension does not include any area devoted to vehicle overhang.
6. There shall not be a minimum required building setback from property lines that are interior to a business park, or industrial park or complex.
7. The maximum building height and FAR may be restricted pursuant to the Ontario International Airport Land Use Compatibility Plan (ALUCP). Refer to the ALUCP for properties affected by airport safety zones.
8. Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:
 - a. Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and
 - b. Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.

9. *Within the IL zoning district, lots abutting, or directly across the street from, a residentially zoned property, shall comply with the "Maximum Area Per Building" and "Maximum Height" applicable to the BP and IP zoning districts.*

D. Exceptions to Development Standards. The following exceptions from the industrial zoning district development standards stipulated in Table 6.01-8 (Industrial Zoning District Development Standards) shall be permitted:

1. Building Height.

a. *Aerials and Antennas, Chimneys, Cupolas, Elevator Penthouses, Flagpoles, Monuments, Parapet Walls, Spires, Towers, Water Tanks, and Other Similar Structures.* Aerials and antennas, chimneys, cupolas, elevator penthouses, flagpoles, monuments, parapet walls, spires, towers, water tanks, and other similar structures may be erected to a height of up to 25 percent above the prescribed height limit of the base zoning district.

b. *Amateur (HAM) Radio Antennas.* HAM radio antennas may exceed the maximum prescribed height limit of a zoning district by a maximum of 10 FT. The Zoning Administrator, however, may allow HAM radio antennas to exceed this height limitation if it is necessary to accommodate amateur radio service communications. A HAM radio antenna that exceeds the maximum prescribed height limit of the zoning district in which it is located shall not exceed the minimum height and dimensions necessary to accommodate amateur radio service communications.

c. *Wireless Telecommunication Facilities.* Wireless telecommunication facilities shall comply with Section 5.03.42 (Wireless Telecommunications Facilities) of this Development Code.

2. Encroachments into Required Setback Areas.

a. *Cornices, Eaves, Canopies, Decorative Wall Elements, and Similar Architectural Features.* Cornices, eaves, canopies, decorative wall elements, and similar architectural features may extend into a required street or interior property line setback area a maximum of 50 percent of the required setback, not to exceed 4 FT.

b. *Signs.* Signs and advertising structures may encroach into a required front street setback area pursuant to Division 8.1 (Sign Regulations) of this Development Code.

c. *Walls, Fences, and Obstructions.* Walls, fences, and obstructions may be permitted within required setback areas pursuant to the provisions of Division 6.02 (Fences, Walls, and Obstructions) of this Chapter.

E. General Provisions. The following general regulations shall be applicable to all land uses, activities, and facilities within each industrial zoning district:

1. Building Setback Areas Adjoining Streets. Except as otherwise specifically provided by this Development Code, required setback areas adjoining streets shall only be used for the placement of landscaping and irrigation installed pursuant to Division 6.05 (Landscaping); public art works installed pursuant to Division 6.07 (Public Art); vehicular and pedestrian accesses, off-street parking and vehicular circulation, and site lighting pursuant to Division 6.03 (Off-Street Parking and Loading), walls and fences installed pursuant to Division 6.02 (Walls, Fences, and

Obstructions), and signs installed pursuant to Division 8.1 (Sign Regulations) of this Development Code.

2. Parking Space and Drive Aisle Setback Areas. Parking space and drive aisle setback areas required pursuant to Table 6.01-9 (Industrial Zoning District Development Standards) shall only be used for landscaping and irrigation installed pursuant to Division 6.05 (Landscaping), walls and fences installed pursuant to Division 6.02 (Walls, Fences, and Obstructions), public art works installed pursuant to Division 6.07 (Public Art), and signs installed pursuant to Division 8.1 (Sign Regulations) of this Development Code.

3. Refuse Storage Areas (Trash Enclosures).

a. Within industrial zoning districts, refuse and recyclable materials shall be stored in an appropriate container, out of view of public or private streets, and adjacent properties.

b. Refuse and recyclable materials container storage shall be within City-approved enclosures designed to contain separate containers for the collection of refuse and recyclable materials. The number of trash enclosures required, their precise locations and dimensions, and their design shall be pursuant to the City's Refuse and Recycling Planning Manual. The requirement for refuse container storage areas may be reduced or waived by the Approving Authority if a trash compactor is used, which is screened from public view.

c. Trash enclosures shall consist of a minimum 6-FT high decorative masonry wall, with appropriate view-obstructing gates for container access, and separate pedestrian access, which is designed to screen the interior of the enclosure from view from the exterior and prevent refuse dispersion. The enclosure design shall be consistent with the architectural design of adjacent buildings and shall include a decorative overhead roof structure to protect bins containing recyclable materials from adverse environmental conditions, which might render the collected materials unusable.

d. To the extent practicable, trash enclosures shall be located away from property lines common with sensitive uses, such as, but not limited to, dwellings, schools, playgrounds, childcare centers, health care facilities, rehabilitation centers, convalescent centers, and retirement homes.

e. Trash enclosure dimensions shall be of adequate size to accommodate containers consistent with the City's current methods of collection within the area in which the project is located.

f. Signs clearly identifying all recycling and refuse collection areas, and the materials accepted for recycling shall be posted adjacent to all points of access to each trash enclosure.

g. Trash enclosures shall be bordered by a minimum 5-FT wide planter and screened with landscaping on all exposed sides, excluding the side with bin access gates, except when located out of public view.

h. Prior to the issuance of an occupancy permit, a developer or property owner(s) may be required to develop a written recycling plan, which specifies the identification of targeted materials to be recycled, and methods of recycling program promotion to tenants.

4. Lighting. Commercial development shall incorporate lighting fixtures that are decorative and are designed to eliminate adverse impacts of light spillover and promote safe vehicular and pedestrian access.

a. Light fixtures shall be full cut-off fixtures to prevent glare and light spill off the project site onto adjacent properties, buildings, and roadways.

b. Parking lot lighting shall comply with Section 6.03.050 (Parking Lot Lighting) of this Development Code and OMC Section 4-11.09(j).

c. Lighting fixtures shall be color-correct types, such as halogen, metal halide, or LED, to ensure true-color at night, visual comfort for pedestrians, and energy efficiency.

d. Pedestrian-level pole-mounted lighting, bollard lighting, ground-mounted lighting, or other low, glare-controlled fixtures mounted on buildings or walls shall be used to light pedestrian walkways. Pole-mounted, building-mounted, or tree-mounted lighting fixtures shall be no more than 14 FT in height. Bollard-type lighting shall be no more than 4 FT in height.

e. Steps, ramps, and seatwalls shall be illuminated with built-in light fixtures, where possible.

5. Equipment Screening.

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.

6. Outdoor Loading and Storage Areas.

a. Loading facilities shall be designed and constructed pursuant to Division 6.03 (Off-Street Parking and Loading) of this Chapter.

b. Areas designated for open space, landscaping, off-street parking, loading, and vehicular circulation and maneuvering, shall not be used for the outdoor storage of materials or equipment.

c. The outdoor storage of materials and equipment shall be permitted only within the IL, IG, IH, and ONT zoning districts in conjunction with, and ancillary to, the primary allowed land use, except as otherwise allowed pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

d. Outdoor loading and storage areas, and loading doors, shall be screened from public view by a decorative masonry wall with view-obstructing gates, pursuant to Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) of this Development Code. Furthermore, loading and storage areas, and loading doors, shall not

face a freeway, Euclid Avenue, or Mission Boulevard, unless fully screened from view of the freeway or street.

e. The outdoor storage of materials or equipment shall not be allowed within the BP and IP zoning districts.

7. Outdoor Manufacturing and Processing.

a. Manufacturing and processing activities shall be conducted within a wholly enclosed building, except that outdoor manufacturing and processing activities may be allowed within the IG, IH, and ONT zoning districts in conjunction with, and ancillary to, the primary allowed land use, subject to the approval of a Conditional Use Permit pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code.

b. Outdoor manufacturing and processing activities allowed pursuant to Subparagraph C.7.a, above, shall be screened from public view by buildings and/or decorative masonry walls with view-obstructing gates.

8. Outdoor Sales and Display. Within industrial zoning districts, all sales and display activities shall be conducted within a wholly enclosed building, except as follows:

a. Sale or display of new or used automobiles, boats, trucks, recreational vehicles and similar large equipment;

b. Outdoor cafes and eating areas;

c. Sale or display of building material, lumber, nursery stock and similar bulk stock, subject to the location and screening requirements of this Section;

d. Temporary activities, such as Christmas tree sales, sidewalk sales and other temporary or seasonal activities, subject to the issuance of an Administrative Use Permit for temporary uses, activities, and facilities pursuant Section 4.03.015 (Administrative Use Permits) of this Development Code;

e. Off-street parking facilities, and outdoor loading and storage areas, which are properly screened pursuant to Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) of this Chapter; and

f. As allowed pursuant to the standards contained in Division 5.03 (Standards for Specific Land Uses, Activities as Facilities) of this Development Code.

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

a. Exterior building colors shall be low-reflecting and subtle. Furthermore, overly intense, overly bright, or fluorescent or Day-Glo colors, shall not be used on a building exterior, as determined by the Planning Director.

b. The exterior building color of a new development project shall be reviewed and approved in conjunction with the approval of the structure by the Approving Authority. Development projects consisting of multiple buildings shall incorporate colors that are

coordinated between structures, utilizing compatible hues and intensities. The final review and approval of paint colors, utilizing a color test, may be required by the City, prior to painting a building.

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

10. Roof Access Ladders. Ladders for roof access shall be mounted on the inside of the building, or if located on the building exterior, shall be completely concealed from public view.

11. Gutters and Downspouts. Gutters and downspouts shall be concealed from public view, unless designed as a continuous architectural feature. Exposed gutters and downspouts used as architectural features should be colored to match the fascia or wall material to which they are attached.

12. Trip Reduction. All new development projects shall fully implement trip reduction measures in compliance with Division 6.04 (Congestion Management and Trip Reduction) of this Chapter.

13. Noise. Within all industrial zoning districts, structures and equipment shall be designed, located, constructed, and operated in a manner so as not to exceed the maximum interior and exterior noised levels set forth in OMC Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

14. Airport Safety Zones. Industrially zoned properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.

15. Security Standards. Within industrial zoning districts, any lot, and any building or structures thereon, shall comply with all applicable requirements of OMC Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings).

F. Industrial Design Guidelines.

1. The City Council shall establish by resolution, industrial design guidelines applicable to all industrial zoning districts, which are intended as a reference to assist the designer in understanding the City’s goals and objectives for industrial development. The guidelines shall compliment the mandatory industrial development regulations contained in this Section, by providing examples of potential design solutions and by providing design interpretations of the various mandatory regulations contained herein.

2. The design guidelines authorized herein shall be enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

6.01.030: Specialized Use Zoning Districts

A. Purpose. The purpose of this Section is to ensure that development within each Special Purpose zoning district of the City will contribute toward an urban environment of stable, desirable character, which is harmonious with existing and future development, and is consistent with the goals and policies of the Policy Plan (General Plan) component of The Ontario Plan.

B. Applicability. The standards and guidelines established by this Section shall apply to each of the City's special purpose zoning districts. Furthermore, the provisions of this Section shall apply to all subdivisions of land and any new construction, addition, remodel, or reallocation requiring a building permit or other similar entitlement by the City, within a Special Purpose zoning district.

C. Specialized Use Zoning District Standards. The design and development of properties located within specialized use zoning districts shall comply with the following:

1. CIV (Civic) Zoning District. The CIV zoning district is established to accommodate permanent public facilities such as City Hall, public libraries, public schools, police and fire stations, and other similar facilities utilized by the public. Properties within the CIV zoning district shall be developed pursuant to the standards and guidelines applicable to the OH zoning district (see Section 6.01.015 (Commercial Zoning District) of this Division).

2. MHP (Mobile Home Park) Zoning District. The MHP zoning district is established to accommodate communities consisting of mobile homes and manufactured housing. All development within the MHP zoning district shall be designed and constructed pursuant to the requirements of Section 5.03.295 (Mobilehome Parks) of this Development Code.

3. ONT (Ontario International Airport) Zoning District. The ONT zoning district is established to accommodate on-going development of Ontario International Airport and surrounding properties directly impacted by airport operations. All development within the ONT zoning district shall be designed and constructed pursuant to the applicable requirements of Section 5.03.020 (Air Transportation) of this Development Code.

4. OS-C (Open Space-Cemetery) Zoning District. The OS-C zoning district is established to accommodate cemetery sites. Properties within the OS-C zoning district shall be developed pursuant to the standards and guidelines applicable to the OL zoning district (see Section 6.01.015 (Commercial Zoning District) of this Division).

5. OS-R (Open Space-Recreation) Zoning District. The OS-R zoning district is established to accommodate open space uses, such as public parks and recreation centers. Properties within the OS-R zoning district shall be developed pursuant to the standards and guidelines applicable to the OL zoning district (see Section 6.01.015 (Commercial Zoning District) of this Division).

6. PUD (Planned Unit Development) Zoning District. The PUD zoning district is established to accommodate the development and use of properties that require Planned Unit Development approval pursuant to Exhibit LU-05 (Additional Plans Map) of the Policy Plan component of The Ontario Plan. All development within the PUD zoning district shall only be allowed pursuant the applicable Planned Unit Development document.

7. RC (Rail Corridor) Zoning District. The RC zoning district is established to accommodate permanent rail or fixed transit corridors through the City, as well as stations and similar ancillary facilities. Properties within the RC zoning district shall be developed pursuant to the standards and guidelines applicable to the IH zoning district (see Section 6.01.025 (Industrial Zoning District) of this Division).

8. SP (Specific Plan) Zoning District. The SP zoning district is established to accommodate the adoption of Specific Plans pursuant to Exhibit LU-05 (Additional Plans Map) of the Policy Plan component of The Ontario Plan. All development within the SP zoning district shall

be designed and constructed pursuant to the standards and guidelines of the applicable Specific Plan document. (Note: If no specific plan has been adopted for a property within the SP zoning district, a new specific plan shall be adopted for the property, or the property shall be annexed to an existing neighboring specific plan, prior to the issuance of any grading or building permits.)

9. UC (Utility Corridor) Zoning District. The UC zoning district is established to accommodate flood control channels, retention and detention basins, electrical transmission corridors, and landfills, and may include ancillary recreational facilities in conjunction with the primary use of the site. Properties within the UC zoning district shall be developed pursuant to the standards and guidelines applicable to the OL zoning district (see Section 6.01.015 (Commercial Zoning District) of this Division).

6.01.035: Overlay Zoning Districts

A. **Purpose.** The purpose of this Section is to ensure that development within each Overlay zoning district of the City will contribute toward an urban environment of stable, desirable character, which is harmonious with existing and future development, and is consistent with the goals and policies of the Policy Plan (General Plan) component of The Ontario Plan.

B. **Applicability.** The standards and guidelines established by this Section shall apply to each of the City's overlay districts. Furthermore, the provisions of this Section shall apply to all subdivisions of land and any new construction, addition, or remodel requiring a building permit or other similar entitlement by the City, within an overlay district.

C. **Overlay Zoning District Standards.** The design and development of properties located within overlay zoning districts shall comply with the following:

1. AG (Agricultural) Overlay District.

a. **Purpose.** The purpose of the AG Overlay District is to accommodate the continuation of agricultural uses within the City, on an interim basis, until such time that the Overlay District is developed consistent with the goals and policies of The Ontario Plan. The transition of the AG Overlay District will be gradual, requiring the establishment of regulations intended to guide agricultural-related development activities for the interim period. It is the intent of the AG Overlay District to allow for the continuation of agricultural uses and related support uses as defined herein. The AG Overlay District is further intended to protect vital agricultural uses by limiting land use activity to those uses which are compatible and supportive of agriculture and related uses, and/or their products.

b. **Applicability.**

(1) The herein established rights and responsibilities applicable to the AG Overlay District shall apply to all property located within the boundary of the Overlay District, as shown on the official Zoning Map of the City. The AG Overlay District provisions established herein, shall apply to all existing and new building construction, additions, remodels, or reallocations, whether or not a building permit, or other similar entitlement, is required by the City.

(2) Any new building construction, excepting buildings to accommodate agricultural uses or agricultural-related activities, and single-family homes and buildings ancillary thereto on lots 10 acres or more in area, shall first require the adoption of a Specific Plan pursuant to Section 4.01.035 (Specific Plans and Amendments) of this Development

Code, which prescribes the allowed land uses, development regulations and guidelines, and sign regulations applicable to the project.

(3) All rights pertaining to the AG Overlay District established herein, shall run with the land and shall be transferable to any future owner(s) of property within the AG Overlay district, and their assigns.

c. *Definitions.* For the purposes of this Section, the words or phrases listed below, in correct alphabetical order, shall have the meanings hereafter specified:

Agricultural Support Services. These uses are supportive of the farm community and are fully compatible with agricultural uses. Agricultural support services are uses which directly support, or which are accessory or incidental to, established agricultural uses within the AG Overlay District. These include, but are not limited to the following:

- 1) Agricultural chemicals, fuel and fuel oil, nonflammable bottled gas;
- 2) Animal husbandry services veterinary services for large and small animals, and horseshoeing;
- 3) Farm machinery equipment and supplies, sale and repair;
- 4) Farm produce sales and supply (feed, hay, grain and grain products, fertilizer);
- 5) Farm products packaging and processing;
- 6) Feed storage, farm products warehousing and storage (except stockyards); and
- 7) Waste management facilities and fertilizer operations in accordance with applicable local, State and Federal regulations.

Animal Confinement Facility. Where used, the term “animal confinement facility” includes animal barns, corrals, or pens.

Commercial Kennels and Catteries. The keeping of more than 5 dogs or 5 cats over the age of 4 months for breeding, boarding, training or sale on a lot minimum 2.5 acres in area.

Cow and Goat Dairies. Any premises where milk is produced for wholesale distribution and where 10 or more cows or goats are in lactation.

Crop Production. A primary use of the land which includes cultivation of open field or greenhouse crops, fruits, vegetables, grain, fibers, flowers, ornamental and nursery plant materials for wholesale or retail sales and ultimate consumption by others.

Expanded Use. An expanded use consists of a building expansion or new construction in excess of 5,000 square feet.

Trade of Livestock. Sale of livestock to general public (e.g. animal auctions).

d. *Uses Generally.* No building, structure, or land shall be used, and no building or structure shall be hereafter erected, structurally altered, or enlarged, except for the purposes set out in this Paragraph C.1 (AG (Agricultural) Overlay District) of this Section.

e. *Permitted Land Uses.* In addition to those land uses allowed in the AG Overlay District as prescribed by Table 5.01-1 (Land Use Matrix) of this Development Code, the following land uses are permitted by right of being within the correct zoning district:

- (1) Row, field, tree, and crop production;
- (2) Plant nurseries (retail and wholesale);
- (3) Single dwelling unit on a lot not less than 10 acres in area; a specific plan is required for any subdivision or master planned development; and
- (4) Animal keeping activities, excepting household pets, shall comply with the following:
 - (a) Animal keeping shall be on a legally recognized lot no less than 2 acres in area. Lot area used to qualify one animal type shall not be reused to qualify another animal type;
 - (b) Proper management of animal waste shall be carried out in accordance with all requirements of the State Regional Water Quality Control Board or regulating agency;
 - (c) Small animal keeping. Aviary or similar small animal ranches or farms (excluding chicken and hog ranches) shall be permitted on lots that are at least one-half acre in area. Fish raising shall be limited to one pond per acre, with a maximum of 4 ponds per parcel. Each pond shall not exceed one-half acre in area; and
 - (d) Refer to Table 6.01-11 (Animal Types and Densities), below, for animal density requirements and Section 5.03.410 (Urban Agriculture) of this Development Code, for animal separation/setback requirements.

Table 6.01-11: Animal Types and Maximum Densities

<i>Animal Type</i>	<i>Maximum Animal Density</i>	<i>Additional Regulations</i>
A. Dairy Cow	As permitted by Approving Authority	Note 1
B. Non-dairy Cattle/Bufalo	1/6,000 SF of lot area	
C. Horses	1/6,000 SF of lot area	
D. Swine (5 maximum)	1/12,000 SF of lot area	
E. Sheep, female goats and similar livestock	1/3,000 SF of lot area	
F. Male adult goats		
1. Parcel < 10 acres	One maximum	
2. 10 acres and above	1/5 acres of lot area (not to exceed 4 maximum)	
G. Rabbits and chinchillas (200 maximum)	50/10,000 SF of lot area	

Table 6.01-11: Animal Types and Maximum Densities

<i>Animal Type</i>	<i>Maximum Animal Density</i>	<i>Additional Regulations</i>
H. Ostriches	1/6,000 SF of lot area	
I. Emus and rheas	1/6,000 SF of lot area	
J. Poultry		
1. <u>Female</u>		
a. Parcel < 10 acres	25 maximum	
b. 10 acres and above	25/ 10 acres of lot area (50 maximum)	
2. <u>Male (9 maximum)</u>		
a. Parcel < 10 acres	2 species/parcel	
b. 10 acres and above	2 species/5 acres	

Notes:

1. *New or expansions to existing dairy or other animal confinement facilities shall be considered on a case-by-case basis, subject to the approval of a Conditional Use Permit pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code. Animal density shall be as determined by the appropriate approving authority (i.e. Regional Water Quality Control Board) which may impose special operational conditions, requirements or standards deemed necessary to insure the public health, safety and general welfare. Animal density shall be based on measures to prevent the unacceptable nitrification or salt pollution of soils, and the pollution of groundwater by nitrates and salts emanating from the facility, as defined by the Regional Water Quality Control Board.*

f. *Conditionally Permitted Land Uses.* In addition to those land uses allowed in the AG Overlay District as prescribed by Table 5.01-1 (Land Use Matrix) of this Development Code, the following land uses shall be allowed subject to the approval of a Conditional Use Permit pursuant to the requirements of Section 4.02.015 (Conditional Use Permits) of this Development Code:

- (1) Agricultural Support Services;
- (2) Animal raising of densities greater than or the raising of animal types different than those specified by this Paragraph C.1 (AG (Agricultural) Overlay District), subject to review by the appropriate Approving Authority (such as Regional Water Quality Control Board); and fish raising using ponds or lakes that are of greater surface area or number than those specified by this Paragraph C.1 (AG (Agricultural) Overlay District).
- (3) Animal hospitals and veterinary clinics;
- (4) Antennas and wireless telecommunications facilities;
- (5) Apiaries;
- (6) Calf growing ranches (lots shall be 5 or more acres in area);
- (7) Places of worship within an existing building, and expansions to existing facilities (establishment of new places of worship in new structures shall only be permitted as part of a specific plan);
- (8) Dairies, including expansions to existing dairies;

- is prohibited);
- (9) Educational facilities and institutions;
 - (10) Fertilizer operations;
 - (11) Kennels (requires a 2.5-acre minimum lot size);
 - (12) Mushroom farms (the use of manure as a planting/growing medium is prohibited);
 - (13) Rodeos;
 - (14) Trade of livestock; and
 - (15) Waste management facilities.

g. *Time Limit for Conditionally Permitted Land Uses.* Conditionally permitted uses may be subject to a 5-year time limit through an agreement with the applicant, in order to assess potential impacts from the conditional use upon surrounding land uses. Under such time limit, a time extension application may be filed at least 6 months prior to the end of the 5-year period. Approval of a time extension request shall be based on the continued compatibility of the project with surrounding land uses.

h. *Temporary Uses.* The following temporary uses are permitted, subject to the requirements of Section 5.03.395 (Temporary and Interim Land Uses, Buildings and Structures) of this Development Code:

- (1) Christmas tree and Halloween pumpkin sales, or other similar seasonal sales authorized by the City, not to exceed a period of 30 days, each;
- (2) Temporary produce stands in conjunction with an Urban Farm established pursuant to Section 5.03.410.F (Urban Farms) of this Development Code; and
- (3) Temporary Wireless Telecommunications Facilities.

i. *Accessory Uses.* The following accessory uses, and structures are permitted when customarily associated with, and subordinate to, a permitted use on the same lot:

- (1) Barns, stables, storage tanks, and other farm buildings;
- (2) Accessory dwelling unit or guesthouse, not to exceed one per lot, pursuant to the requirements of Section 5.03.030 (Accessory Residential Structures) of this Development Code. Any guesthouse or accessory dwelling unit shall meet the setbacks of the main structure as listed in Table 6.01-12 (AG (Agricultural) Overlay District Development Standards);
- (3) Accessory building(s) not usable as a guesthouse or accessory dwelling unit. There shall be no maximum size for accessory structures in the AG Overlay District. Accessory Structures in the AG Overlay District in excess of 650 SF shall not require the approval of a Conditional Use Permit;

(4) Office unit in conjunction with row, field, tree, plant nursery, or crop production operation, not to exceed 1,500 SF in area (maximum one building per lot). An office unit shall meet the setbacks of the main structure as listed in Table 6.01-12 (AG (Agricultural) Overlay District Development Standards);

(5) Caretaker's unit, not to exceed 650 SF in area (maximum one building per lot). Any caretaker's unit shall meet the setbacks of the main structure as listed in Table 6.01-12 (AG (Agricultural) Overlay District Development Standards);

(6) Garages and carports;

(7) Fences and walls;

(8) Patio covers;

(9) Swimming pools;

(10) Stands for the sale of agricultural products grown or produced on the same premises (excluding milk and meat products), subject to the following conditions:

(a) Stand shall be permitted only on lots containing a minimum of 10,000 SF;

(b) The floor area of the stand shall not exceed 100 SF;

(c) The stand shall not have a permanent foundation;

(d) The owner(s) shall remove such stand at their expense when the use has terminated;

(e) Stands shall be located a minimum of twenty (20) feet from the right-of-way line of any street or highway;

(f) Adequate provision for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the Planning Director; and

j. *Prohibited Uses.* Notwithstanding Subparagraphs d through f of Paragraph C.1 (AG (Agricultural) Overlay District) of this Section, the following uses shall be specifically prohibited:

(1) Animal slaughter operations;

(2) Commercial poultry ranches;

(3) Commercial hog ranches; and

k. *Uses Not Specifically Listed.* The Zoning Administrator may make a land use determination pursuant to Section 1.02.010 (Interpretations and Land Use Determinations) of this Development Code, for those uses not specifically listed herein as permitted or conditionally permitted uses, based on the similarity of the subject use to one of the categories listed in Subparagraphs d through f of this Paragraph C.1 (AG (Agricultural) Overlay District), and the herein stated purpose of the AG Overlay District.

l. Nonconforming Uses and Structures. Nonconforming uses and structures within the AG Overlay District shall be governed by Division 3.01 (Nonconforming Lots, Land Uses, and Structures) of this Development Code, except as follows:

(1) **Abandonment.** Whenever a nonconforming use or structure has been abandoned, the nonconforming use or structure shall not be reestablished, and the use of the structure and the site thereafter shall be in conformity with the regulations of the AG Overlay District. For the purposes of this Paragraph C.1 (AG (Agricultural) Overlay District), discontinuance of the nonconforming use for a continuous period of 180 days shall be conclusive evidence of abandonment of such nonconforming use regardless of the landowner's intent.

(2) **Special Hardship Circumstances.** The Zoning Administrator may extend the 180-day period for up to an additional 180 days. To receive such consideration, the property owner shall request an extension, in writing, prior to the expiration of the initial 180-day period, including a full explanation of the reason why the extension should be granted.

m. Animal Keeping/Separation Standards. The following site development standards shall apply to the keeping of animals, except household pets:

(1) Animals shall be restrained a distance of at least 40 FT, measured in a straight line, from any habitable structure or structure used for public assembly located on adjoining property. For dairies, refer to Subparagraph n of this Paragraph C.1 (AG (Agricultural) Overlay District), for separation requirements;

(2) Animals shall be restrained a distance of at least 5 FT from interior side and rear property lines, and 15 feet from street side property lines;

(3) Animals shall be secured by a fence or wall at least 5 FT in height, made of chain link, wood with horizontal members no less than 6 inches apart, solid masonry or other appropriate solid confining material. Property line walls and fences may be used to secure animals, provided the appropriate restraint distances are maintained;

(4) Animals shall be kept a minimum of 100 FT from any domestic water well;

(5) For new dairies/feed lots, a separation of 500 FT shall be required between an animal feed trough, corral/pen from new development and/or from property with a residential or nonresidential tract map recorded after January 1, 2000, as measured from the building setback line; and

(6) A reduction in animal separation requirements may also be considered for facilities with proven means of reducing odors, such as covering lagoons, substituting concrete-lined pits for lagoons, and employing recommended ventilation systems for animal confinement buildings. Consideration of alternative setbacks shall be subject to consultation with qualified agricultural engineers to ensure that the measure will reliably accomplish the intended purpose.

n. Separation Requirements for New Development. The following separation requirements from existing dairies/feed lots shall apply to new residential, commercial, and/or industrial development or structures used for public assembly purposes from existing dairies/feed lots:

(1) A minimum 100-FT separation shall be required between a new residential, commercial or industrial development or structure used for public assembly and an existing animal feed trough, corral/pen or an existing dairy/feed lot including manure stockpiles and related wastewater detention basins. The 100-FT separation requirement may be satisfied by an off-site easement acceptable to the Planning Director with adjacent properties, submitted with the initial final map and recorded prior to or concurrent with the final map; and

(2) Separation requirements between dairies within a proposed specific plan area and new development will be addressed through the specific plan review procedure which may include buffers, expanded parkways, open space, and other approved measures to mitigate potential impacts.

o. Permanent Structures. A Development Plan is required pursuant to Section 4.02.025 (Development Plans) of this Development Code, for all new, altered, or expanded structures/uses, including all new structures in excess of 5,000 SF in area.

p. Development Standards and Guidelines.

(1) The development of buildings to accommodate agricultural uses or agricultural-related activities, and single-family homes and buildings ancillary thereto, on lots 10 acres or more in area, shall be designed and constructed pursuant to the standards contained in Table 6.01-12 (AG (Agricultural) Overlay District Development Standards), below.

Table 6.01-12: AG (Agricultural) Overlay District Development Standards

<i>Requirements</i>	<i>Standards</i>	<i>Additional Regulations</i>
A. SITE DEVELOPMENT STANDARDS		
1. Minimum Lot Size	10 acres	Note 1
2. Maximum Lot Coverage		
3. Allowed Density Range	One dwelling per 10 acres	
4. Minimum Lot Dimensions		
<i>a.</i> Ratio (lot width to lot depth)	1:4	
<i>b.</i> Lot Width	300 FT	Note 1
<i>c.</i> Lot Depth	300 FT	Note 1
5. Equestrian Trails Required	No	
6. Walls, Fences, and Obstructions	Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts) of this Development Code	
7. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading) of this Development Code.	
8. Landscaping	Refer to Division 6.05 (Landscaping) of this Development Code.	
9. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance) of this Development Code.	

Table 6.01-12: AG (Agricultural) Overlay District Development Standards

Requirements	Standards	Additional Regulations
10. Historic Preservation	Certain portions of residential zoning districts are identified as historic or potentially historic and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.	
11. Signs	Refer to Subparagraph q (Sign Standards) of this Paragraph C.1 (AG (Agricultural) Overlay District) and Division 8.1 (Sign Regulations) of this Development Code.	
12. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).	
13. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).	
14. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.	
B. BUILDING DEVELOPMENT STANDARDS		
1. Minimum Building Setbacks		
a. From Front Property Line	25 FT	
b. From Street Side Property Line	25 FT	
c. From Interior Side Property Line	15 FT	
d. From Rear Property Line	15 FT	
2. Minimum Building Separations	6 FT	
3. Maximum Building Height	35 FT	Note 2

Notes:

1. An existing lot of record that is substandard as to minimum "lot" area and/or dimension(s) shall be granted all development rights of the zoning district in which it is located (refer to Subsection 3.01.010.B of this Development Code).
2. The maximum building height and FAR may be restricted pursuant to the Ontario International Airport Land Use Compatibility Plan (ALUCP). Refer to the ALUCP for properties affected by Airport Safety Zones.

(2) Development within the AG Overlay District shall be consistent with the Residential Design Guidelines established by resolution of the City Council, which are intended as a reference to assist the designer in understanding the City's goals and objectives for residential development. Such guidelines shall be enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

q. *Sign Standards.* Notwithstanding the sign regulations contained in Division 8.1 (Sign Regulations) of this Development Code, signs installed within the AG Overlay District shall comply with the following:

(1) *Freestanding Signs.* One unlighted single or double faced sign shall be permitted, not to exceed 6 FT in height and 12 SF in area, for each 60 FT of street frontage, and shall be placed behind the street property line.

(2) *Wall Mounted Signs.* One wall-mounted sign shall be permitted on each building elevation facing a street, not to exceed one SF of sign area for each lineal foot of building elevation length, not to exceed 50 SF.

2. EA (Euclid Avenue) Overlay District.

a. *Purpose.* The purposes of the EA Overlay District is to recognize and protect Euclid Avenue as a major scenic and historic resource of the City, and major contributor to Ontario’s historic downtown. Furthermore, the EA Overlay District is intended to help identify and safeguard Euclid Avenue’s position on the National Register of Historic Places.

b. *Applicability.* The herein established rights and responsibilities applicable to the EA Overlay District shall apply to all property located within the boundary of said Overlay District, as shown on the official Zoning Map of the City. The EA Overlay District provisions established herein, shall apply to all existing and new building construction, additions, remodels, or reallocations, whether or not a building permit is required, or other similar entitlement by the City.

c. *Development Standards and Guidelines.* Land development within the EA Overlay District shall be designed and constructed pursuant to the standards and guidelines applicable to the underlying base zoning district and the requirements of the Downtown Ontario Design Guidelines (see Reference C—Downtown Ontario Design Guidelines), as applicable.

d. *Certificate of Appropriateness Required.* A development project within the EA Overlay District, which requires Development Plan approval pursuant to Section 4.02.025 (Development Plans) of this Development Code, shall require the approval of a Certificate of Appropriateness pursuant to Section 4.02.050 (Historic Preservation—Certificates of Appropriateness and Demolition of Historic Resources).

~~e. *Medical Offices and Clinics.* Medical offices and clinics within the EA Overlay District, and which are located in the MU-1 zoning district and have street frontage on Euclid Avenue, shall be allowed only on the second floor of a building or above (occupancy of the ground/first floor shall not be allowed). Medical offices and clinics within the EA Overlay District, which are not located in the MU-1 zoning district, or do not have street frontage on Euclid Avenue, may occupy the ground/first floor of a building.~~

3. ES (Emergency Shelter) Overlay District.

a. *Purpose.* The purpose of the ES Overlay District (established pursuant to Section 5.01.010.F.3 (ES (Emergency Shelter) Overlay District) is to accommodate the establishment of emergency shelters, supportive housing, and transitional housing land uses within the City.

b. *Applicability.*

(1) The herein established rights and responsibilities applicable to the ES Overlay District shall apply to all property located within the boundary of said Overlay District, as shown on the official Zoning Map of the City. The ES Overlay District provisions established herein, shall apply to all existing and new building construction, additions, remodels, or reallocations, whether or not a building permit is required, or other similar entitlement by the City.

(2) The ES Overlay District shall be located within areas of the City that are predetermined by the Housing Element, pursuant to GC Section 65583 and contained within the Policy Plan component of The Ontario Plan. Alternate locations may be established by resolution of the City Council, upon recommendation of the Planning Commission.

c. *Development Standards and Guidelines.* Within the ES Overlay District, land and improvements thereon shall be designed and developed pursuant to the standards and guidelines of the underlying base zoning district.

4. MTC (Multimodal Transit Center) Overlay District.

a. *Purpose.*

(1) The multimodal transit facility anticipated by the Policy Plan component of The Ontario Plan is generally located south of Interstate 10, north of the railroad tracks, east of Guasti Road and west of Archibald Avenue. The multimodal center will serve as a transit hub for local buses, BRT, the Gold Line, high-speed rail, the proposed Ontario Airport Metro Center circulator, and other future transit modes. Many of these transit modes require extensive capital outlay and years of planning, environmental review, design, and, ultimately, construction. Much of the financing of these facilities is beyond the control of the City, being handled by other local, regional, State and federal agencies. The development of a multimodal facility and related services is a long term endeavor, anticipated to take years, if not decades, to bring to fruition.

(2) The MTC Overlay District (established pursuant to Section 5.01.010.F.4 (MTC (Multimodal Transit Center) Overlay District) of this Development Code) is currently developed with a ±425,000 SF warehouse/distribution building with ancillary offices, and a ±6,000 SF building used as a contractor's office and yard. These buildings are not suited for residential, retail, or office uses as envisioned by the Policy Plan, and use of these facilities in the near term would be somewhat limited, until the property is redeveloped as a multimodal transit center. Consequently, the City wishes to authorize the use of the existing buildings for the purpose for which they were previously used.

(3) The purpose of the MTC Overlay District is to allow for the establishment of warehouse and distribution land uses, on an interim basis, within existing buildings located within the overly district boundary.

b. *Applicability.*

(1) The herein established rights and responsibilities applicable to the MTC Overlay District shall apply to all property located within the boundary of said Overlay District, as shown on the official Zoning Map of the City. The MTC Overlay District provisions established herein, shall apply to all existing and new building construction, additions, remodels, or reallocations, whether or not a building permit is required, or other similar entitlement by the City.

(2) Allowed land uses within the MTC Overlay District shall be limited to warehouse/distribution facilities, ancillary offices, and those temporary land uses allowed within the IG zoning district pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

(3) Any expansion of existing buildings or proposals for new building construction shall require the adoption of a Specific Plan pursuant to Section 4.01.035 (Specific Plans and Amendments) of this Development Code, which prescribes the allowed land uses, development regulations and guidelines, and sign regulations applicable to the project.

(4) The MTC Overlay District shall remain in effect until June 30, 2027, unless otherwise extended pursuant to Section 4.01.020 (Development Code Amendments) of this Development Code, or the existing buildings are removed.

(5) All rights pertaining to the MTC Overlay District established herein, shall run with the land and shall be transferable to any future owner(s) of property within the MTC Overlay district, and their assigns.

5. ICC (Interim Community Commercial) Overlay District.

a. *Purpose.* The purpose of the ICC Overlay District (established pursuant to Section 5.01.010.F.5 (ICC (Interim Community Commercial) Overlay District) of this Development Code) is to allow for the establishment of Community Commercial land uses, on an interim basis, within existing buildings located within the overlay district boundary.

b. *Applicability.*

(1) The herein established rights and responsibilities applicable to the ICC Overlay District shall apply to all property located within the boundary of said Overlay District, as shown on the official Zoning Map of the City. The ICC Overlay District provisions established herein, shall apply to all existing and new building construction, additions, remodels, or reallocations, whether or not a building permit is required, or other similar entitlement by the City.

(2) The ICC Overlay District may be established pursuant to the requirements of Section 4.01.040 (Zone Changes) of this Development Code, on property containing existing buildings constructed for occupancy by commercial land uses, ~~which are located within the High Density (25.1 to 45 DU/Acre) land use designation of The Ontario Plan, as shown on The Ontario Plan Land Use Plan (Exhibit LU-01).~~

(3) The ICC Overlay District shall allow those commercial uses allowed in the CN and CC zoning districts pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, while at the same time preserving the City's vision for the development and use of ~~high density residential projects~~ property consistent with the underlying Policy Plan (general plan) land use designation.

~~(4) All rights pertaining to the ICC Overlay District established herein, shall run with the land and shall be transferable to any future owner(s) of property, within the ICC Overlay district, and their assigns.~~

c. *Expansion of Existing Commercial Structures and Uses.*

(1) Within the ICC Overlay District, building expansion, shall only be allowed for the purpose of expanding an existing, legally established commercial land use, which is allowed pursuant to Subparagraph B.5.b(3) of this Section.

(2) The expansion of an existing commercial building shall be allowed pursuant to the requirements of Subsection 3.01.020.J (Alteration and/or Expansion of a Nonconforming Nonresidential Structure) of this Development Code and shall be developed consistent with the standards of the CC zoning district.

(3) *New Residential Development.* New residential development, which is proposed consistent with the Official Land Use Plan (Exhibit LU-01) of the Policy Plan component of The Ontario Plan, shall first require a zone change to the HDR-45 zoning district pursuant to Section 4.01.040 (Zone Changes) of this Development Code, and full compliance with the land use requirements, and development standards and guidelines of the HDR-45 zoning district.

(4) *Protection of ICC Overlay District Land Use and Development Rights.* All land use and development rights granted by the ICC Overlay District shall be transferable to any future owner(s) of property within the ICC Overlay District, and their assigns.

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Division 6.03—Off-Street Parking and Loading

Sections:

- [6.03.000:](#) Purpose
- [6.03.005:](#) Applicability
- [6.03.010:](#) General Requirements
- [6.03.015:](#) Required Number of Off-Street Parking Spaces
- [6.03.020:](#) Reduction in the Required Number of Parking Spaces
- [6.03.025:](#) Tandem Parking
- [6.03.030:](#) Parking for the Physically Disabled
- [6.03.035:](#) Bicycle Parking
- [6.03.040:](#) Parking for Fuel Efficient Vehicles
- [6.03.045:](#) Off-Street Parking Design Standards
- [6.03.050:](#) Parking Lot Lighting
- [6.03.055:](#) Off-Street Loading Standards

6.03.000: Purpose

The off-street parking and loading regulations prescribed by this Article have been established to achieve the following purposes:

- A. Provide accessible, attractive, secure, properly lighted, and well maintained parking facilities;
- B. Reduce traffic congestion and hazards caused by the loading and unloading of trucks on public streets and the shortage of parking spaces;
- C. To alleviate or to prevent traffic congestion caused by shortage of parking spaces and the loading and unloading of trucks on public streets;
- D. Ensure that off-street parking and loading facilities are provided for new land uses and the expansion of existing land uses in proportion to the needs of the land uses they serve; and
- E. To ensure that off-street parking and loading facilities are designed in a manner that will result in maximum efficiency, protect the public safety, provide for the special needs of the physically handicapped, and where appropriate, insulate surrounding land uses from their impact.

6.05.005: Applicability

- A. Off-street parking and loading facilities, and parking lot lighting shall be provided pursuant to the provisions of this Division when:
 - 1. Any lot is developed, any new building is constructed, or any existing building or structure is added to or expanded, which requires Development Plan approval pursuant to Section 4.02.025 (Development Plans) of this Development Code;

2. Any new use is established, or any existing use is expanded or intensified, which requires Conditional Use Permit approval pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code;

3. The gross floor area of any existing building or structure is increased or enlarged by more than 5 percent (cumulative) of the existing floor area or permanent seating (off-street parking shall be provided for the total resulting buildings, structures and capacities of uses);

4. Permanent seating for an assembly use is increased or enlarged; (off-street parking shall be provided for the total resulting seating and capacities of uses); and

5. Any intensification of use or change in the occupancy of any building or in the manner in which any use is conducted, that would result in additional parking spaces being required.

B. No existing land use shall be deemed nonconforming solely based upon the lack of off-street parking or loading spaces required by this Division.

6.03.010: General Requirements

A. All off-street parking facilities required by this Division shall be designed and maintained to be fully usable for the duration of the use requiring the facilities.

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

C. Requirements for uses not specifically addressed by this Division shall be determined by the Zoning Administrator, based upon the requirements for comparable uses and the particular characteristics of the use.

D. All off-street parking and loading spaces required by this Division shall be located on the same lot as the use that they are intended to serve, except that nonresidential uses that cannot accommodate the required number of parking spaces on the same lot may provide parking spaces at a separate off-site location, not more than 500 FT from the use the parking spaces are intended to serve, as measured in a straight line from any point from the outer boundaries of the property or lease space containing the use.

E. The required number of off-street parking spaces and/or loading spaces shall be provided at the time of site and/or building occupancy, or at the time of occupancy of any building addition or intensification of use. All parking and loading spaces shall be maintained in good condition for the duration of the building or use.

F. No vehicle shall be parked upon a public or private parking lot, or public property, for the purpose of displaying the vehicle for sale, hire, or rental, unless the property is appropriately zoned, the vendor is licensed to transact the applicable business at that location, and the vendor has obtained all appropriate land use approvals.

G. All parking stalls shall have direct access from a drive aisle, driveway or alley, and shall be designed in a side-by-side or parallel configuration, except as permitted by Section 6.03.030 (Tandem Parking) of this Division.

6.03.015: Required Number of Off-Street Parking Spaces

A. **Off-Street Parking Requirements.** Off-street parking spaces shall be provided pursuant to Table 6.03-1 (Off-Street Parking Requirements) of this Division, except that within the MU-1 (Downtown Mixed Use) zoning district, off-street parking shall not be required for existing buildings having a GFA less than 10,000 SF. If more than one land use is established on a lot or project site, the number of off-street parking spaces required shall be equal to the sum of the requirements prescribed for each individual land use.

B. **Minimum Standards.** The parking requirements of Table 6.03-1 (Off-Street Parking and Loading Requirements) are expressed as minimum standards, which should be met and not exceeded. Nevertheless, if additional parking is essential to a project, the minimum parking standard may be exceeded as follows:

1. **Residential Uses—Additional Parking Allowed Without Limit.** For residential uses, there is no maximum limit as to the number of parking spaces that may be provided. As such, any additional parking may be provided as a matter of right.

2. **Nonresidential Uses—Limited Additional Parking Allowed.** Additional parking spaces provided in excess of the number required pursuant to Table 6.03-1 (Off-Street Parking and Loading Requirements) of this Section may be provided for nonresidential uses or the nonresidential portions of mixed-use projects, as follows:

a. Parking spaces may be provided up to a maximum of 10 percent above the required number as a matter of right, without any discretionary review by the City.

b. Parking spaces provided in excess of 10 percent above the required number shall be allowed only upon approval by the Planning Commission, based upon proven need.

C. **Gross Floor Area (GFA).** References to spaces per square foot are to be computed based upon GFA, unless otherwise specified, and includes allocations of shared restrooms, and circulation and storage areas, and other similar common facilities.

D. **Rounding of Off-Street Parking Calculations.** If a fractional number results from calculations performed in compliance with this Section, one parking space shall be required for a fractional unit of 0.50 or greater, and no space shall be required for a fractional unit of less than 0.50.

E. **Uses Not Listed.**

1. Land uses not specifically listed in Table 6.03-1 (Off-Street Parking Requirements) of this Division, shall provide parking as required by the Zoning Administrator or Approving Authority pursuant to Table 2.02-1 (Review Matrix) of this Development Code, as applicable.

2. The Approving Authority shall rely upon the requirements of Table 6.03-1 (Off-Street Parking Requirements), and the standards recommended by the Institute of Transportation Engineers, as a guide in determining the necessary number of off-street parking spaces to be provided.

F. Parking Management Plan.

1. Parking Management Plan Required for Multiple-Family Residential Projects. A Parking Management Plan shall be submitted in conjunction with any Development Plan application for the construction of a multiple-family residential development project, or the residential portion of any mixed-use development project, which consists of 3 or more dwelling units. The Plan shall identify the number and location of resident parking spaces (existing and proposed) provided pursuant to Table 6.03-1 (Off-Street Parking and Loading Requirements) of this Section and establish to which dwelling each required resident parking space is to be assigned.

2. Parking Management Plan Shall Be Included in CC&Rs. The Parking Management Plan required pursuant to Paragraph F.1, above, shall be included in any CC&Rs required by the City as a condition of project approval.

3. Required Resident Parking Spaces Cannot Be Separately Rented/Leased. It shall be unlawful to rent or lease a required residential parking space, or any parking space required for the residential portion of any mixed-use development project, separately from the dwelling for which a parking space has been provided pursuant to Table 6.03-1 (Off-Street Parking and Loading Requirements) of this Section, and/or assigned by a Parking Management Plan prepared pursuant to Paragraph F.1 (Parking Management Plan Required for Multiple-Family Residential Projects) of this Section.

Table 6.03-1: Off-Street Parking Requirements

<i>Land Uses, Activities, and Facilities</i>	<i>No. of Parking Spaces Required</i>
A. Residential	
1. Caretaker Quarters	One space within a garage
2. Live/Work Developments	3 spaces per 1,000 SF (0.003/SF) of GFA
3. Mobile Home Parks	
a. Resident Parking Spaces	2 spaces per dwelling
b. Guest/Visitor Parking Spaces	[1] Portion of dwellings < 50: One space per 4 dwellings 0.25 spaces per dwelling; [2] Portion of 50 to 100 dwellings: One space per 5 dwellings 0.20 spaces per dwelling; [3] Portion of dwellings > 100: One space per 6 dwellings 0.17 spaces per dwelling; and [4] A minimum of 3 guest spaces shall be provided regardless of the number of dwellings proposed for developments consisting of more than 8 dwellings.
4. Model Homes	2 spaces per model home
5. Multiple-Family Residential	
a. Resident Parking Spaces	[1] <u>Studio</u> : 1.5 spaces per dwelling, including one space in a garage or carport; [2] <u>One-Bedroom</u> : 1.75 spaces per dwelling, including one space in a garage or carport; [3] <u>Two-Bedrooms</u> : 2.0 spaces per dwelling, including one space in a garage or carport; and [4] <u>Three or more Bedrooms</u> : 2.5 spaces per dwelling, including one space in a garage or carport

Table 6.03-1: Off-Street Parking Requirements

Land Uses, Activities, and Facilities	No. of Parking Spaces Required
b. Guest/Visitor Parking Spaces	<p>[1] Portion of dwellings < 50: One space per 4 dwellings 0.25 spaces per dwelling;</p> <p>[2] Portion of 50 to 100 dwellings: One space per 5 dwellings 0.20 spaces per dwelling;</p> <p>[3] Portion of dwellings > 100: One space per 6 dwellings 0.17 spaces per dwelling; and</p> <p>[4] A minimum of 3 guest spaces shall be provided regardless of the number of dwellings proposed for developments consisting of more than 8 dwellings.</p>
6. Senior Citizen Housing (as defined pursuant to CC Section 51.3 and CC Section 51.12)	
a. Income Qualified Development	0.7 resident space per dwelling, plus, guest/visitor parking spaces pursuant to the Multiple-Family Residential standards (Subparagraph A.4.b of this Table)
b. Market Rate Development	One resident space per dwelling, plus, guest/visitor parking spaces pursuant to the Multiple-Family Residential standards (Subparagraph A.4.b of this Table)
7. Single-Family Dwellings	
a. Traditional Development	2 spaces per dwelling within a garage
b. Small Lot and Common Interest Developments	<p>2 resident spaces per dwelling within a garage, plus, 0.2 guest/visitor spaces per dwelling. Guest parking spaces may be provided on-street, immediately adjacent to the development boundary, if available.</p> <p>A minimum of 2 guest spaces shall be provided regardless of the number of dwellings proposed.</p>
c. Accessory Dwelling Units (ADUs)	One space per bedroom, except as may be otherwise provided by Subsection A (Accessory Dwelling Units) of Section 5.03.010 of this Development Code
8. Single Room Occupancy Facilities	One resident space per room; plus, 2 spaces for the resident manager, plus, guest/visitor parking spaces pursuant to the Multiple-Family Residential standards (Subparagraph A.4.b of this Table)
B. Commercial Agriculture	
1. Commercial Crop Production and Farming	Determined by the Zoning Administrator
2. Commercial Animal Production	Determined by the Zoning Administrator
3. Support Activities for Agriculture	Determined by the Zoning Administrator
C. Utilities	One space per employee during the largest shift
D. Construction	Required parking for "general warehousing;" plus 0.1 space per 1,000 SF (0.0001/SF) of outside storage yards
E. Manufacturing	See parking standards for "Industrial and Business Park Developments"
F. Retail Trade	
1. General and Convenience Retail	4 spaces per 1,000 SF (0.004/SF) of GFA
2. Grocery Stores	4 spaces per 1,000 SF (0.004/SF)
3. Motor Vehicle Dealers	Interior show rooms: 2.5 spaces per 1,000 SF (0.0025/SF) of GFA; plus, outdoor display areas: one space per 1,000 SF of GFA; plus, required parking for "motor vehicle repair;" plus, required parking for "offices"

Table 6.03-1: Off-Street Parking Requirements

<i>Land Uses, Activities, and Facilities</i>	<i>No. of Parking Spaces Required</i>
4. Motor Vehicle Parts and Accessories	4 spaces per 1,000 SF (0.004/SF) of GFA
5. Tire Stores	2.5 spaces per 1,000 SF (0.0025/SF) of GFA
6. Furniture and Home Furnishings Stores	2.5 spaces per 1,000 SF (0.0025/SF) of GFA
7. Electronics and Appliance Stores	4 spaces per 1,000 SF (0.004/SF) of GFA
8. Building Materials, Garden Equipment, and Supplies	2.5 spaces per 1,000 SF (0.0025/SF) of GFA; plus, one space per 1,000 SF of outdoor display and storage areas
9. Food and Beverage Stores	4 spaces per 1,000 SF (0.004/SF) of GFA
10. Health and Personal Care Stores	4 spaces per 1,000 SF (0.004/SF) of GFA
11. Gasoline and Fueling Stations	
a. Self-Serve and Full Service Fueling Stations	3 spaces minimum; plus, parking requirements for combination uses (e.g., convenience store, food services, motor vehicle repair, etc.). Fueling stations operating in conjunction with other uses may be granted shared parking credit at the rate of one space for each fuel dispenser.
b. Automated Fueling Facilities	Determined by the Zoning Administrator
c. Truck Stops	Determined by the Zoning Administrator
12. Clothing and Clothing Accessory Stores	4 spaces per 1,000 SF (0.004/SF) of GFA
13. Sporting Goods, Hobby, Book, and Music Stores	4 spaces per 1,000 SF (0.004/SF) of GFA
14. General Merchandise Stores	
a. General and Convenience Retail	4 spaces per 1,000 SF (0.004/SF) of GFA
b. Discount and Specialty Superstores	5 space per 1,000 SF (0.005/SF) of GFA
G. Transportation and Warehousing	
1. Airports	Determined by the Zoning Administrator
2. Railroad Passenger Terminals	Determined by the Zoning Administrator
3. Truck Transportation—General and Specialized Freight Trucking	One space per employee during the largest shift
4. Warehousing and Storage	
a. Warehousing and General Storage	See U.1.a (Warehousing/Distribution) of this Table
b. Motor Vehicle Storage	0.1 space per 1,000 SF (0.0001/SF) of GFA devoted to storage; plus, required parking for "general business offices"
c. Self-Storage	0.1 spaces per 1,000 SF (0.0001/SF) of GFA; plus, required parking for "caretaker quarters" (if provided)
H. Information	
1. Publishing Industries	4 spaces per 1,000 SF (0.004/SF) of GFA
2. Motion Picture and Video Industries (except movie theaters)	Determined by the Zoning Administrator
3. Movie Theaters	0.33 spaces per fixed seat
4. Sound Recording Facilities	4 spaces per 1,000 SF (0.004/SF) of GFA
5. Broadcasting	4 spaces per 1,000 SF (0.004/SF) of GFA
6. Wireless Telecommunications Antennas	One space per facility

Table 6.03-1: Off-Street Parking Requirements

<i>Land Uses, Activities, and Facilities</i>	<i>No. of Parking Spaces Required</i>
7. Data Processing, Hosting, and Related Services	6 spaces per 1,000 SF (0.006/SF) of GFA
8. Libraries and Archives	Determined by the Zoning Administrator
I. Finance and Insurance	
1. Banks, Savings Institutions, and Credit Unions	4.6 per 1,000 SF (0.0046/SF) of GFA
2. Pawn Shops and Pawnbrokers	4 spaces per 1,000 SF (0.004/SF) of GFA
3. Insurance Carriers	4 spaces per 1,000 SF (0.004/SF) of GFA
J. Real Estate, Rental, and Leasing	
1. Real Estate Lessors, Agents and Brokers, Property Managers and Appraisers, and Escrow and Listing Services	4 spaces per 1,000 SF (0.004/SF) of GFA
2. Rental and Leasing Services	4 spaces per 1,000 SF (0.004/SF) of GFA
K. Professional, Scientific, and Technical Services	
1. Professional, Scientific, and Technical Services	4 spaces per 1,000 SF (0.004/SF) of GFA
2. Scientific, Research, and Development Services	4 spaces per 1,000 SF (0.004/SF) of GFA
3. Veterinary and Animal Hospital Services	5.7 spaces per 1,000 SF (0.0057/SF) of GFA
L. Management of Companies and Enterprises	4 spaces per 1,000 SF (0.004/SF) of GFA
M. Administrative and Support, and Waste Management and Remediation Services	
1. General Business Offices	4 spaces per 1,000 SF (0.004/SF) of GFA
2. Telephone Call Centers	6 spaces per 1,000 SF (0.006/SF) of GFA
3. Waste Management and Remediation Service	Determined by the Zoning Administrator
N. Education Services	
1. Elementary and Middle Schools	0.28 spaces per student, based upon maximum enrollment
2. High schools	0.26 spaces per student, based upon maximum enrollment
3. Colleges and Universities	0.5 spaces per student, based upon maximum enrollment; plus, one space per employee or staff during the largest shift
4. Business, Technical and Trade Schools	6 spaces per 1,000 SF (0.006/SF) of GFA
5. Instructional Dance Studios	5 spaces per 1,000 SF (0.005/SF) of GFA
O. Health Care and Social Assistance	
1. Medical Offices	5.7 spaces per 1,000 SF (0.0057/SF) of GFA
2. Hospitals and Medical Centers	1.8 spaces per bed; plus, one space per employee or staff during the largest shift; plus, required parking for associated "medical offices"
3. Child and Youth Services	Determined by the Zoning Administrator
4. Services for the Elderly and Persons with Disabilities	Determined by the Zoning Administrator
5. Other Residential Care Facilities (more than 6 persons)	0.5 spaces per bed; plus, one space per employee or staff

Table 6.03-1: Off-Street Parking Requirements

<i>Land Uses, Activities, and Facilities</i>	<i>No. of Parking Spaces Required</i>
6. Child Day Care Services, excluding Small Family Residential Facilities	0.2 spaces per child, based upon maximum licensed enrollment capacity; plus, one space per employee during the largest shift
P. Arts, Entertainment, and Recreation	
1. Performing Arts and Spectator Sports	0.33 spaces per fixed seat
2. Convention Centers, Auditoriums and Other Public Assembly Facilities	0.25 spaces for each fixed seat or 25 spaces per 1,000 SF (0.025/SF) of GFA
3. Amusement and Theme Parks	Determined by the Zoning Administrator
4. Game Arcades	10 spaces per 1,000 SF (0.01/SF) of GFA
5. Golf Courses and Country Clubs	8 spaces per hole; plus, required parking for associated uses
6. Golf Driving Range	One space per tee
7. Miniature Golf Course	3 spaces per hole
8. Fitness and Recreational Sports Centers	
a. Health Clubs and Gyms	5 spaces per 1,000 SF (0.005/SF) of GFA
b. Swim Clubs	3.3 spaces per 1,000 SF of pool surface area (0.0033/SF)
c. Tennis Clubs	3 spaces per tennis court
9. Bowling Centers	4 spaces per lane
10. Batting Cages	Determined by the Zoning Administrator
11. Billiard Parlors and Pool Halls	2 spaces per table
12. Dance Clubs and Halls, Ball Rooms, and Discotheques	25 spaces per 1,000 SF (0.025/SF) of GFA
13. Skating Rinks	3.3 spaces per 1,000 SF (0.0033/SF) of GFA
14. Stables (Commercial)	0.2 spaces per horse maintained on-site
Q. Accommodation and Food Services	
1. Lodging Facilities (bed and breakfast inns, boarding and rooming houses, hotels and motels, and residence inns)	One space per sleeping room; however, provide no fewer than one space per 2 beds; plus, required parking for associated uses
2. Full Service Restaurants	10 spaces per 1,000 SF (0.01/SF) of GFA (includes outdoor seating area up to 25 percent of GFA).
3. Fast Food Restaurants	13.3 spaces per 1,000 SF (0.0133/SF) of GFA (includes outdoor seating area up to 25 percent of GFA). Restaurants with drive-thru may be credited one space for each 24 lineal FT of drive-thru lane behind the pickup window
4. Banquet Facilities	25 spaces per 1,000 SF (0.025/SF) of GFA
5. Caterers	2 spaces per 1,000 SF (0.002/SF) of GFA
6. Drinking Places (bars, cocktail lounges, and nightclubs)	10 spaces per 1,000 SF (0.01/SF) of GFA
R. Other Services	
1. Motor Vehicle Repair and Maintenance	2.5 spaces per 1,000 SF (0.0025/SF) of GFA

Table 6.03-1: Off-Street Parking Requirements

<i>Land Uses, Activities, and Facilities</i>	<i>No. of Parking Spaces Required</i>
2. Car Washes, Full-Service and Self-Service	One space per employee, minimum 10 spaces; plus, required parking for accessory uses (i.e., motor vehicle repair and service, and retail uses)
3. Upholstery and Furniture Repair	2.5 spaces per 1,000 SF (0.0025/SF) of GFA
4. Footwear and Leather Goods Repair	2.5 spaces per 1,000 SF (0.0025/SF) of GFA
5. Personal Care Services	4 spaces per 1,000 SF (0.004/SF) of GFA
6. Death Care Service	
a. Cemeteries	Determined by the Zoning Administrator
b. Funeral Homes and Services	25 spaces per 1,000 SF (0.025/SF) of GFA of assembly area; plus, required parking for "general offices"
7. Religious Assembly and Wedding Chapels	0.33 spaces per fixed seat or 25 spaces per 1,000 SF (0.025/SF) of GFA
S. Public Administration	Determined by the Zoning Administrator
T. Temporary and Interim Land Uses	Determined by the Zoning Administrator
U. Industrial and Business Park Developments	
1. Industrial	
a. Warehousing and Distribution	<p>[1] <u>Portion of GFA 20,000 SF or Less</u>: One space per 1,000 SF (0.001/SF);</p> <p>[2] <u>Portion of GFA Greater Than 20,000 SF</u>: 0.5 space per 1,000 SF (0.0005/SF);</p> <p>[3] <u>Tractor-Trailer Parking</u>: One tractor-trailer parking space per 4 dock-high loading doors;</p> <p>[4] Parking for "general business offices" and other associated uses shall be provided when those uses exceed 10 percent of the building GFA; and</p> <p>[5] The Approving Authority may require a restrictive covenant running with the land, filed with the office of the County Recorder, which restricts the use of a property/building to warehousing and distribution, unless an alternate parking plan is provided, which demonstrates that on-site parking can be provided in compliance with the "General Industrial" parking requirements (see U.1.c of this Table), to support more intense industrial land uses.</p>
b. Manufacturing	<p>[1] <u>General Requirement</u>: Provide 1.85 spaces per 1,000 SF (0.00185/SF) of GFA;</p> <p>[2] <u>Tractor-Trailer Parking</u>: One tractor-trailer parking space per 4 dock-high loading doors; and</p> <p>[3] Parking for "general business offices" and other associated uses shall be provided when those uses exceed 10 percent of the building GFA.</p>
c. General Industrial (speculative buildings)	<p>[1] <u>Portion of GFA < 50,000 SF</u>: 1.85 spaces per 1,000 SF (0.00185/SF);</p> <p>[2] <u>Portion of GFA 50,000 SF to 100,000 SF</u>: One space per 1,000 SF (0.001/SF);</p> <p>[3] <u>Portion of GFA > 100,000 SF</u>: 0.5 space per 1,000 SF (0.0005/SF); and</p> <p>[4] <u>Tractor-Trailer Parking</u>: One tractor-trailer parking space per 4 dock-high loading doors;</p>

Table 6.03-1: Off-Street Parking Requirements

Land Uses, Activities, and Facilities	No. of Parking Spaces Required
	[5] Parking for "general business offices" and other associated uses shall be provided when those uses exceed 10 percent of the building GFA.
2. Multi-Tenant Business Park	3 spaces per 1,000 SF (0.003/SF); plus, required parking for "general business offices" when exceeding 10 percent of GFA; plus, one trailer parking space per 4 dock-high loading doors

6.03.020: Reduction in the Required Number of Parking Spaces

A reduction in the number of parking spaces required by Section 6.03.020 (Number of Off-Street Parking Spaces Required) of this Division may be granted as follows:

A. Shared Parking. Any project site where the hours of operation allow the shared use of off-street parking spaces to occur without conflict, the number of parking spaces required may be reduced pursuant to the following conditions:

1. Approval Required. Shared parking may be allowed upon the approval of a Shared Parking Agreement by the applicable Approving Authority pursuant to Table 2.02-1 (Review Matrix) of this Development Code.

2. Reasonable Walking Distance Required to Shared Parking Facilities. Shared off-street parking facilities shall be provided within a reasonable walking distance from the uses they serve, and shall be located no further than 500 FT from the uses served, measured from the nearest point of the parking facility to the entrance of each use served via the shortest pedestrian route.

3. Shared Parking Agreement.

a. A Shared Parking Agreement by and between the City, the applicant, and all other affected property owners, shall be executed and recorded with the County Recorder, which shall ensure the availability of the number of parking spaces designated for joint use, during the hours specified in the Agreement, for the duration of the uses subject to the shared parking arrangement.

b. The Agreement shall be subject to City Attorney review and approval, as to form and content.

4. Parking Analysis. The Approving Authority may require the applicant to submit a parking demand analysis, prepared by a person/firm experienced in preparing such analyses, to assist the Zoning Administrator in determining the appropriate shared parking reduction. A parking demand analysis shall be prepared pursuant to the Urban Land Institute's *Shared Parking* publication. The methodology of the *Shared Parking* publication may be used as a guide in reviewing a shared parking proposal.

5. Shared Loading Spaces. Loading spaces required by this Division may be shared pursuant to this Section.

B. Low Demand. Any project site where it can be demonstrated that the land use thereon will not utilize the required number of parking spaces due to the nature of the specific land use,

or the manner in which the specific land use is conducted, the number of parking spaces required by Table 6.03-1 (Off-Street Parking Requirements) of this Division may be reduced pursuant to the following:

1. Approval Required. A parking reduction based upon low parking demand may be allowed upon the approval of a Low Demand Parking Reduction Agreement by the applicable Approving Authority pursuant to Table 2.02-1 (Review Matrix) of this Development Code.
2. Alternate Parking Plan. In approving a parking reduction, the Approving Authority may require the preparation of an Alternate Off-Street Parking Plan, which demonstrates that additional parking spaces can be provided on-site, as necessary, to accommodate future land use changes or intensifications in land use. ~~Furthermore~~ **Alternately**, a restrictive covenant that runs with the land may be required by the Approving Authority, which restricts the use of the subject property for the duration of the parking reduction.
3. Low Demand Parking Reduction Agreement. A Low Demand Parking Reduction Agreement by and between the City, the applicant, and all other affected property owners, shall be executed and recorded with the County Recorder, which, at a minimum, shall: [i] provide confirmation that the parking supply proposed will be adequate during periods of maximum demand, [ii] confirm that the parking demand is provided within a reasonable walking distance to the use it serves, and [iii] identify parking management strategies that are necessary to ensure the availability of the necessary number of parking spaces for the duration of the current use and future users of the project site. The Low Demand Parking Reduction Agreement shall be subject to City Attorney review and approval as to form and content.
4. Parking Analysis. The Approving Authority may require the applicant to submit a parking analysis, prepared by a person/firm experienced in preparing such analyses, to assist the Approving Authority in determining the appropriate reduction.
5. Loading Space Reduction. The number of loading spaces required by this Division may be reduced pursuant to this Section.

6.03.025: Tandem Parking

Tandem parking spaces may be allowed as follows:

- A. Family Child Day Care. Family child day care homes may provide tandem parking spaces to satisfy the minimum parking requirement for the use.
- B. Mobile Home Parks. Mobile home parks may provide tandem parking spaces to satisfy the minimum resident parking requirement for the use. The use of tandem parking spaces shall not be permitted for guest parking spaces.
- C. Multiple-Family Projects.
 1. Multiple-family development projects may provide tandem parking spaces to satisfy unenclosed (not within a garage or carport) on-site resident parking requirements (i.e., a driveway space located behind a garage or carport space). Multiple-family projects may also provide tandem parking spaces within a parking structure, which meet both enclosed (within garage or carport) and unenclosed resident parking requirements. Guest/visitor parking spaces shall not be designed in a tandem configuration.

2. A tandem parking space shall consist of no more than 2 automobile parking spaces. Both automobile spaces shall be assigned for use by the same dwelling unit.

3. Tandem parking spaces may be counted toward a maximum of 12 percent of the resident parking space requirement established by Section 6.03.020 (Number of Off-Street Parking Spaces Required) of this Division.

D. Residential Component of Mixed-Use Projects. Tandem parking spaces may be provided to satisfy resident parking requirements for the residential component of mixed-use projects and shall comply with the requirements for multiple-family projects, stated Subsection C (Multiple-Family Projects) of this Section.

~~E. Second Dwellings. Parking spaces for second dwellings should be provided in a side-by-side configuration; however, the Zoning Administrator may approve a tandem configuration if no other feasible method is achievable.~~

F. Single-Family Dwellings. Tandem parking spaces may be provided in conjunction with single-family dwellings, when such parking spaces are provided in excess of the minimum parking requirement for the use (i.e., driveway spaces and tandem garage spaces), as required by Table 6.03-1 (Off-Street Parking Requirements) of this Division.

G. Valet Parking. The Zoning Administrator may authorize valet parking as a means of satisfying the applicable off-street parking requirements of this Division, provided that:

1. Valet parking may be counted toward a maximum of 15 percent of the minimum parking space requirements established by Section 6.03.020 (Number of Off-Street Parking Spaces Required) of this Division.

2. Valet parking facilities shall be provided within a reasonable walking distance from the uses they serve, and shall be located no further than 500 FT from the uses served, measured from the nearest point of the parking facility to the entrance of each use served via the shortest pedestrian route.

3. An automobile shall be retrievable from its parking space with the movement of a maximum of 2 additional vehicles;

4. An equivalent number of valet parking spaces shall be available to replace the parking spaces required by Section 6.03.020 (Number of Off-Street Parking Spaces Required) of this Division; and

5. Valet parking spaces shall not require individual striping.

6.03.030: Parking for the Physically Disabled

A. 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).

B. Parking spaces for the physically disabled required by this Section shall count toward fulfilling the minimum off-street parking requirements.

C. For existing parking facilities, the Zoning Administrator may approve a reduction in the number of parking spaces in an existing parking lot below the minimum required by this Section, in order to accommodate required parking spaces for the physically disabled.

6.03.035: Bicycle Parking

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).

6.03.040: Parking for Fuel Efficient Vehicles

Parking spaces specifically designated and conveniently located for fuel-efficient vehicles shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

6.03.045: Off-Street Parking Design Standards

A. Minimum dimensions and design.

1. Minimum Dimensions. The minimum dimensions for off-street parking and loading spaces and access drives shall be as prescribed in Table 6.03-2 (Standards for Parking Spaces, Drive Aisles, and Driveways), below.

Table 6.03-2: Standards for Parking Spaces, Drive Aisles, and Driveways

<i>Requirement</i>	<i>Standard</i>
A. Garage or Carport Space Dimensions (enclosed space)	10 FT wide by 20 FT long
B. Parking Space Dimensions (unenclosed space)	
1. Standard Parking	9 FT wide by 18 FT long [1][2]
2. Parallel Parking	8 FT wide by 24 FT long [1]
3. Tandem Parking	9 FT wide by 34 FT long (consists of 2 parking spaces) [1]
4. Trailer Parking	12 FT wide by 45 FT long
C. Loading Space Dimensions	12 FT wide by 18 FT long, unless otherwise specified by this Division
D. Minimum Drive Aisle and Driveway Widths	
1. Driveways for Single-Family Dwellings	10 FT wide
2. One-Way Drive Aisles and Driveways for Multiple-Family and Nonresidential Projects	12 FT wide
3. Two-Way Drive Aisles for Multiple-Family and Nonresidential Projects	24 FT wide, except that fire lanes required pursuant to the Ontario Fire Code shall be designed pursuant to Ontario Fire Department standards. Furthermore, two-way drive aisles may be reduced to 20 FT in width along segments that are not directly accessed by parking spaces.

Table 6.03-2: Standards for Parking Spaces, Drive Aisles, and Driveways

Requirement	Standard
4. Two-Way Driveways for Residential Projects	20 FT wide
E. Maximum Gradients Permitted at Driveway Entrances	
1. 4 or Fewer Dwelling Units	Maximum grade of +8 percent or -6 percent, as measured along the centerline of the driveway or parking aisle. This standard is applicable for a minimum distance of at least 20 FT from the ultimate right-of-way line of the adjoining street or alley.
2. 5 or More Dwelling Units	Maximum grade of +8 percent or -2 percent, as measured along the centerline of the driveway or parking aisle. This standard is applicable for a minimum distance of at least 20 FT from the ultimate right-of-way line of the adjoining street or alley.
F. Maximum Gradient at Parking Spaces	As allowed by the Building Code.

Notes:

- [1] An additional foot of width shall be provided for each side of a parking space that is contiguous with a fence, structure, wall, or other obstruction.
- [2] The standard parking space length may be reduced to 16 feet, if 2 feet of width is added to adjacent sidewalk and/or landscape areas, to accommodate motor vehicle overhang.

2. End of a Drive Aisle. A drive aisle providing access to a parking space that is perpendicular to the drive aisle shall extend 5 FT beyond the side of the last parking space in the drive aisle to provide adequate area for the backing-up of parked vehicles.

3. Minimum Vertical Clearances Required.

a. *All Off-Street Parking Spaces.* A minimum 7-FT vertical clearance shall be maintained for all off-street parking spaces, including entrances, except that the vertical clearance for the front 4 FT of a parking space serving a single-family dwelling or multiple-family residents may be reduced to not less than 4.5 FT in height.

b. *Off-Street Parking Spaces for the Physically Disabled.* A minimum 98-inch vertical clearance shall be maintained for all off-street parking spaces for the physically disabled, including entrances and accesses to the spaces,

c. *All Off-Street Loading Spaces.* A minimum 14-FT vertical clearance shall be maintained for all off-street loading spaces, including entrances and accesses to the spaces,

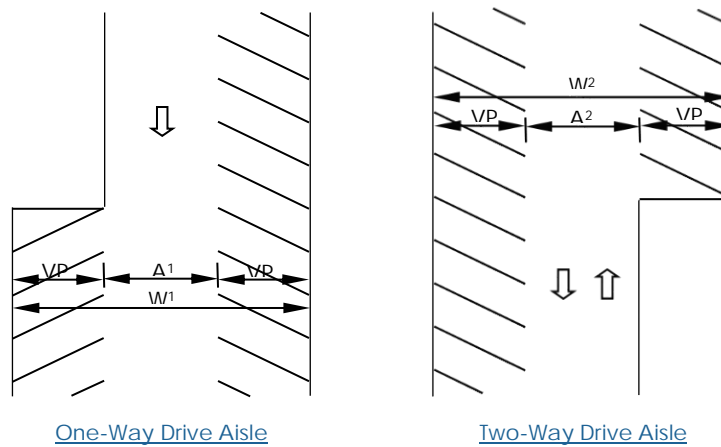
4. Parking Bays and Drive Aisles. The minimum dimension and design of parking bays and maneuvering drive aisles shall be as prescribed in Table 6.03-3 (Dimensions for Parking Facilities), below.

Table 6.03-3: Dimensions for Parking Facilities

Parking Angle	Vehicle Projection (VP)	Aisle Width		Base Module	
		One-Way (A ¹)	Two-Way (A ²)	One-Way (W ¹)	Two-Way (W ²)
45°	17'-7"	11'-10"	24'-0"	47'-0"	59'-2"

Table 6.03-3: Dimensions for Parking Facilities

Parking Angle	Vehicle Projection (VP)	Aisle Width		Base Module	
		One-Way (A ¹)	Two-Way (A ²)	One-Way (W ¹)	Two-Way (W ²)
50°	18'-2"	12'-2"	24'-0"	48'-6"	60'-4"
55°	18'-8"	12'-8"	24'-0"	50'-0"	61'-4"
60°	19'-0"	13'-6"	24'-0"	51'-6"	62'-0"
65°	19'-2"	14'-8"	24'-0"	53'-0"	62'-4"
70°	19'-3"	15'-6"	24'-0"	54'-0"	62'-6"
75°	19'-1"	16'-10"	24'-0"	55'-0"	62'-2"
90°	18'-0"	24'-0"	24'-0"	59'-0"	60'-0"



B. Parking Lot Access and Location of Parking Spaces.

1. The design and location of all vehicle accesses from a public street or alley to an off-street parking facility shall be approved by the City Engineer.
2. Each parking space shall be accessible from a street or alley, provided no parking space shall be designed to require that vehicles back into a street, excepting parking that serves a single-family dwelling.
3. No parking space shall be located so that a vehicle will be required to maneuver for position to enter or exit the space within 30 FT of a vehicular entrance from a public street.
4. Commercial or office developments with parking for at least 150 or more vehicles shall be designed with primary drive aisles unencumbered by parking spaces, intersecting parking aisles, or other access drives, for a distance of at least 100 FT behind the street property line or 112 FT behind the street curb face, whichever is greater.
5. Carpool and high occupancy vehicle spaces should be located in the most advantageous and reasonable location, as close as possible to the primary employee entrance(s) of the user(s) which they are intended to serve.

6. Parking spaces for dwellings shall be located within 150 FT from the dwelling (front or rear door) for which the space is provided, excluding structures containing 3 or more stories.

7. Bicycle and automobile parking areas shall be separated from one another by a physical barrier or sufficient distance to protect bicycles and their riders from damage by maneuvering automobiles.

8. A garage facing a public street shall provide a clear space of at least 20 FT between the garage entrance and the street property line.

9. The minimum clear area for vehicle access in front of a garage or carport entrance shall be as shown in Figure 6.03-1 (Garage/Carport Entrance Clear Area).

10. Except as otherwise provided in this Development Code, off-street parking spaces are not to be located within a required front or street side setback area, or the required rear setback area of a through lot.

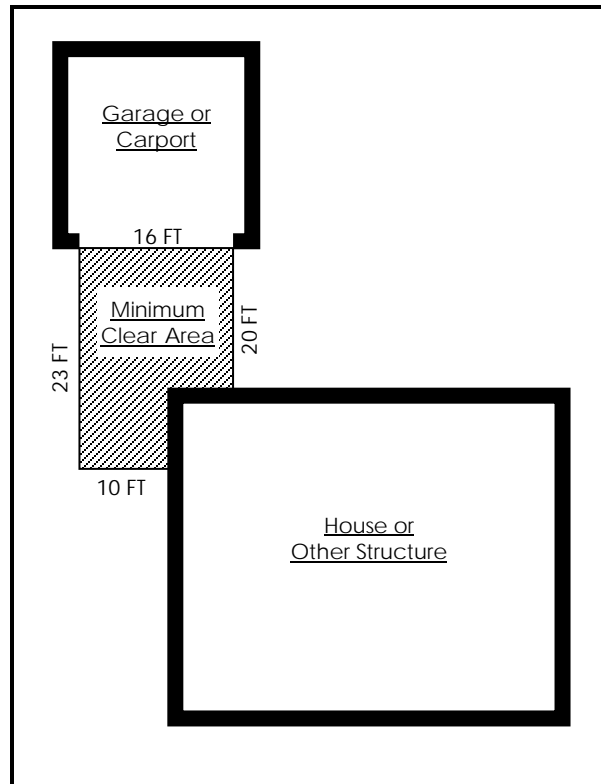


Figure 6.03-1: Garage/Carport Entrance Clear Area

11. All drive aisles entering a site shall be provided with an enhanced pavement treatment, excepting lots containing single-family dwellings. The enhanced paving shall extend from the back of the drive approach apron to the first intersecting drive aisle, driveway, or parking space.

C. Striping and Identification.

1. All automobile parking spaces within commercial zoning districts shall be clearly outlined with double lines on the parking area surface. Within all other zoning districts, automobile parking shall be clearly outlined with single lines on the parking area surface (double lines may be used).

2. All parking area striping shall be permanently maintained in a clear and visible manor.

3. All parking spaces for the physically disabled shall be striped and marked in accordance with applicable State laws and standards.

4. All parking spaces reserved for low emissions vehicles shall be clearly marked with the words "Low Emissions Vehicles Only" either on the wheel stop or curb, or on the pavement at the opening of the space.

5. All spaces reserved for carpools and high occupancy vehicles shall be clearly marked with the words "Carpool/HOV Only" on either the wheel stop or curb at the back of each space, or on the pavement at the opening of the space.

6. Within multiple family residential developments, required guest parking spaces shall be clearly marked with the word "Guest" on either a wheel stop or curb at the head of each space, or on the parking surface at the opening of each space.

D. **Parking, Drive Aisle, and Driveway Surface Paving.** All permanent parking spaces, drive aisles, and driveways shall be paved with asphalt, concrete, or other all-weather surface approved by the Planning Director, Fire Marshall, and City Engineer.

E. **Wheel Stops and Curbs.**

1. Drive aisles and parking surfaces contiguous with planter areas shall have a 6-inch concrete curb separation constructed per City standards, except where a landscape area is parallel and adjacent to a parking stall the curb separation be increased to a minimum of 12 inches in width to provide a step-out area from motor vehicles.

2. All parking spaces located adjacent to buildings or walls shall have concrete wheel stops located from a minimum of 2.0 FT, to a maximum of 2.5 FT, from the building or wall.

F. **Maintenance.** All parking facilities shall be permanently maintained, free of weeds, litter, and debris.

6.03.050: Parking Lot Lighting

A. **Parking Lot Lighting Required.** All off-street parking facilities shall be provided with nighttime security lighting pursuant to OMC 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. **Lighting Level Measurement.** Lighting levels shall be measured with a direct-reading portable light meter. The equipment used shall allow accurate measurements, with all measurements made after dark with the lights on and then again with the lights off. The difference between the two readings shall then be compared to the applicable standard for maximum permitted illumination.

C. **Light Fixtures Shall Be Decorative.** All parking lot lighting fixtures shall be decorative.

D. **Lighting Along Pedestrian Corridors.** Along pedestrian movement corridors, the use of decorative low-mounted bollard light standards, which reinforce pedestrian scale, shall be used.

E. **Illumination on Adjacent Property.** Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

F. **Maximum Luminaire Heights.** The maximum permitted height of luminaires within a parking lot shall be as follows:

1. **No Cutoff Luminaire.** When a light source or luminaire has no cutoff (the point at which all light rays are completely shielded), the maximum permitted height of the luminaire shall be 14 FT.

2. Ninety Degree or More Cutoff Luminaire. When a luminaire has a total cutoff of light at an angle of 90 degrees or greater, the maximum permitted height of the luminaire shall be 24 FT.

3. Less than 90-Degree Cutoff Luminaire. When a luminaire has a total cutoff of light at an angle of less than 90 degrees, the maximum permitted height of the luminaire shall be 30 FT.

6.03.055: Off-Street Loading Standards

A. **Number of Loading Spaces Required**. Full-service and limited-service eating places, drinking places, convenience stores, hotels and motels, and all other traveler accommodations, and any other use deemed by the Zoning Administrator to be in need of off-street loading facilities, shall be provided a minimum of one off-street loading space.

B. **Minimum Dimensions and Design**.

1. At-Grade Loading Facilities. At-grade loading doors shall be provided with an off-street loading space located immediately in front of the door measuring a minimum of 12 FT in width and 18 FT in length, and having a minimum vertical clearance of 14 FT, measured from the finish grade of the space. The loading space may be provided either perpendicular or parallel to the loading door.

2. Dock-High Loading Facilities.

a. Dock-high loading doors shall be provided with an off-street loading space located immediately in front of the door measuring a minimum of 12 FT in width and 45 FT in length, and having a minimum vertical clearance of 14 FT, measured from the finish surface of the loading dock.

b. A truck maneuvering area equal to the width of the loading door and a minimum of 120 FT in depth shall be provided in front of dock-high loading doors, and, at a minimum, the maneuvering area shall be designed to accommodate the minimum practical turning radius of a 55-FT semi-trailer and tractor combination. Deviations from this minimum maneuvering standard may be permitted if it can be shown that the spatial needs are less than the minimum required due to the truck size and type that will be utilized in the operation of a specific use; however, in permitting such deviation(s), a covenant of restriction to run with the land may be required, which specifies limitations relating to truck size and/or type. Larger maneuvering areas shall be required if the use of a larger semi-trailer and tractor combination is proposed.

c. Truck maneuvering areas shall not encroach into required off-street parking areas and landscaped areas.

C. **Loading Facilities Prohibited Within Setback Areas**. Except as otherwise provided by this Chapter, off-street loading spaces and areas, and associated vehicle maneuvering areas shall not be located within required front or street side setback areas, the rear setback area of a through lot, or any other required setback area located within 25 FT of a residentially zoned property.

D. **Screening of Loading Facilities**. Loading facilities should be located at the rear or interior side of buildings and shall be screened from public view or view from residential, retail and office

uses, and the offices of industrial uses on adjacent properties. When it is not possible or desirable to locate loading facilities at the rear or interior side of buildings, loading facilities may be located on the street side or front of buildings, provided they are screened from public view by a decorative masonry wall with view-obstructing access gates pursuant to Division 6.02 (Walls, Fences, and Obstructions) of this Development Code.

E. Loading Space Ingress and Egress. All loading spaces shall have adequate ingress and egress as approved by the City Engineer and shall be designed and maintained so that vehicle maneuvering and loading/unloading activities do not interfere with the orderly movement of traffic and pedestrians on any public street or alley.

F. Screening of At-Grade Loading Doors and associated Loading Spaces. All at-grade loading doors shall be decorative, unless located within an enclosed yard area and screened from public view by a decorative masonry wall with view-obstructing access gates pursuant to Division 6.02 (Walls, Fences, and Obstructions) of this Development Code.

G. Screening of Dock-High Loading Doors and Associated Loading Spaces and Truck Maneuvering, Parking, and Staging Areas. All dock-high loading doors and associated loading spaces and truck maneuvering, parking, and staging areas, shall be located within an enclosed yard area and screened from public view by a decorative masonry wall with view-obstructing access gates pursuant to Division 6.02 (Walls, Fences, and Obstructions) of this Development Code.

H. No Backing onto or from a Public Street. All loading spaces shall be designed and maintained so that vehicles do not back in from, or onto, a public street.

I. Match Loading Bay and Roll-Up Door Color to Adjacent Building Finish. The loading bays and roll-up doors shall be painted to blend with the adjacent exterior building finishes.

J. Concealment and Screening of Loading Areas. Areas for loading and unloading shall be designed to avoid potential adverse noise, visual, and illumination impacts on neighboring residences. These areas shall be concealed from view by the public and adjoining land uses. Concealment and screening may be accomplished by use of any of the following methods, subject to Zoning Administrator approval:

1. Orient loading spaces, areas, and doors such that they are concealed from public view by buildings; and

2. Screen loading spaces, areas, and doors pursuant to Division 6.02 (Walls, Fences, and Obstructions) of this Development Code, with walls and view-obstructing gates, which are architecturally coordinated with adjacent buildings. In addition, incorporate intense on-site landscaping to block public views of loading areas.

K. Loading Facilities in Close Proximity to Dwellings. Special orientation or design treatment of loading bays and doors located in close proximity to dwellings shall be required in order to reduce associated light and noise impacts to less-than-significant levels.

L. Striping and Identification. Loading spaces shall be striped, indicating the loading spaces and identifying the spaces for "Loading Only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times.

~~6.03.060: Prohibition of Parking on Undeveloped or Unpaved Lots~~

~~It shall be unlawful to park or store any vehicle or equipment on any undeveloped or unpaved lot in the City.~~

~~6.03.065: Prohibition of Parking on Landscaped or Unpaved Areas of a Lot~~

~~A. Maintenance of Property Nuisance.~~

~~1. It is unlawful for any person to park any vehicle, including but not limited to automobiles, trucks, motor homes, campers, or store any trailer, camper shell, boat or other similar equipment upon any lawn or landscaped area, or other unpaved surface located within any front or street side yard area of a lot lying within any residential zoning or land use district of the City, or other zoned property used for residential purposes.~~

~~2. It is unlawful for any property owner to permit the parking of any vehicle, including, but not limited to, automobiles, trucks, motor homes, or campers, or permit the storage of any trailer, camper shell, boat, or other similar equipment upon any lawn or landscaped area, or other unpaved surface located within any front or street side yard area of a lot lying within any residential zoning or land use district of the City, or other zoned property used for residential purposes.~~

~~3. It is unlawful for any person to use, or permit the use of, any lawn or landscaped area, or other unpaved area of a lot for the purpose of vehicular access to an area used for the parking or storage of any automobile, truck, motor home, camper, trailer, camper shell, boat, or other similar vehicle or equipment, when the access falls within any front or street side yard area of a lot lying within any residential zoning or land use district of the City, or other zoning or land use district used as a residence. An exception to this Subsection may be granted by the Planning Director, in those cases where the access is so infrequent as to cause no discernible effect on the landscaping within any front or street side yard area.~~

~~4. This Section shall not be so construed as to permit the paving or hard surfacing of front or street side yard areas without first complying with all applicable City codes and regulations. All additional paving or hard surfacing must have City approval with regard to location.~~

~~5. This Section shall not be so construed as to prohibit the parking of vehicles on lawns or other unpaved surfaces for the purposes of washing, making emergency repairs, or on site construction when the parking does not exceed a total of 3 hours duration within any consecutive 24 hour period.~~

~~B. Right of Entry. A peace officer or code enforcement personnel authorized to enforce parking laws and regulations shall have the right to enter onto private property to enforce the provisions of this chapter and to issue a parking citation in accordance with CVC Section 40202.~~

~~C. Violations. Any person or entity violating any provision, or failing to comply with any regulation, of this Section, shall be subject to fines and civil penalties set forth and amended by resolution of the City Council.~~

6.03.070: Commercial Vehicle Parking Restrictions

~~A. Commercial Vehicle Parking in Residential Zoning Districts. It is unlawful for the driver, owner, or operator of any commercial vehicle that exceeds a gross vehicle weight rating (GVWR) of more than 10,000 pounds (11,500 pounds for pickup trucks), or any motor truck, truck tractor or trailer, or any other commercial equipment regardless of weight, to park or cause to be parked, or store or cause to be stored, any such vehicle or equipment upon any lot located within any residential zoning or land use district of the City.~~

~~B. Commercial Vehicle Parking Outside of Designated Loading Areas in Commercial Zoning Districts. It is unlawful for the driver, owner, or operator of any commercial vehicle to park or cause to be parked, or store or cause to be stored, upon any publicly or privately owned automobile parking lot located within any commercial zoning or land use district of the City, any motor truck having a gross vehicle weight rating (GVWR) of more than 10,000 pounds, truck tractor or trailer of a GVWR of more than 10,000 pounds, or any combination thereof, or any motor truck, truck tractor or trailer, or any combination thereof, of a size larger than eight feet in height and/or twenty four feet in length, excepting as follows:~~

~~1. The parking of said vehicles within designated loading spaces and areas approved by the City, which are screened from public view pursuant to Division 6.02 (Walls, Fences, and Obstructions) of this Development Code; and~~

~~2. The loading and unloading of goods or to provide immediate services for a period not to exceed 3 hours duration within any consecutive 24 hour period.~~

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Division 6.05—Landscaping

Sections:

- [6.05.000](#): Purpose
- [6.05.005](#): Applicability
- [6.05.010](#): Landscape Design Principles
- [6.05.015](#): Landscape Plans
- [6.05.020](#): Tree Preservation Policy and Protection Measures
- [6.05.025](#): Violation—Penalty
- [6.05.030](#): Required Landscaped Areas
- [6.05.035](#): Landscape Development Standards
- [6.05.040](#): Landscape Maintenance
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6.05.000: Purpose

The purpose of this Division is to establish standards regulating landscaping and irrigation systems, which:

- A. Improve the connection between the built and natural environments, increase the function of outdoor spaces and buffer land use compatibility conflicts;
- B. Enhance the aesthetic appearance of development in all areas of the City by providing standards relating to the quality, quantity, and functional aspects of landscaping;
- C. Reduce heat and glare generated by development;
- D. Promote public health, safety, and welfare, by minimizing the impacts of all forms of physical and visual pollution, preserving the integrity of neighborhoods, and enhancing pedestrian and vehicular traffic safety;
- E. Reduce energy use and associated costs from heating and air conditioning buildings and the transportation and pumping of water.
- F. Preserve existing protected trees and topsoil where possible, incorporate native plant communities, and ecosystems into landscape design, and control soil erosion;
- G. Promote the conservation of water by establishing provisions for water management practices, and techniques for the installation and maintenance of appropriate landscape materials and efficient irrigation systems as required by the Water Conservation in Landscaping Act of 2006 (AB 1881) and Executive Order No. B-29-15 (updated 2015), Model Water Efficient Ordinance (MWEO), commencing with GC Section 65591.

6.05.005: Applicability

- A. **Landscaping Required.** All projects shall provide and maintain landscaping and irrigation systems in compliance with the provisions of this Division.

B. Landscape and Irrigation Plans Subject to City Review.

1. Submittal of Landscape and Irrigation Plans Required. Landscape and irrigation plans shall be submitted to the City for review for compliance with the requirements of this Division.

2. Plan Approval Required. Landscaping shall not be installed until the Landscape and Irrigation Construction Documentation Plans required by this Division have been approved by the Approving Authority. The Approving Authority is established by Table 2.02-1 (Review Matrix) of this Development Code and shall be empowered to approve or deny Landscape and Irrigation Documentation Plans.

3. Changes to Approved Landscape and Irrigation Plans. Changes to approved Landscape and Irrigation 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 Approving Authority, prior to the commencement of the changes.

6.05.010: Landscape Design Principles

Landscaping is an important part of the aesthetic quality of the City and is important to create a sense of the City as a pleasant and safe place to live and work. The standards prescribed by this Division are intended to pursue sustainable, high quality landscaping, which is associated with the varying land use characteristics of the community. It is further intended that implementation of these guidelines will serve to enhance the street environment for motorists, as well as to contribute to convenient pedestrian connections throughout the City.

1. Use landscaping to define and create usable spaces throughout each development. Landscaping should be used to guide the user through the site and incorporate appropriate design elements for spaces such as entrances, walkways, gathering spaces, seating areas, utility areas, view corridors, open spaces, play spaces, and foregrounds and backdrops. Landscape design can be accomplished by utilizing form, function, scale, unity, contrast, varying the density of landscape material, use of color, layering, vertical and horizontal contrasts, and varying the texture of planting. Individual building projects can be enhanced through larger and more intensely developed landscaping.

2. Use landscaping to reduce the massing of buildings and eliminate large blank walls. Landscaping should be used to reduce the massing or bulk of buildings, particularly large industrial and warehouse/distribution buildings. Reductions in massing can be accomplished by using landscape treatments to provide vertical and horizontal contrast and to add visual interest. Major buildings should have foundation plantings adjacent to buildings such as hedgerows or shrub masses to break the horizontal ground plane from the vertical plane of the building.

3. Use landscaping to soften the effect of paved areas. Landscaping should be provided in all parking areas to reduce the visual impact of parking areas and reduce associated heat build-up. Parking lot landscaping should be integrated with, and an extension of, other on-site landscape features.

4. Landscapes should be designed to achieve harmony and unity between indoor and outdoor spaces. Designs should create both pleasing and economical layouts, incorporating durable and natural materials while ensuring safety and providing guidance for pedestrians and vehicles to their destinations. High quality landscapes should be attractive with open accessibility

to nature while incorporating measures to promote sustainability: environmentally, economically, and socially.

5. Environmentally sustainable landscapes efficiently manage stormwater by capturing, and infiltrating runoff into dry wells, french drains, vegetated swales, or basins in planter areas or into porous hardscapes. Hardscape areas should be planted with canopy trees to clean air and mitigate the urban heat island effect and use California native and Mediterranean type plants to conserve water.

6. Economically sustainable landscapes are energy efficient by using large trees to buffer summer sun and winter wind on buildings or outdoor seating areas. They use resources carefully by incorporating low water using plants and efficient irrigation systems. Turfgrass areas are limited to parks and open spaces for active play which help reduce maintenance, pollution and water resource costs.

7. Socially sustainable landscapes create unique environments that enhance places to work, shop or dine and lend significant value to development. High quality landscapes have a profound impact on people's attitude and work performance as well as their enjoyment of a place. Open spaces, plazas, employee lunch areas and trails offer places to unwind, and meet people. Accessible paths and trails improve health through walking and biking.

6.05.015: Landscape Plans

A. Preliminary Landscape Plans.

1. Plan Required. A preliminary landscape plan shall be submitted with a Development Plan application or any other discretionary permit or action that proposes new or revised landscaped area. Where no discretionary permit or action is required, Landscape and Construction Irrigation Documentation Plans prepared pursuant to Subsection B (Landscape and Irrigation Construction Documentation Plans) of this Section, may be required by the City prior to the issuance of a Building Permit, as a requirement of any landscaped area proposed in fulfillment of the requirements of this Development Code.

2. Preliminary Landscape Plan.

a. The preliminary landscape plan shall meet the purposes of this Division by exhibiting a design layout that demonstrates the desired landscaping program in terms of function, location, size, scale, theme, and similar attributes.

b. The preliminary landscape plan shall provide the Approving Authority with a clear understanding of the landscaping program prior to preparation of the detailed Landscape and Irrigation Documentation Plans.

c. The preliminary landscape plan shall meet the purposes of OMC Title 10 (Parks and Recreation), Chapter 2 (Parkway Trees), commencing with Section 10-2.01.

d. The preliminary landscape plan shall include the Maximum Applied Water Allowance (MAWA) calculation, based upon the area devoted to landscaping as shown on the preliminary landscape plan. See worksheets contained in the Landscape Design and Construction Guidelines (Development Code Reference G) for the MAWA calculation formula.

3. Plan Preparation by a Qualified Design Professional is Required. Preliminary landscape plans shall be prepared by a California-registered landscape architect, or the architect that designed the on-site structures and improvements, or other qualified design professional.

4. Waiver of Requirements. The Approving Authority may waive the requirement for a preliminary landscape plan for building additions and remodels if no alterations, or minor alterations, are proposed to existing landscape areas or site topography.

B. Landscape and Irrigation Construction Documentation Plans.

1. Landscape and Irrigation Construction Documentation Plans Required.

a. Prior to the installation of landscaping and irrigation systems required by this Division, Landscape and Irrigation Construction Documentation Plans shall be submitted to the City for review and approval by the Approving Authority.

b. The required plans shall be prepared by, and bear the seal of, a landscape architect registered with the State of California.

c. Landscape and Irrigation Construction Documentation Plans shall be provided for each of the following project types:

(1) New and rehabilitated public or private development projects with landscaping;

(2) Developer-installed landscaping for all single-family and multiple-family development projects; and

(3) New and rehabilitated homeowner-installed or homeowner-hired projects with landscaping totaling 5,000 SF or more in area, on any lot containing a single-family or multiple-family dwelling.

2. Water Conservation Concept Statement. A Water Conservation Concept Statement shall be provided on the cover sheet of the Landscape and Irrigation Construction Documentation Plan set required by Paragraph B.1 (Landscape and Irrigation Documentation Plans Required) of this Section, which serves as a checklist to verify that all required elements of the Landscape and Irrigation Construction Documentation Plans have been provided. A Water Conservation Concept Statement shall have the form and content shown in the Landscape Design and Construction Guidelines (Development Code Reference G).

3. Water Budget Worksheet. A Water Budget Worksheet for new landscape areas shall be provided with each Landscape and Irrigation Construction Documentation Plan set submitted for areas to be newly landscaped, as required by Paragraph B.1 (Landscape and Irrigation Documentation Plans Required) of this Section. Said worksheet shall have the form and content shown in the Landscape Design and Construction Guidelines (Development Code Reference G), and shall include: [i] calculation of the Maximum Applied Water Allowance (MAWA), [ii] calculation of the Estimated Total Water Use (ETWU), and [iii] calculation of the Water Budget Comparison.

4. Requirements for Existing Landscape Areas.

a. All existing landscape areas that are one or more acres in size, and were installed prior to ~~January 1, 2010~~ December 1, 2015, shall provide a project's MAWA for existing landscaping. A Water Budget Worksheet for Existing Landscape Areas shall be provided with the Landscape and Irrigation Construction Documentation Plans, which shall be consistent with the form and content shown in the Landscape Design and Construction Guidelines (Development Code Reference G).

b. Existing landscape areas and landscape areas that do not have a dedicated water meter shall employ techniques, equipment and procedures to reduce water use and meet the MAWA for existing landscapes.

c. Landscape areas that do not meet the MAWA shall utilize: [i] an irrigation survey; [ii] an audit performed by a Certified Landscape Irrigation Auditor or a Landscape Industry Technician certified in irrigation, to provide recommendations, such as replacement or repairing of irrigation equipment as recommended in order to prevent water waste and meet the water budget; or [iii] other methods acceptable to the City.

5. Planting Plan. The Planting Plan shall be included in the Landscape and Irrigation Construction Documentation Plans and shall contain all required information prescribed by this Division and the Landscape Design and Construction Guidelines (Development Code Reference G).

6. Irrigation Plan. The Irrigation Plan shall be included in the Landscape and Irrigation Construction Documentation Plans and shall contain all required information prescribed by this Division and the Landscape Design and Construction Guidelines (Development Code Reference G).

7. Precise Grading Plan. A Precise Grading Plan shall be included in the Landscape and Irrigation Documentation Plans and shall contain all required information prescribed by this Division and the Landscape Design and Construction Guidelines (Development Code Reference G). To promote the efficient use of water, the grading of a project site shall be designed to minimize soil erosion, runoff, and water waste, and shall avoid soil compaction in landscape areas. Furthermore, said plans shall show grading techniques and stormwater devices that increase rainwater capture for infiltration and/or on-site storage coordinated with the landscape design.

8. Soil Management Report. Agronomical soil testing shall be performed, and test results and recommendations shall be included on the Landscape Documentation Plans. Testing shall be performed, and recommendations shall be implemented, prior to landscape installation.

9. Irrigation Schedules. Irrigation Schedules shall be included in the Landscape and Irrigation Construction Documentation Plans.

10. Maintenance Schedules. Landscaping and irrigation systems shall be maintained to ensure water use efficiency, plant health, and a well maintained, attractive appearance. A regular maintenance schedule shall be included in the Landscape and Irrigation Construction Documentation Plans.

11. Certificate of Completion. Upon completion of landscaping and irrigation system installation, the licensed landscape architect of record, or their designee, shall conduct a final field inspection and shall prepare a Certificate of Completion, which shall be filed with the City.

The Certificate of Completion shall specifically indicate that the landscaping and the irrigation system were installed as shown on the approved Planting and Irrigation Plans, and that the soil testing and amendments have been installed as specified by the soil management plan. If the irrigation system was not installed pursuant to plans, or if water use exceeds the water budget, a certified landscape irrigation auditor shall conduct an irrigation audit, and the recommendations to ensure water efficiency shall be provided, prior to permit approval.

12. Required Plans, Maps, Reports, Schedules, and Other Necessary Information. All plans, maps, reports, schedules, and other information required to be contained in the Landscape and Irrigation Construction Documentation Plan set by this Section, shall include all information stipulated by the Landscape Design and Construction Guidelines (Development Code Reference G), which prescribes the minimum information to be submitted, together with any required plans, maps, reports, special studies, exhibits, and any other information deemed necessary by the City to review and act upon the required plans and information.

13. Public Education. All model homes that are landscaped shall incorporate signs and written information to demonstrate the principals of water efficient landscapes described in this Division. Signs shall feature elements such as hydrozones, irrigation equipment, and plants that contribute to the overall water efficient theme. Written information shall be provided about plants types, irrigation systems and managing and maintaining water efficient landscapes.

6.05.020: Tree Preservation Policy and Protection Measures

A. Purpose. The purpose of this Section is to establish policies and measures that will further the preservation, protection, and maintenance of established and healthy heritage trees within the City, to improve the community forest that provides environmental, aesthetic and economic benefits, and enhances the quality of life. It is pertinent to the public welfare that such trees be protected from indiscriminate cutting or removal.

B. Applicability. The City Council hereby establishes that it is the policy of the City to preserve, protect, and maintain established and healthy trees within the City, to the extent practicable. Consideration shall be afforded Heritage Trees, as set forth in this Section.

C. Definitions. As used in this Section, the following words, terms, and phrases are defined as follows:

1. Heritage Tree. The term "Heritage Tree" means a tree designated for preservation pursuant to Section 4.02.060 (Historic Preservation—Historic Landmark and District Designations, and Architectural Conservation Areas) of this Development Code, as a tree of historic or cultural significance, or a tree of importance to the community due to any one of the following factors:

a. It is one of the largest or oldest trees of the species located in the City, with a trunk diameter of 18 inches or greater, measured at 54 inches above natural grade; or

b. It has historical significance due to an association with an historic building, site, street, person, or event; or

c. It is a defining landmark or significant outstanding feature of a neighborhood or district, or typical of early Ontario landscapes, including [i] Cinnamomum camphora (Camphor Tree), [ii] Cedrus deodara (Deodar Cedar), [iii] Platanus acerifolia, [iv] Quercus suber (Cork Oak), [v] Quercus ilex (Holly Oak), or [vi] Schinus molle (California Pepper); or

d. It is a Native Tree. The term "Native Tree" means any one of the following California native tree species, which has a trunk diameter of more than 8 inches, measured at 54 inches above natural grade, including [i] *Platanus racemosa* (California Sycamore), [ii] *Pinus torreyana* (Torrey Pine), [iii] *Quercus agrifolia* (Coast Live Oak), [iv] *Quercus engelmannii* (Engelmann Oak), [v] *Quercus lobata* (Valley Oak), or [vi] *Umbellularia californica* (California Bay).

2. Tree Protection Area. The term "Tree Protection Area" (TPA) means the area of tree roots and canopy to be designated by fencing to prohibit access during construction activities. The tree protection area is typically equal to one foot of radius for each inch of trunk diameter measured at 54 inches above natural grade, but not less than an 8-FT radius. This term may also be referred to as "Protected Root Area" (PRA).

D. Tree Inventory and Preservation Plan.

1. Property proposed for development on which a Heritage Tree exists, shall require the submittal of a Tree Inventory and Preservation Plan prepared by a licensed landscape architect, horticulturalist, certified arborist, or other related professional. Said plan shall be submitted concurrent with a Development Plan or building permit request for alterations of a site and shall be reviewed and approved by the Approving Authority for the corresponding application request.

2. The Tree Inventory and Preservation Plan shall show all existing on-site trees, and those existing trees on abutting lots and public rights-of-way with a canopy or root zone that extends onto the site or within 8 FT of a construction, staging or storage area, or graded site. Furthermore, the Tree Inventory and Preservation Plan shall identify TPAs and trees requested to be removed and shall show replacement trees as required by this Division.

3. The Tree Inventory and Preservation Plan shall include a tree evaluation or arborist report of affected trees, prepared by a City-approved certified arborist or qualified horticulturalist, to determine health, structure, condition, and expected life span of all affected trees.

E. Tree Protection During Construction.

1. All trades performing work on property in which trees have been specifically identified for protection pursuant to this Section, shall be informed of the protected trees.

2. During site construction, no person in control of work shall leave any Heritage Tree(s) without sufficient protections in place to prevent injury to the tree(s). Furthermore, it shall be unlawful and a violation of this Section to leave any Heritage Tree protected pursuant to this Section without sufficient protections in place.

3. Any special Tree Protection During Construction requirements shall be included in the Tree Inventory and Preservation Plan, and on any Demolition, Grading, or Construction Plan(s) where existing trees may be impacted, along with the following Tree Protection During Construction standard notes:

a. Existing trees to be protected shall be identified with protective fencing to form a TPA. The TPA shall encircle the tree at the outer most edge of the root zone and canopy. The TPA is defined by its "Critical Root Radius," which is calculated by measuring the tree's diameter at 54 inches above natural grade (dbh) and allowing 1.5 FT of radius for each inch of tree diameter. In example, if a tree's dbh is 10 inches, its Critical Root Radius is 15 FT.

b. Protective fencing shall be installed prior to any earthwork and shall remain in place until all work is complete. Fencing shall be 3 FT to 4 FT in height and shall be installed at the outer most edge of the Critical Root Radius or TPA. The temporary fencing shall be of chain link or other approved durable material. Post "Tree Protection Zone – Keep Out" signs on TPA fencing.

c. No construction or staging equipment is allowed within a TPA, including heavy equipment that will compact and damage the roots.

d. No disposal of construction materials or by products including paint, plaster, or chemical solutions, is allowed within a TPA.

e. Natural or preconstruction grade shall be maintained within a TPA. At no time shall soil be in contact with a tree trunk above the root flare.

f. TPAs shall be irrigated sufficiently with clean potable water to keep the tree in good health and vigor before, during, and after construction. Deep watering may be necessary on a weekly basis. Verify that the depth of irrigation provided to roots is adequate.

g. Apply a 4-inch to 6-inch thick layer of mulch within the TPA, one foot away from the trunk, before construction begins.

h. Any work required to be conducted in the ground, within the TPA, shall be accomplished with hand tools or an air spade.

i. Pruning for clearance, if needed, shall be done to prevent damaging branches with large equipment. All pruning shall be in accordance with industry standards (International Society of Arboriculture ANSI A300) under the direction of a Certified Arborist.

j. Avoid cutting roots with a diameter larger than 2 inches. Cuts should be clean and made at right angles to the roots. When practical, cut roots back to a branching lateral root. Trenches for piping shall be bored under, at a minimum depth of 36 inches. Consult a Certified Arborist to be present if more than 33 percent of the root zone is impacted, or roots greater than 2 inches diameter within 5 FT of the trunk will be cut, to ensure tree stability and that health will not be affected.

k. Protect soil and roots from compaction in landscape areas used for driveways, storage, or parking, with a layer of geotextile fabric and 6 inches of crushed gravel.

4. All trades performing work on property in which trees have been specifically identified for protection pursuant to this Section, shall be informed of the Tree Protection and Inventory Plan and the Tree Protection During Construction requirements.

F. Waiver of Development Standards to Further Heritage Tree Preservation and Protection. When considering an application for any permit or approval that may adversely affect Heritage Trees, the City may allow certain departures from established development standards to assist in their preservation, through the granting of an Administrative Exception pursuant to Section 4.02.020 (Departures from Development Standards) of this Development Code. Allowable exceptions specifically for the furtherance of tree preservation shall be limited to a maximum 15 percent reduction from minimum setback and separation requirements, and maximum 10

percent from off-street parking requirements. The Approving Authority may grant Administrative Exceptions from said setback, separation, and/or parking standards after first finding that:

1. The applicant has investigated alternative site designs and building configurations in strict compliance with the applicable development standards;
2. The tree(s) to be preserved is/are in good health and condition (taking into account species and longevity) as determined by a certified arborist;
3. The project includes a well-integrated and thoughtful design solution that enhances the property and its surroundings;
4. The project would not be injurious to adjacent properties or uses, or detrimental to the environment, quality of life, or the health, safety, and welfare of the public; and
5. The project is consistent with the purposes of the applicable zoning district, planned unit development, or specific plan, the applicable development standards and guidelines, and the Vision, Policy Plan, and City Council Priorities components of The Ontario Plan.

G. Heritage Tree Removal. It is the City's policy to protect and preserve healthy trees that provide benefits to the community, whenever possible. However, if it is determined through an arborist report, tree evaluation, or other city approved means, that a Heritage tree is dead, hazardous, diseased, or damaged beyond repair, or may pose an emergency or safety concern, the Approving Authority may order removal of the tree.

H. Heritage Tree Pruning. Pruning of any Heritage Tree protected pursuant to this Section shall be performed under the direction of a certified arborist, horticulturalist, or similar qualified licensed professional, following the most recent standards of the International Society of Arboriculture and ANSI A300 standards for tree care operations.

I. Heritage Tree Damage or Tree Removal without City Approval.

1. The damage or removal of a Heritage Tree protected pursuant to this Section, or encroachment into a protected root area or TPA, shall require an evaluation by a City-approved certified arborist as to the resulting condition, prescribed treatment to repair the damage, replacement trees if removed (as prescribed by this Division), and monetary value of the tree if removed or damaged beyond repair. Penalties pursuant to Section 6.05.025 (Violation—Penalty) of this Division shall apply.

2. For the purposes of this Subsection, the term "tree removal" shall include any act that causes the actual removal of a Heritage Tree, or the effective removal of a Heritage Tree by means of willful damage; damage resulting from excessive or improper pruning, excavation, or construction; poisoning; or any other direct or indirect action resulting in tree death within the 3-year period following said actions.

J. Heritage Tree Replacement. Healthy Heritage Trees that are approved for removal shall be replaced with new trees and shall be shown on required Landscape and Irrigation Construction Documentation Plans. Replacement trees shall have a total trunk diameter (caliper) equal to the tree(s) removed, or as deemed appropriate by the Approving Authority based on the lot size and available planting space. Replacement trees shall be in addition to the quantity of trees required by this Division for landscaping. The Approving Authority shall review the landscape plan and

approve appropriate species for tree replacement (see Section 6.05.035 (Landscape Development Standards) for required trees).

K. Monetary Value. The monetary value of Heritage Trees protected pursuant to this Division, which are removed, shall be based upon the "Guide for Plant Appraisal," which is available from the International Society of Arboriculture. Appraisals shall be performed by a City-approved professional plant appraiser or certified arborist skilled in tree appraisals.

L. Prohibited Acts. It shall be expressly prohibited to damage or to remove any Heritage Tree without prior specific authorization by the Zoning Administrator, except that tree removal specifically approved as a part of a Development Plan or Building Permit approval; Certificate of Appropriateness; pruning or removal to obtain adequate line-of-sight distances as specifically authorized by the City Engineer; pruning or removal as required for public safety as specifically authorized by City representatives; and/or actions taken by a public or private utility company for the protection of their existing electrical power or communication lines, or other property of a public utility.

6.05.025: Violation-Penalty

A. Violation. Any violation of this chapter shall be a misdemeanor or infraction at the discretion of the City Attorney or District Attorney.

B. Civil Penalties. Irrespective of, and cumulative to, any criminal conviction for a violation of this Division, the City may, pursuant to GC Section 36901, impose a civil penalty in an amount not exceeding \$1,000, or by imprisonment not to exceed 6 months, or both such fine and imprisonment on any person either through an administrative hearing or a civil action brought either by the City Attorney or a designated employee of the City. Each tree removed in violation of this Division shall constitute a separate offense.

C. Restitution for Damage or Removal of Protected Trees within the City. Irrespective of whether the City pursues criminal and/or civil action under this Division, nothing in this Division shall prevent the City from seeking restitution for damage or removal of trees within the City, which are protected by this Division, as an alternative to criminal action and/or civil action to recover a civil penalty in accordance with Subsection B of this Section.

D. Assessment of Civil Penalties. Civil penalties may be assessed against a responsible party as confirmed by resolution of the City Council, and shall constitute a special assessment against the property to which it relates and after its recording, as thus made and confirmed, the same shall constitute a lien on the property in the amount of such assessment. The notices of such special assessment shall be provided to the responsible party by certified mail, as determined from the County Assessor's or County Recorder's records. The assessment shall be collected at the same time and in the same manner as ordinary City taxes are collected and shall be subject to the same penalties and the same procedure as provided for ordinary City taxes. All laws applicable to the levy, collection and enforcement of City taxes shall be applicable to the special assessment.

E. Appeals.

1. Within 10 days after mailing of a Notice of Violation, which states the civil penalties to be assessed, the owner or person having charge of affected premises may file an appeal of

the assessed civil penalties and the violations upon which the civil penalties are based, with the Planning Department, on a City application form.

2. Within 45 days following receipt of an appeal request, the City Manager shall hold a hearing, which shall be open to the public. The City Manager shall hear and consider objections and/or protests from any owner or person having charge of affected premises, or other interested persons relative to the accrual of civil penalties, and shall hear and receive all relevant evidence and testimony relative to the violations upon which the civil penalties are based, and shall consider all of the related facts.

3. Upon conclusion of the appeal hearing, the City Manager shall determine the amount of civil penalties to be assessed. The decision of the City Manager shall be final and conclusive.

F. Penalties collected resulting from enforcement of this section shall be placed in the general fund and used solely for the purposes of the City to ensure and maintain the character and well-being of the City.

6.05.030: Required Landscape Areas.

A. Residential Projects. Residential development projects shall be landscaped and irrigated as follows:

1. Conventional and Small Lot Single-Family Projects.

a. The front yard and any street side yard of a conventional or small lot single-family project site, and all parkway areas that abut the site, shall be fully landscaped and provided with an underground automatic irrigation system, and shall be maintained in compliance with the requirements of this Division.

b. A landscape and irrigation documentation plan shall be submitted for review and approval by the Approving Authority prior to building permit issuance, pursuant to Subsection 6.05.015.B (Landscape and Irrigation Construction Documentation Plans) of this Division.

2. Cluster Single-Family and Multiple-Family Projects.

a. The entirety of a cluster single-family or multiple-family project site, including street parkway and median areas that abut the project site, which is not otherwise devoted to building area and paving, shall be fully landscaped and provided with an underground automatic irrigation system, and shall be maintained in compliance with the requirements of this Division.

b. A landscape and irrigation documentation plan shall be submitted for review and approval by the Approving Authority prior to building permit issuance, pursuant to Subsection 6.05.015.B (Landscape and Irrigation Construction Documentation Plans) of this Division.

B. Nonresidential Projects. Nonresidential development projects shall be landscaped and irrigated as follows:

1. The entirety of a nonresidential project site (excluding areas devoted to building area, paving, and/or outdoor loading and storage areas that are screened from public view), including street parkway and median areas that abut the project site, shall be fully landscaped, provided with an underground automatic irrigation system, and maintained in compliance with the requirements of this Division.

2. A landscape and irrigation construction documentation plan shall be submitted for review and approval by the Approving Authority prior to building permit issuance, pursuant to Subsection 6.05.015.B (Landscape and Irrigation Construction Documentation Plans) of this Division.

C. All Unused Areas of a Site shall be Landscaped and Irrigated.

1. All areas of a project site not intended for a specific use, including pad sites held for future development, shall be landscaped and provided with an automatic irrigation system, unless it is determined by the Approving Authority that landscaping is not necessary to fulfill the purposes of this Division. This requirement shall not apply to the side or rear yard area of a single-family residence, or that portion of a lot devoted to a legally established agricultural use.

2. The Approving Authority shall determine the level or intensity of landscaping to be provided for vacant pad sites, based upon an approved phasing plan.

D. Landscaping of Off-Street Parking Facilities. Outdoor off-street parking lots within residential developments, or within nonresidential developments that are visible from a public or private street, or are accessible by the public, shall be landscaped in the following manner:

1. At least 7 percent of the total area of a parking lot shall be landscaped, excluding perimeter landscaping or setback areas that may be required by the base zoning district.

2. Landscaping consistent with the landscape setback provisions of the base zoning district in which a parking lot is located, shall be provided adjacent to adjoining streets.

3. Landscaping shall be evenly distributed throughout the parking lot and shall not be concentrated in any one area.

4. No landscaped area is to have a dimension smaller than 5 FT clear in any direction, except as provided elsewhere by this Development Code.

5. Where parking lots occur along streets, a landscaped buffer element, minimum 10 FT in width, shall be constructed, which consists of a minimum 3-FT high hedge-like material to screen views of parked cars from the street. To shade pedestrians and create an attractive streetscape, shade trees shall be planted within this landscaped buffer at an average spacing of 25 to 30 FT on center. Landscaping may be combined with low walls or dense plant material to mitigate the visual effects of parking lots and loading areas.

6. There shall be provided within each row of parking spaces, planter islands at least 5 FT in width (exclusive of curbs), which extend the full length of the abutting parking space(s), located so as to prevent no more than 10 vehicles from being parked side-by-side in an abutting configuration.

7. Planter islands for a single row of parking spaces shall be landscaped with at least one tree, appropriate shrubs, and groundcover. Planter islands for a double row of parking spaces shall contain not less than 2 trees, and appropriate shrubs and groundcover.

8. Throughout parking lots tree wells, tree diamonds or center planter strips shall be provided to facilitate the planting of shade trees at the minimum rate of one tree for each 4 parking spaces. Tree wells shall be a minimum of 5 FT in width and 5 FT in length (exclusive of curbs).

9. Shade trees shall have a minimum canopy of 30 FT in diameter at maturity, to provide an aesthetically pleasing area and relief from summer heat.

10. All rows of parking spaces shall be provided with landscape islands at each row terminus, at least 5 FT in width (exclusive of curbs) and extending the full length of the adjacent parking spaces, to protect parked vehicles, ensure visibility, confine moving traffic to drive aisles and driveways, and provide adequate space for landscaping.

11. Landscaped areas shall be delineated with a 6-inch wide concrete curb, except where a landscape area is parallel and adjacent to a parking stall, the curb shall be a minimum of 12-inches wide, to provide a step area for persons entering or exiting motor vehicles.

6.05.035: Landscape Development Standards

Landscaping required by this Division shall be designed, installed, and maintained in compliance with the following:

A. Landscape Design Standards. Landscaped areas shall comply with each of the following:

1. Landscaped areas shall have a minimum dimension of 5 FT (exclusive of curbs), excepting vine pockets, which shall have a minimum dimension of 1.5 FT, or as otherwise prescribed by this Development Code.

2. All landscaped areas shall be bordered by a concrete or masonry curb, or other means acceptable to the City, to prevent vehicles from entering landscape areas, and to define maintenance responsibilities or property ownership. Curbs along pavement may have openings to allow water infiltration into landscape areas.

3. Landscaped areas shall be comprised of living plant materials, planted at a spacing no greater than the mature plant diameter. Non-living ornamental features (e.g., boulders, dry stream beds, gravel, etc.) may comprise a maximum of 5 percent of a landscaped area, and shall be of a permeable material.

4. All areas of a parkway that are not devoted to sidewalks shall be landscaped, irrigated, and permanently maintained pursuant to City standards.

5. All utilities shall be shown on plans to facilitate the landscape design and tree placement. Utilities such as backflow devices and transformers shall be located a minimum of 4 5 FT away from paving or other utilities to allow for landscape screening to cover at least 75 percent of the height of the equipment.

6. Accent landscape is required on all commercial or industrial corners including vehicular entries and major corner intersections. Accent trees shall be minimum 36-inch box size and palms shall be minimum 17-FT brown trunk height.

7. Foundation planting adjacent to buildings (hedgerows or shrub masses in a hierarchy pattern) is required at major building perimeters and residential front yards to break horizontal ground plane from the vertical plane of building.

8. Shade trees with irrigation shall be located in all appropriate areas where space permits to reduce the impacts of heat gain by shading large areas of paving, building walls, roof and windows also enhancing stormwater management and improving water quality.

9. Shade trees shall have a minimum canopy of 30 FT in diameter at maturity to provide an aesthetically pleasing area and relief from summer heat.

10. Trash enclosures shall be designed with adjacent planters for trees shrubs and vines for screening.

11. Accent landscape at monument signs shall be a hierarchy of ornamental shrubs or perennials.

B. Planting Requirements.

1. A variety of plant material appropriate for the project may be selected for planting, provided the ETWU for the landscape area does not exceed the MAWA (see Paragraph B.3.c (Calculation of the Budget Comparison) of this Division). The landscape plan shall be designed for the intended function of the project and for the efficient use of water, and shall include the following:

- a. Protection and promotion of appropriate native species;
- b. Selection of water conserving plant species; and
- c. Selection of trees for shading buildings and paved surfaces and for stormwater management.

2. Plants shall be selected and appropriately planted based upon their adaptability to the climatic, geologic, and topographical conditions of the project site.

a. The Sunset Western Climate Zone System should be utilized, which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;

b. Recognize the growth habit of plant types, such as mature plant size and invasiveness of surface roots, to minimize damage to property and infrastructure (e.g., buildings, sidewalks, power lines);

c. Disease and pest resistant plants should be used, to promote health and longevity; and

d. Consider the solar orientation for tree placement to maximize summer shade and winter solar gain.

e. Plants with similar water needs and climatic requirements shall be grouped together and irrigated separately.

f. Graded but undeveloped areas within the project site shall be seeded with wildflower or ornamental grass mix and automatically irrigated to prevent soil erosion from rain and strong winds.

g. Avoid use of invasive species that have a negative effect upon public health or disrupt or destroy native ecosystems as identified by the California Invasive Species List.

h. Additional planting requirements of a Specific Plan may be required based upon the project location.

3. Limit the use or quantity used of turf except where used for play or recreation.

C. Irrigation Requirements

1. The irrigation system and its related components shall be designed to be efficient and effective for the landscape proposed with no run-off or overspray.

2. Irrigation plans shall include a water budget with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use (ETWU) calculations shown pursuant to Paragraph 6.05.015.B.3 (Water Budget Worksheet) of this Division. The ETWU shall not exceed the MAWA.

3. Automatic irrigation controllers utilizing either evapotranspiration or moisture sensor data are required. A verification letter from the manufacturer certifying proper installation and sensor connection shall be provided prior to acceptance of the project.

4. Irrigation systems shall be designed with like plant material grouped together and proper solar orientation. Turf shall be on separate valves from shrub areas. Landscape areas in the shade (north or east sides of buildings) shall be controlled separately from areas in the sun (south or west).

5. Provide on plans all equipment required, sizes, notes and details, include water meter (note potable or recycled), static pressure, and maximum GPM. Contact the City's Utilities Department for City main pressure. Pressure regulating or boosting devices shall be installed to meet the pressure requirements of the system.

6. Backflow devices are required. Non-residential backflow devices shall be painted green and protected in a locking enclosure.

7. Spacing design for irrigation heads shall achieve 100 percent coverage, (head to head). Allow for wind velocities. Spacing shall achieve the highest possible distribution uniformity using the manufacturer's recommendations.

8. Narrow or irregularly shaped areas including turf, less than 8 FT in any direction shall be irrigated with subsurface irrigation or a low volume irrigation system. Low precipitation heads, rotators or drip systems shall be used in general to reduce water use and overspray.

9. Add check valves or anti-drain valves to prevent low head drainage.

10. Locate spray heads 2 FT from non-pervious paving to prevent overspray. Exception allowed if adjacent surface is permeable or if using alternative technology irrigation. Low precipitation rate heads less than 0.75 inches per hour may be located one FT from paving.

11. Trees in turf, 36-inch box and larger size trees in any area, and all palm trees, shall have pop-up stream bubbler heads. Trees in tree wells or permeable paving may use bubblers in a maximum 1.5 FT deep perforated root watering tube. Tree irrigation shall be on a separate valve, minimum 2 heads per tree.

12. Size all irrigation main lines and laterals on the plan, minimum 3/4 inch.

13. Under landscape, mainlines shall be buried with 1.5 FT minimum cover, laterals one FT minimum cover.

14. Under paving mainlines shall be buried with 2 FT minimum cover; lateral lines 1.5 FT minimum cover.

15. Pipe under roadways shall be installed 3 FT deep, sleeved and identified with marking tape installed one FT from the surface, identifying the type of line with APWA standard "Caution Waterline Buried Below" in blue, or "Caution Recycled Waterline Buried Below" in purple. Sleeves shall be Schedule 40 PVC, minimum 2 times the diameter of the pipe being sleeved.

16. Automatic Controllers shall contain a neatly drawn laminated irrigation layout chart, color coded to identify stations and valves as-built. Central controller shall include a manufacturer support page. Locate pedestals within planter areas with a 1.5 FT pad of DG or mulch at front for access.

17. An irrigation schedule shall be on the plan and layout chart noting irrigation cycles and run times per station or plant type (turf, shrub, trees, sun areas, shade areas, etc.) monthly or seasonally. Add multiple start times to prevent run off. Watering shall occur between 6:00PM and 6:00AM, excepting drip irrigation.

D. Soil Testing. Agronomical soil testing shall be performed to encourage healthy plant growth and reduce run off. One test shall be performed for each street frontage, or as otherwise required by the Approving Authority. Soil analysis shall include soil texture, infiltration rate, pH, total soluble salts, sodium, percent organic matter, and recommendations for amendments based upon the proposed plant material and tree types. Soil test results and recommendations for amendments shall be listed on the Landscape Planting Plan required pursuant to Paragraph 6.05.015.B.5 (Landscape Planting Plan) of this Division, noting the name, address, telephone number of the City-approved soils testing laboratory, and the test date.

E. Trees. Within required landscape areas, as prescribed by Section 6.05.030 Required Landscape Areas) of this Division, trees shall be provided as follows:

1. For cluster single-family or multiple-family residential development projects, and nonresidential development projects, a mix of tree sizes shall be provided on-site, for each development project, as prescribed in Table 6.05-1 (Minimum Tree Size Mix), below. Palm trees shall not be counted toward the minimum mix of required trees.

Table 6.05-1: Minimum Tree Size Mix

<i>Requires Tree Sizes</i>	<i>Minimum Mix of Required Trees</i>
48-inch box	5%
36-inch box	10%
24-inch box	30%
15-gallon	55%

2. For cluster single-family or multiple-family residential development projects, and nonresidential development projects, a mix of tree species shall be provided for each development project, as prescribed by Table 6.05-2 (Minimum Tree Species Mix), below. A minimum of 20 percent of the total number of trees provided shall be a California native species appropriate for the project site. Palm trees shall not be counted toward the minimum number of tree species required.

Table 6.05-2: Minimum Tree Species Mix

<i>Number of Trees Provided</i>	<i>Minimum Number of Tree Species Required</i>
20 or fewer	3
21 to 30	4
31 to 40	5
More than 40	6

3. All trees required by this Division shall conform to the minimum measurements prescribed by Table 6.05-3 (Minimum Tree Size Specifications), below.

Table 6.05-3: Minimum Tree Size Specifications

<i>Tree Size</i>	<i>Minimum Trunk Caliper</i>	<i>Minimum Height Range</i>	<i>Minimum Spread Range</i>
48-inch box	3.5 inches	14 to 16 FT	7 to 8 FT
36-inch box	2.5 inches	12 to 14 FT	6 to 7 FT
24-inch box	1.5 inches	9 to 11 FT	4 to 5 FT
15-gallon	1.0 inch	7 to 8 FT	2 to 3 FT
Palm trees		17-FT brown trunk height	

4. Existing trees shall be protected in place, whenever possible, pursuant to Section 6.05.020 (Tree Preservation Policy and Protection Measures) of this Division. Existing large canopy trees may be counted toward the 48-inch box tree requirement prescribed by Paragraph E.1. of this Section, provided the tree(s) to be preserved is/are in good health and condition (taking into account species and longevity), as determined by a certified arborist's report.

5. Tree planting shall maintain the following minimum setbacks and/or separations from permanent improvements as prescribed by Table 6.05-4 (Minimum Tree Setbacks/Separations), below.

Table 6.05-4: Minimum Tree Setbacks/Separations

<i>Improvement</i>	<i>Minimum Setback/Separation</i>
Beginning of Curb Returns at Street Intersections	25 FT

Table 6.05-4: Minimum Tree Setbacks/Separations

<i>Improvement</i>	<i>Minimum Setback/Separation</i>
Light Standards, Power Poles, and Fire Hydrants	10 FT
Water and Sewer Lines	7 FT
Sidewalks (except within parkways), Driveways, and Buildings	5 FT

6. Trees shall not be placed where they interfere with site drainage or require frequent pruning in order to avoid interference with overhead utilities.

7. Shade trees shall have a mature canopy diameter of 30 FT, single dominant leader or a balanced arrangement of branches, and a healthy root system not girdled by the growing container.

8. Street trees shall be minimum 24-inch box or larger and shall be planted at an average spacing of 25 FT to 30 FT on center, except where necessary to meet the minimum tree setback/separations required by Table 6.05-4 (Minimum Tree Setbacks/Separations) of this Section.

9. Trees shall be planted with a visible trunk flare and rootball that is 2 inches higher than the adjacent grade. No soil shall be placed on top of the rootball, and mulch shall be maintained 6 inches clear of the trunk. Trees with kinked or girdling roots shall be rejected before installation or replaced if planted.

10. Root barriers shall not be required for use in parkways or City maintained areas; however, if used, they shall be a maximum of one FT in depth and shall not encircle the tree rootball. Furthermore, if the tree trunk is within 5 FT of paved areas, root barriers, if used, shall run adjacent and parallel to the pavement.

11. Palm trees may be used as accents, with a minimum brown trunk height of 17 FT, and shall not count toward the minimum tree species mix required pursuant to Table 6.05-2 (Minimum Tree Species Mix) of this Division.

12. Trees shall be staked or guyed to prevent wind damage and allow healthy growth. Ties shall be flexible, allowing some trunk movement while providing protection from damage.

13. Parking lot lighting and site utilities shall be designed to avoid conflict with required shade tree locations.

14. Solar collectors shall be designed and located to avoid conflict with tree canopy and future shading from the mature size of trees, as defined by the PRC Section 25980 through Section 25986 (The Solar Shade Act).

F. Tree Staking and Tying. Trees shall be staked and tied as follows:

1. Fifteen gallon and 24-inch box trees shall be double-staked perpendicular to the prevailing wind, or parallel to the street, as appropriate. Stakes shall be located to prevent branch damage and shall extend a minimum of 7 to 8 FT above grade and 3 to 4 FT below grade. Stakes shall be tied into the tree canopy for wind protection. Galvanized stakes are recommended for wind prone areas.

2. Box trees that are 36-inches or larger, shall be ~~triple-staked or triple-guyed. A rootball~~ **guyed or anchored** ~~staking or guying system may also be used.~~

3. Flexible tree ties shall be used. Wire and hose, or metal rod-type braces shall not be used. Nursery stakes shall be removed at time of installation or loosened if they are to remain during the maintenance period and shall be removed by the end of maintenance period.

G. Shrubs. Within required landscape areas, as prescribed by Section 6.05.030 Required Landscape Areas) of this Division, shrubs shall be a minimum 5-gallon container size and shall be spaced at a rate equal to three-fourths of the shrub's mature size. One-gallon containers may be used for perennials and groundcovers.

H. Groundcovers. Within required landscape areas, as prescribed by Section 6.05.030 Required Landscape Areas) of this Division, ~~groundcovers from flats shall be spaced at 10 to 12 inches on center.~~ one-gallon containers shall be used for groundcover areas. Perennials or annual color shall be spaced at a maximum of 8 inches on center.

1. Turf. Turf grass is typically a high water use plant and is best reserved for recreation and active play areas. Low water groundcovers or native or warm season turf grasses may be used in traditional turf areas, such as parkways or front yards. Concrete mow strips shall be used to separate turf from landscape areas, excepting single-family residential development projects, which may utilize wood or fabricated benderboard materials.

2. Mulch. Mulch shall be applied and maintained in all non-turf areas and shall be at least ~~2~~ **3** inches in depth in shrub areas and at least one-inch in depth in groundcover areas. Mulch shall be of an organic material, such as shredded or chipped bark, as it will supply nutrients to the soil and plants over time. Native plants shall have mulch applied that is appropriate for the type of landscape. Synthetic mulch materials shall not be used.

I. Screening and Buffering.

1. Landscaping may be used to aid in the screening and buffering of mechanical equipment, trash collection areas, and loading docks and outside storage areas from public view, and the screening and buffering of differing land uses. Walls and/or fences used for screening and buffering purposes should incorporate landscaping over at least 60 percent of its surface area, which will serve to both buffer uses and "soften" the appearance of masonry walls.

2. Utility boxes and vaults shall be located away from entry driveways, corner accent landscapes and other highly visible areas, and shall be screened with a variety of landscape materials.

J. Defining of On-Site Circulation. Landscaping shall be used to define circulation patterns for safety and ease of use.

1. Landscaping shall be used to direct on-site vehicular and pedestrian circulation routes by providing clear direction, barrier planting (such as hedges), and accent planting, to define site entrances and pedestrian pathways.

2. Landscaping shall be designed to facilitate pedestrian circulation and access to buildings and shall be designed to buffer pedestrians from vehicular traffic, as well as to emphasize walkways.

3. Landscaping shall be designed to further pedestrian safety. Where provided, walkways shall have adequate width and be separated from parking lots, loading areas, and buildings (excepting building entries), with a landscape buffer. Furthermore, trees shall be planted along walkways to create shade and comfortable environments.

K. Grading Design and Stormwater Management.

1. Grading shall be designed to minimize soil erosion, water run-off or water waste, and increase on-site retention and infiltration. Grading shall ensure all irrigation and normal rainfall remains on-site and does not drain onto impermeable surfaces. Landscape areas shall be graded to be 1.5 inches below the grade of the adjacent finished surface.

2. Landscape plans shall include stormwater collection methods or devices that direct water into depressed landscape areas, such as vegetated swales, detention basins or infiltration areas. These areas shall incorporate proper plant materials and irrigation for success in saturated soils, drought conditions and to withstand possible erosion from the hydraulic impacts of stormwater collection. Manufactured drywells, pervious pavement, or storage chambers may also be used for stormwater infiltration.

3. Stormwater collection in landscape areas shall be designed with a natural appearance, utilizing curvilinear forms, native plants, varying sizes of boulders or river rock, and maximum 3:1 slope.

4. On-site landscape areas for stormwater management may utilize vegetated swales but shall not exceed 40 percent of the landscaped area width.

5. Landscaped slopes 3:1 or greater shall incorporate rolled erosion control products and landscape appropriate for slopes. Slopes shall be irrigated by a system with a low precipitation rate of 0.75 inches per hour or less. Turf is not allowed on slopes greater than 4:1, or where the toe of the slope is adjacent to an impermeable hardscape.

6. Compaction during site grading shall not occur within landscape areas. Compacted soils shall be repaired by deep tilling, or as directed by the soil analysis prescribed by Subsection D (Soil Testing) of this Section.

7. Vegetated swales, basins and sloped grades for stormwater management shall incorporate a level area adjacent to paved edges, at least 3 FT to 5 FT in width, to allow utilities, such as backflow devices, to be located on level ground, and to serve as a buffer from sloped edges for pedestrian safety purposes.

L. Decorative Water Features. Decorative water features shall be properly maintained to operate and function to meet the intent of the design. Furthermore, decorative water features shall incorporate recirculating water systems, and shall use recycled water, where available, excluding swimming pools and spas.

6.05.040: Landscape Maintenance

A. Landscape Maintenance Required. Where a Landscape and Irrigation Documentation Plan is required pursuant to Subsection 6.05.015.B (Landscape and Irrigation Documentation Plans) of this Division, all installed landscaping shall be permanently maintained as prescribed by this Section.

1. Once installed, no landscaping shall be removed unless replaced with landscaping of a similar design, character, and coverage, at maturity.

2. Trees shall be monitored, staking inspected, and branches pruned, if necessary, pursuant to Section 6.05.020 (Tree Preservation Policy and Protection Measures) of this Division, to direct new growth, and to avoid conflict with vehicles, pedestrians, lighting, or buildings. Stakes and ties shall be removed upon establishment, typically 2 years after planting.

3. Once installed, no landscaping shall be allowed to die-off. The replacement of dead or dying landscape materials shall occur in a timely manner, or immediately upon notification by the City, as prescribed by Division 6.10 (Property Appearance and Maintenance) of this Development Code.

4. Irrigation systems shall be maintained to prevent water waste. Broken or inefficient irrigation shall be repaired, replaced, or modified to prevent runoff from leaving the target landscape due to low head drainage, overspray, or other similar condition where water flows onto adjacent property, non-irrigated areas, walkways, roadways, parking lots or structures, unless the nonpermeable surfaces are designed and constructed to drain entirely to landscaping.

B. Landscape Maintenance Defined. On-going landscape maintenance shall consist of the following:

1. Regular watering;
2. Monitoring and treating for pests, disease, or injury;
3. Regular mowing, pruning, and the removal and replacement of dead or dying plants;
4. Regular fertilizing;
5. Clearing of debris and providing weed control;
6. Repair and/or timely replacement of irrigation systems, and components thereof;
7. Repair and/or timely replacement of integrated architectural features; and
8. Any other similar act(s) that promotes growth, health, beauty, and the life of plants, shrubs, trees, and/or groundcover/turf.

6.05.045: Landscape Design and Construction Guidelines

A. The City Council shall establish by resolution, Landscape Design and Construction Guidelines (Development Code Reference G), which are intended as a reference to assist design professionals, landscape contractors and homeowners in their understanding of the City's goals and objectives for the preparation of landscape construction documentation plans, and the installation of landscape materials and elements.

B. The Landscape Design and Construction Guidelines (Development Code Reference G) shall compliment the mandatory landscaping regulations contained in this Division, by providing

examples of potential design solutions, and by providing interpretations of the various mandatory landscaping regulations contained in this Division.

C. The Landscape Design and Construction Guidelines (Development Code Reference G) authorized by this Section, shall be enforceable in the same manner, and to the same extent, as any other applicable requirement of this Development Code.

Division 6.06—Street Naming and Street Address Numbering

Sections:

- [6.06.000](#): Purpose
- [6.06.005](#): Applicability
- [6.06.010](#): Assignment of Street Names and Street Address Numbers
- [6.06.015](#): Street-Naming
- [6.06.020](#): Street Address Numbering

6.06.000: Purpose

The purpose of this division is to establish policies for the naming of public and private streets and alleyways, and the address numbering of lots, parcels, dwelling units, places of businesses, and public buildings located along public and/or private streets within the City.

6.06.005: Applicability

- A. The naming of any new public or private street or alleyway within the City and any request to change the previously established name of a public or private street or alley within the City shall be accomplished pursuant to the Street Naming Policy established by this division.
- B. A street address number shall be assigned to a lot, parcel, dwelling unit, place of business and/or public building located along a public and/or private street within the City pursuant to the Street Address Numbering Policy established by this division.

6.06.010: Assignment of Street Names and Street Address Numbers

- A. **Assignment of Street Names.** The Planning Director shall be responsible for the assignment of street names, and shall, upon recommendation of the Building Official, City Engineer, Fire Chief, and Police Chief, assign street names as established by Section 6.06.015 (Street Naming) of this Division.
- B. **Assignment of Street Addresses.** The Building Official shall be responsible for the assignment of street addresses and shall assign street addresses as established by Section 6.06.020 (Street Address Numbering) of this Division.

6.06.015: Street Naming

- A. **Naming of Streets.** Street names should be assigned based upon one of the following criteria:
 - 1. Presidents of the United States;
 - 2. States of the United States;
 - 3. Cities of the United States;

4. California counties;
5. Names of famous local, state, and national personalities who are deceased;
6. Names of culturally significant historic places and events;
7. Famous fictitious names;
8. Names of astrological constellations;
9. Colleges;
10. Colors;
11. Precious metals;
12. Rocks;
13. Trees, shrubs and flowers;
14. Fruits and nuts;
15. Armstrong registered roses; or
16. Others, as approved by the Planning Director.

B. Street Name Prefix. All street names shall be assigned a prefix based upon its direction and location in the City, as follows:

1. Each street that generally runs in a north-south direction, and is located north of Holt Boulevard, shall be assigned "North" as its street name prefix.

2. Each street that generally runs in a north-south direction, and is located south of Holt Boulevard, shall be assigned "South" as its street name prefix.

3. Each street that generally runs in an east-west direction, and is located east of Euclid Avenue, shall be assigned "East" as its street name prefix.

4. Each street that generally runs in an east-west direction, and is located west of Euclid Avenue, shall be assigned "West" as its street name prefix.

C. Street Name Suffix. All street names shall be assigned a suffix based upon its direction and design, as follows (excepting subregional thoroughfares, such as Holt and Mission Boulevards):

1. Each through street that generally runs in a north-south direction shall be assigned "Avenue" as its street name suffix.

2. Each through street that generally runs in an east-west direction shall be assigned "Street" as its street name suffix.

3. Each portion of a through street that changes direction, and generally runs in a north-south direction, shall be assigned "Way," "Parkway," or "Trail," as its street name suffix

4. Each portion of a through street that changes direction, and generally runs in an east-west direction, shall be assigned "Road," "Drive," or "Lane," as its street name suffix.

5. Each cul-de-sac in which the centerline generally points in a north-south direction at its termination point shall be assigned "Place" as its street name suffix.

6. Each cul-de-sac in which the centerline generally points in an east-west direction at its termination point shall be assigned "Court" as its street name suffix.

7. Each circling street shall be assigned "Circle" as its street name suffix.

8. Each looping street shall be assigned "Loop" as its street name suffix.

D. Naming of Private Streets and Drives. The name of a private street or drive shall be determined pursuant to Subsection A (Naming of Streets) of this Section. In addition, each private street (or a private drive, if deemed necessary or desirable by the Planning Director) shall be assigned a "Privado" or "Paseo" street name suffix, ~~or a "Via" street name prefix~~, to identify that the street is privately owned and maintained.

E. Naming of Alleys. Alleys shall only be named if all the following criteria are met:

1. The alley leads to a landlocked parcel with frontage only onto an alley (no street frontage).

2. The structure(s) on the property are designated as a local historic landmark.

3. The naming will not adversely affect any other landlocked parcel.

6.06.020: Street Address Numbering

A. Assignment of Street Addresses. Street addresses shall be assigned based upon the following numbering system:

1. Euclid Avenue is hereby designated as the north-south street address-numbering axis and Holt Boulevard is hereby designated as the east-west street address-numbering axis. All streets that run in a general north-south direction shall be numbered from Holt Boulevard, consecutively, to the City limits. All streets that run in a general east-west direction shall be numbered from Euclid Avenue, consecutively, to corporate limits.

2. The numbering system shall begin at 100 and extend from each axis point. Wherever possible, succeeding blocks shall be assigned addresses in intervals of 100. Block length shall be determined by the next street succeeding street intersection, or at 660 FT intervals when no street intersection exists, with one whole street number assigned for each 20 lineal FT of street frontage.

3. On north-south running streets, north of Holt Boulevard, odd address numbers shall be assigned to the west side of the street and even address numbers to the east side of the street.

South of Holt Boulevard, odd address numbers shall be assigned to the east side of the street and even address numbers to the west side of the street.

4. On east-west running streets, east of Euclid Avenue, odd address numbers shall be assigned to the north side of the street and even address numbers to the south side of the street. West of Euclid Avenue, odd address numbers shall be assigned to the south side of the street and even address numbers to the north side of the street.

5. A new street having the design of a circle or loop shall bear one given name along its entire length and shall have a street address numbering system as follows:

a. Where the entrance to the circle or loop is from an adjacent east-west running street, the address numbering shall conform to that used on the north-south streets;

b. Where the entrance to the circle or loop is from an adjacent north-south running street, the address numbering shall conform to that use on the east-west streets.

B. Posting of Street Address Numbers. The owner, occupant or person in charge of any house or building to which a number has been assigned shall be responsible for posting assigned street address numbers pursuant to the following specifications:

1. Principal buildings shall display the address number on the side where the front entrance is located. A principal building occupied by more than one business or dwelling unit shall display the assigned number at the front entrance of each tenant or dwelling unit. In addition, commercial and industrial buildings shall display the assigned numbers at rear and side entrances facing a public alley or access drive.

2. A lot or development site having more than one building shall be assigned an address number in a manner determined by the Building Official. Commercial and industrial buildings shall display a directory at the main entrance to the site.

3. Street address numbers shall be posted so as to be conspicuously visible from the street or road fronting the property. The actual location and size of the numbers shall be approved by the Building Official, subject to the following guidelines:

a. Each individual digit stroke shall be a minimum of one inch wide;

b. Street address numerals located less than 50 FT from the street curb face shall be a minimum of 4 inches in height. Address numerals located from 50 to 100 FT from the street curb face shall be a minimum of 8 inches in height. Address numerals located more than 100 FT from the street curb face shall be a minimum of 12 inches in height.

c. Street address numerals that are not visible from the street due to setback distance or would otherwise be obstructed may be posted on a freestanding structure having a maximum height of 3.5 FT and maximum area of 4 SF.

4. Street address numerals and the background to which they are affixed shall be of contrasting colors or shades and shall be of reflective material for nighttime visibility. Samples of the materials shall be submitted to and approved by the Building Official.

C. Street Address Number Required for Building Permit Issuance. No building permit shall be issued for any principal building until the owner or owner's agent has obtained the official street

address number of the premises from the Building Official. Final approval for a certificate of occupancy of any principal building erected, repaired or expanded shall be withheld until permanent and proper street address numbers have been displayed pursuant to this division.

D. Posting of Rooftop Address Numbers. Street addresses, suite/unit numbers and letters shall be displayed on rooftops as follows:

1. Street address numbers shall be displayed on rooftops of all multiple unit residential, commercial and industrial buildings. The numbers shall face the street corresponding to the address. Numerals shall be 3 FT long by one FT wide and shall be painted in reflective white paint on a flat black painted background.

2. Any other buildings may display secondary street address numbers on rooftops in coordination with the Police Department. Numerals shall be 3 FT long by 5 inches wide and shall be painted in reflective white paint on a flat black painted background.

3. Roof top street address numbers should not be visible from the street.

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Division 6.08—Development Projects and Subdivisions

Sections:

- [6.08.000:](#) Purpose
- [6.08.005:](#) Applicability
- [6.08.010:](#) Maps
- [6.08.015:](#) Subdivision and Development Project Design
- [6.08.020:](#) Monuments
- [6.08.025:](#) Reports
- [6.08.030:](#) Park Dedication and In-Lieu Fee Regulations
- [6.08.035:](#) Dedications and Improvements
- [6.08.040:](#) Improvement Plans and Security
- [6.08.045:](#) Common Interest Subdivisions
- [6.08.050:](#) Conversion to a Residential Common Interest Project
- [6.08.055:](#) Conversion to a Nonresidential Common Interest Project

6.08.000: Purpose

The purpose of this Division is to set forth rules and regulations for the subdivision and/or development of real property pursuant to the provisions of the Subdivision Map Act of the State of California (commencing with GC Section 66410) and the Ontario Municipal Code. Furthermore, it is the purpose of this Division to regulate and control all divisions of land that may be lawfully regulated by the City pursuant to the Subdivision Map Act. The provisions of this Division shall be interpreted to carry out this intent and purpose. In the event of a conflict between any mandatory provision of the Subdivision Map Act and a provision of this Division, the Subdivision Map Act shall control.

6.08.005: Applicability

A. Pursuant to the provisions of the Subdivision Map Act, and in addition to any other applicable regulations provided by State law, the regulations contained in this Division shall apply to all subdivisions or parts of subdivisions of land proposed within the corporate limits of the City, and to the preparation of subdivision maps and any other maps provided for by the Subdivision Map Act. Prior to the subdivision and/or development of any land in the City, the subdivider and developer thereof shall conform to, and comply with, the requirements, rules, and regulations of this Division.

B. No land shall be subdivided and developed for any purpose that is not in conformity with the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and any applicable specific plan or planned unit development of the City. The type and intensity of land use shown in the Policy Plan, or applicable specific plan or planned unit development, shall determine the type of streets, roads, highways, utilities, and public services that shall be provided by the subdivider and/or the developer.

6.08.010: Maps

The requirement or necessity for a tentative, final, or parcel map shall be governed by the provisions of this Section.

A. **Tentative Tract Maps and Final Maps.** A tentative tract map and final map shall be required for all subdivisions creating 5 or more lots, 5 or more condominium units, a community apartment project containing 5 or more lots, or for the conversion of a dwelling to a stock cooperative containing 5 or more dwelling units, except as provided by Section GC 66418.2 and Section GC 66426.

B. **Parcel Maps.** A parcel map shall be required for all subdivisions creating 4 or fewer lots, or 4 or fewer condominium units, a community apartment project containing 4 or fewer lots, or for the conversion of a dwelling to a stock cooperative containing 4 or fewer dwelling units, or for those subdivisions described in Section GC 66426.

C. **Exceptions to the Preparation of a Tentative Tract Map, Final Map or Parcel Map.** Exceptions to the preparation of a tentative tract map or final map, or a parcel map shall be pursuant to GC Section 66426 and 66428.

D. **Exclusions from the Requirement for a Tentative Tract Map, Final Map or Parcel Map.** The requirement for the filing of a subdivision map pursuant to this Section shall not be applicable in those instances identified in GC Section 66412, 66412.1, 66412.2, 66412.3, 66412.5, and any other mandatory exclusions to the applicability of the Subdivision Map Act, as provided by the Act.

E. **Waiver of Parcel Maps.** The City Engineer is authorized to waive a parcel map pursuant to the provisions of Section 4.03.045 (Subdivisions—Parcel Map Waiver) of this Development Code.

6.08.015: Subdivision and Development Project Design

A. **Design and Improvement Requirements.** Pursuant to GC Section 66473.5, a subdivision for which a tentative map or parcel map is required pursuant to Section 6.08.010 (Maps) of this Division, shall be consistent with the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, any applicable specific plan or planned unit development, and this Development Code. Unless otherwise specified, design requirements and improvement requirements may be modified or waived only by the City Council.

B. **Lot Requirements.** All residential, commercial, mixed use, and industrial lots shall have direct access to a public street, except where private street, common driveway or other access easement rights are specifically approved by the City. The access easement shall be reserved on a subdivision map or by separate instrument in perpetuity, for the benefit of the effected property(ies).

C. **Street Rights-Of-Way and Design Requirements.** The street layout of a proposed subdivision or development project shall be consistent with all street right-of-way designations contained in the Mobility Element of the Policy Plan (General Plan) component of The Ontario Plan, or an applicable specific plan, at the time of tentative map approval. For alignments not specifically shown in the Mobility element, the City Engineer shall approve alignments that are consistent with the Policy Plan component of The Ontario Plan, or any applicable specific plan, master plan, and City standard. All streets (public and private) shall be designed to meet public street requirements,

unless otherwise approved by the Executive Director Development or both the City Engineer and Planning Director.

D. Utility Easements. Whenever overhead utilities are allowed in a proposed subdivision or development project by this Development Code, utility easements of sufficient width shall be located along the rear or side lot lines. Whenever possible, such easements shall extend an equal distance into each of the 2 abutting lots. This requirement may be modified by the Approving Authority, if warranted by unusual circumstances in a particular proposed subdivision. Underground utility easements, whenever necessary and to the extent practicable, shall be adjoining and parallel to lot lines.

E. Drainage Easements. The design of a proposed subdivision or development project shall provide for the proper drainage of the proposed subdivision or development project, and all lots and improvements therein, based upon the runoff that can be anticipated from ultimate development of the watershed area where in the subdivision is located. Stormwater detention measures shall be provided when required by the City Engineer, to reduce any adverse effects of increased runoff from development on downstream properties.

F. Lighting and Maintenance Districts and Community Facilities Districts. The City may cause the annexation of an area within a subdivision or development project to be annexed into a Lighting and Maintenance District (LMD), Community Facilities District (CFD), or similar appropriate district, prior to the recordation of a final map or parcel map, or vesting map.

G. Energy Conservation. Pursuant to GC Section 66473.1, the design of a subdivision for which a tentative map is required pursuant to Section 6.08.010 (Maps) of this Division, or a development project, shall provide to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

H. Cable Television Systems. Pursuant to GC Section 66473.3, the Approving Authority may require the design of a subdivision for which a tentative map or parcel map is required pursuant to Section 6.08.010 (Maps) of this Division, to provide for appropriate cable television systems and for communication systems, including, but not limited to, telephone and Internet services, to each lot in the subdivision. This provision shall not apply to the conversion of existing dwelling units to a common interest project.

6.08.020: Monuments

A. Pursuant to GC Section 66495, at the time of survey of the final map or parcel map, the engineer or surveyor shall set sufficient durable monuments so that another engineer or surveyor may readily retrace the survey. The exterior boundary of the land being subdivided shall be adequately monumented or referenced prior to recordation of the final map or parcel map.

B. The subdivider shall submit to the City Engineer, in a form satisfactory to the City Engineer, a tie sheet showing proper ties to the location of the centerline monuments. A minimum of 3 ties shall be shown for each centerline monument. All monuments set, and tie monuments set, shall be permanently marked or tagged with the registration or license number of the responsible engineer or surveyor.

C. Interior monuments need not be set at the time the map is recorded, provided the engineer or surveyor certifies on the map that the monuments will be set prior to City Engineer acceptance of the improvements or within 2 years following the recordation of the final map,

whichever is later, and the subdivider furnishes to the City, security guaranteeing the full payment of the cost of setting the monuments.

D. Pursuant to GC Section 66497, the engineer or surveyor shall notify the subdivider and the City Engineer when monuments have been set. If the subdivider does not present evidence to the City that the engineer or surveyor has been paid for the setting of the final monuments, and the engineer or surveyor notifies the City that payment has not been received from the subdivider for the setting of the final monuments, within 3 months following the date of notification, the City shall pay the amount due to the engineer or surveyor from the monument deposit.

E. In the event of the death, disability or retirement from practice of the engineer or surveyor charged with the responsibility for setting monuments, or in the event of his refusal to set such monuments, the City Council may direct the City Engineer, or such engineer or surveyor as it may select, to set such monuments. If the original engineer or surveyor is replaced by another, the former may release his obligation to set the final monuments to the surveyor or engineer who replaced him, by letter to the City Engineer. When the monuments are so set, the substitute engineer or surveyor shall amend any map filed pursuant to this Section and the provisions of GC Section 66498, and GC Section 66499 through 66472, inclusive.

6.08.025: Reports

A. Soils Report.

1. Prior to the approval of a final tract or parcel map, ~~or~~-vesting map, or development plan, the City may require that the subdivider and/or developer submit a preliminary soils report. If required, the report shall be prepared by a civil engineer who is registered by the State of California and shall be based upon adequate test borings or excavations in the subdivision.

2. A soils report shall be prepared by a qualified civil or geotechnical engineer, who is registered by the State of California. An investigation of each parcel in the subdivision shall be prepared if the preliminary soils report (if required) indicates the presence of any of the following problems:

a. Critically expansive soils or other soil problems that, if not corrected, would lead to structural defects;

b. Rocks or liquids containing deleterious chemicals that, if not corrected, could cause construction materials, such as concrete, steel, and ductile or cast iron, to corrode or deteriorate; or

c. The presence of methane gas and/or other toxic gases or substances, which, if not corrected, could cause life endangerment.

3. The soil investigation shall recommend corrective action that is likely to prevent structural damage to each building proposed to be constructed in the area where the soil problem exists.

4. The City shall approve a soils report (if required) upon determination that the recommended corrective action is likely to prevent structural damage to each building to be constructed in the area where a soil problem exists. The subdivider may appeal the determination to the City Council pursuant to the procedures set forth in Division 2.04 (Appeals) of this

Development Code. Subsequent building permits shall be conditioned upon the incorporation of the recommended corrective action in the construction of each building.

B. Geological Hazard Reports.

1. Prior to the approval of a final tract map or parcel map, ~~or~~ vesting map **or development plan**, the City may require subdivider **or developer** submit a geological hazard report if the subdivision includes land within a geologic hazard area identified in the Policy Plan (General Plan) component of The Ontario Plan or by the California Department of Conservation, or if the Building Official determines that other geological conditions warrant the preparation of a report. The report shall be prepared by a civil engineer who is registered by the State of California and shall be based upon appropriate field observations.

2. If the geological hazard report indicates the presence of a potential geological hazard to life, health, or property, a qualified civil or geotechnical engineer, who is registered by the State of California, shall prepare a geological mitigation plan that identifies corrective action for the potential hazard, which shall be filed with the City.

3. The City shall approve the mitigation plan if it is determined that the recommended corrective action is likely to mitigate the potential hazard. The subdivider may appeal the determination to the City Council, pursuant to the procedures set forth in Division 2.04 (Appeals) of this Development Code. Subsequent building permits shall be conditioned upon the incorporation of the recommended corrective action in the construction of each building.

6.08.030: Park Dedication and In-Lieu Fee Regulations

A. Purpose. These park dedication and in-lieu fee regulations are enacted pursuant to the authority granted by GC Section 66477 and shall be interpreted consistent with the provisions thereof. The park and recreational facilities for which payment of impact fees and/or dedication of land are required by the terms of this Section shall be provided in accordance with the standards, specifications, and requirements of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, any applicable specific plan, and any other applicable resolution, policy, or standard of the City.

B. Applicability.

1. Effect on Other Laws. With respect to the requirement for the payment of impact fees or the dedication of land for park and recreational purposes by the subdivider **or developer** of a residential project, or the residential portion of a mixed-use project, pursuant to this Development Code, this Section shall supersede all other ordinances or regulations of the City inconsistent herewith. The enactment of this Section shall not supersede any other provisions or authority adopted by ordinance of the City Council, unless expressly stated in this Section.

2. Exemptions. The provisions of this Section shall not apply to subdivisions containing less than 5 parcels and not used for residential purposes; provided, however, that a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within 4 years, an impact fee may be required to be paid by the owner of each parcel as a condition to the issuance of such permit. In addition, the provisions of this Section shall not apply to nonresidential subdivisions; or to condominium or stock cooperative projects that consist of the subdivision of

airspace in an existing apartment building that is more than 5 years old, when no new dwelling units are added.

C. Definitions. The following definitions shall govern the meaning of the words as used in this Section, unless from the context in which the word is used, a different meaning is clearly intended:

1. Fair Market Value. The value of land set forth in the City's general and specific plans, which are earmarked to be acquired by the City upon which the City intends to locate park and recreational facilities to service residents of the subdivision. Fair market value shall be based upon an appraisal by a qualified appraiser selected by the City, which appraisal shall be updated from time to time by the City. The fair market value shall be determined as of the time the final map or parcel map is filed. With regard to any park and recreation improvements, or equipment provided by the subdivider, the fair market value shall be the actual cost to acquire, construct, or install the improvement or equipment.

2. Park. A lot that is, or contiguous lots that are, owned, operated, and maintained by a public agency or private association, and which provides recreational land and facilities for the benefit and enjoyment of the residents of the subdivision and of persons residing, working, or visiting in the City. Parks may be classified as community parks, including community centers, athletic facilities, large multi-user swimming pools, picnic areas, cultural centers, or similar facilities; public neighborhood parks, including playground equipment, sports fields, and picnic areas; and private neighborhood parks, generally intended to serve only the immediate subdivision/development or specified planned community in which they are located. Parks may also include, or be limited to, open space areas suitable for active or passive uses.

3. Park and Recreational Facilities. Any public improvements deemed necessary by the City to develop, improve, or rehabilitate land and facilities for park and recreational purposes. Such improvements may include, but not be limited to, grading; landscaped areas for active and passive recreational use, open space and sports fields; irrigation and drainage systems; lawn, shrubs and trees; facilities for recreational community gardening; walkways; bicycle facilities and park lighting; playground or other recreational equipment; picnic facilities; community center or other buildings, swimming pools; volleyball, basketball, tennis, racquetball, and other courts; vehicle driveways and parking areas, and any other facilities which may hereafter be authorized by state law or approved by the City.

4. Private Open Space. Privately owned land and facilities for park and recreation purposes provided within a subdivision, and perpetually maintained and operated by the future residents or owner of the subdivision.

D. Payment of Impact Fees or Park Dedication Required. As a condition of approval of a tentative tract or parcel map, final tract or parcel map, or **development project** for a residential subdivision or the residential portion of a mixed-use project, or for a building permit within a subdivision, the subdivider shall be required to pay an impact fee, offer for dedication of park land in lieu thereof, or both, at the sole and exclusive option of the City, in the amount provided in this Section, for park and recreational purposes, unless the subdivider is exempted from this requirement by the express provisions of this Section. The payment of an impact fee and/or offering for dedication of land shall be at the time and according to the standards and formula contained in this Section.

E. Standards for Determining Dedication/Maximum Requirement.

1. General. If the park dedication is required under Subsection D (Payment of Impact Fees or Park Dedication Required), above, the park area required shall be determined pursuant to the standards provided in this Section.

2. Standard of Park Area to Population (Park Area Standard Ratio). It is found and determined that the public interest, convenience, health, safety, and welfare of the residents of the City require that 5.0 acres of property for every 1,000 persons residing within the City be devoted to local park and recreational purposes, and that such park area is necessary to provide for the needs of the current and future persons residing and working in the City. The ratio of 0.005 shall hereafter be referred to as the "Park Area Standard Ratio."

3. Computation of Maximum Area of Public Parkland to be Dedicated.

a. The maximum amount of public park land required to be dedicated by a subdivision or development project shall be equal to the Total Number Of Dwelling Unit Types multiplied by the dwelling unit occupancy factor established pursuant to Subparagraph b, below, multiplied by 0.005 (the Park Area Standard Ratio of 5.0 acres per 1,000 population). The computation is represented as follows:

$$\text{Area of Public Parkland to be Dedicated} = (\text{Total Number of Dwelling Unit Types}) \times (\text{Dwelling Unit Occupancy Factor}) \times (0.005)$$

b. The Dwelling Unit Occupancy Factor for each housing type shall be established by resolution of the City Council, based upon the latest available census data.

c. The City Council, by resolution, may require a dedication of parkland less than the maximum amount set forth above if the City Council finds, and clearly establishes that a smaller dedication will adequately serve the public interest, convenience, health, safety, and welfare of the residents of the City.

4. Qualification of Land Being Dedicated. In addition to meeting the requirements set forth in this section, any land offered for park dedication shall meet the applicable criteria specified in Section 6.08.035 (Dedications and Improvements) of this Division.

F. Standards for Determining Park Impact Fee/Maximum Fee.

1. When required by Subsection G (Determination of Dedication, Fees, or Combination) of this Section, the subdivider or developer shall pay to the City, a fee in lieu of making an offer of parkland dedication. For the purposes of impact fee calculation, 3.0 acres of property for every 1,000 persons residing within the City shall be determined to be devoted to local parkland and recreational purposes, thereby resulting in the ratio of 0.003 to be hereafter referred to as the "Park Area Fee Standard Ratio."

2. The Park Impact Fee shall be equal to the total number of dwelling units multiplied by the Dwelling Unit Occupancy Factor established pursuant to Subparagraph E.3.b (Dwelling Unit Occupancy Factor) of this Section, multiplied by the Park Area Fee Standard Ratio, multiplied by the area of parkland to be dedicated under Paragraph E.3 (Computation of Maximum Area of Parkland to be Dedicated) of this Section, multiplied by the fair market value of the land to be developed by the City for parkland and recreational facilities. The computation is represented as follows:

*Park Impact Fee = (Total Number of Dwelling Units) x (Occupancy Factor) x (0.003)
x (Fair Market Value of Land to be Developed)*

G. Determination of Dedication, Fees, or Combination.

1. Impact Fee Generally Required. Where required by the City or where no park or recreational facility located in whole or in part within the proposed subdivision is designated in the general plan of the City or other adopted resolution policy or standard of the City, the subdivider or developer shall pay an impact fee computed in accordance with Subsection F (Standards for Determining Impact Fees/Maximum Fee), above, to be used for park and recreational purposes to serve the residents of the area being subdivided and other members of the public.

2. Dedication in Lieu of Impact Fee. Where a park or recreational facility has been designated in the Policy Plan (General Plan) component of The Ontario Plan of the City, or other adopted resolution policy or standard of the City, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision and other members of the public, the City may require the subdivider to dedicate land for a park and provide recreational facilities thereon in lieu of payment of an impact fee as provided in this Section, if the City determines that dedication is desirable as provided in this Section. If the fair market value of the park and recreational facilities provided is less than that required hereunder, the difference shall be paid by the subdivider as an impact fee.

3. Combination of Land and Fees. The City may accept a combination of land, recreational facilities, and fees, with the respective amounts to be determined by the sole discretion of the City, so long as the aggregate fair market value of the land and recreational facilities, plus in-lieu fees, does not exceed the limits established in this Section.

4. Determination of Land or Fee. Whether the City requires payment of an impact fee, or requires land dedication in lieu thereof, or a combination of both, shall, in the City's sole discretion, be determined by consideration of the following, and such determination shall be final and conclusive:

- a. The provisions of the City's general plan, any specific plan adopted thereto, and any other adopted resolution, policy or regulation of the City;
- b. Topography, geology, access and location of land in the subdivision available for dedication;
- c. Size and shape of the subdivision and land available for dedication;
- d. The feasibility of dedication;
- e. Access and location of other park sites to subdivision; and
- f. Need of other accessible park sites for development, improvement and rehabilitation.

5. Impact Fees for Subdivisions of 50 Parcels or Less. If the subdivision contains 50 lots or less, only the payment of impact fees may be required, except that condominium, stock cooperative or community apartment projects may be required to dedicate land if they have more than 50 dwelling units.

H. Subdivider Credits.

1. Public Parks. The subdivider shall receive a credit against the impact fee payment or park dedication requirement for the fair market value of any land dedicated and for the value of any park and recreation improvements provided by subdivider in conjunction with any public park. The value of such improvements shall be determined by City based upon Paragraph C.4 of this Section.

2. Private Park. In conjunction with any planned development, real estate development, stock cooperative, community apartment, or condominium, as defined by state law, if the subdivider provides private open space as defined in Subsection C (Definitions) of this Section, then the subdivider may receive a credit against the park dedication requirement of this Section, in an amount to be determined by the City Council or its designee, but such credit shall not exceed 33 percent of such impact fee payment or park dedication requirement. The actual amount of such credit shall be determined by the City Council or its designee, based upon the comparability of the private open space to public park area and the adequacy of such private open space to serve the needs of the subdivision for active recreational uses.

3. Application of Credits. The credits provided by Paragraphs H.1 and H.2, above, shall be applied to reduce the subdivider's obligation to dedicate and/or pay an impact fee as required under this Section, but only to the extent of such credit.

I. Disposition of Land or Fees.

1. The amount and location of land to be dedicated, or the impact fees to be paid, shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision. In accordance with GC Section 66477, it is expressly acknowledged that the land to be dedicated or impact fees to be paid may be for both neighborhood and community parks. In addition, such impact fees may be used to improve or rehabilitate existing parks.

2. Impact fees paid by a subdivider pursuant to this Section may be spent to develop, improve, and rehabilitate community and neighborhood parks even though such parks may be used by nonresidents of the subdivision, so long as the benefit of the park and recreational facilities to residents of the subdivision is reasonable in relation to the location of the parks and amount of the impact fees.

J. Time of Payment of Impact Fees or Land Dedication. All park impact fees shall be paid directly to the City Cashier at the time of issuance of a building permit for each lot within the subdivision. In the event of a dedication requirement, the subdivider shall make an irrevocable offer of dedication to the City at the time of recordation of the final map.

K. Schedule of Performance.

1. City's Schedule. The City shall prepare and maintain a schedule specifying how, when, and where land or impact fees, or both, which were dedicated to the City to develop park or recreational facilities will be used. Any impact fees collected pursuant to this Section shall be committed within 5 years after the payment of such fees or the issuance of building permits on 50 percent of the lots created by the subdivision, whichever occurs later. If any fees are not so committed, they shall be distributed to subdivision owners in accordance with law.

2. Subdivider's Schedule. In the event that a subdivider improves or develops parks for public or private ownership, they shall prepare a schedule specifying when, how, and where they will develop the park or recreational facilities to serve the residents of the subdivision. This schedule will be required as a condition of subdivision map approval.

L. Procedure. Unless otherwise expressly provided in this Section, any decision or action required by City in this Section shall be made after the duly noticed public hearing, at the time of approval of the tentative tract map or parcel map by the Approving Authority. Such decision or action shall be made a condition of approval of the subdivision map and shall be final and conclusive in the absence of a timely filed appeal pursuant to Division 2.04 (Appeals).

6.08.035: Dedications and Improvements

A. General Requirements.

1. The public need, safety, and general welfare require that dedications, offers of dedication, and irrevocable offers of dedication of real property for various public uses be made to the City, or other public agency or district, as conditions precedent to the approval or conditional approval of tentative tract or parcel maps, final tract and parcel maps, development plans, reversions to acreage, lot line adjustments, and consolidations and combinations of lots, or any other action or event requiring evidence of official City approval.

2. Dedications may be required for streets, highways, alleys, public service easements, courts, walkways, bicycle trails, equestrian trails, recreation trails, vehicular and pedestrian access rights, slopes, storm drains, watercourses, floodplains, sewers, water lines, water rights, public utilities, traffic signal facilities, transit facilities, environmental enhancement, landscaping, parks, recreation areas, and for all other public uses not specified, if found to be required to conform to, or implement the Policy Plan (General Plan) component of The Ontario Plan or any element thereof, or any applicable specific plan, planned unit development, master plan, and/or City standard. Dedications may also be required by the City on behalf of any other public agency or district.

B. Dedication Requirements.

1. Dedications for streets and highways shall be to the width as designated by the Mobility Element of the Policy Plan (General Plan) component of The Ontario Plan and City standards, or as designated by an approved specific plan. Deviations may be allowed for streets and highway widths not shown in the Mobility Element, or in any approved specific plan, based upon the land use, traffic volumes or other factors as determined by the City Engineer.

2. Dedications for other public easements shall be based upon the need for service, accessibility, topography, clearances available, and other circumstances and factors as determined by the City Engineer.

C. Method of Dedication. Dedications shall be made to the City by the following prescribed methods:

1. Final Map, Parcel Map, or Development Project. All streets, highways, alleys, easements, and lots offered for dedication or to be dedicated shall be clearly indicated on the map or development plan. They shall be clearly described in the appropriate statement on the

title sheet of the map or development plan. Vehicular access right dedications shall likewise be shown and described on the final map.

2. Separate Instrument. Where dedications are made a requirement of the final approval of a Lot Merger, Development Plan, Conditional Use Permit, building permit, or any other permit, and no final map or parcel map is required to be filed and recorded as a condition thereof, the required dedications shall be made by separate instrument in a form approved by the city attorney, which shall be signed, executed and acknowledged by all parties having record title interest in the property or rights being dedicated. Preparation, execution and delivery of the fully executed instrument shall be made prior to the final approval by the City of the lot consolidation, lot combination, development plan, or permit being requested.

3. Fee Title. Fee title shall be granted by the subdivider when in the opinion of the City Engineer, in consultation with the City Attorney, it is necessary to carry out policies and requirements of the Policy Plan (General Plan) component of The Ontario Plan, and any City ordinance, resolution or standard.

D. Acceptance or Rejection of Dedications. Acceptance ~~or rejection~~ of dedications shall be in conformance with the following:

1. At the time of final map or parcel map acceptance and approval, the Approving Authority may accept or accept subject to improvement, ~~reject, or neither accept, nor reject~~ any or all dedications or offers of dedication. The City Clerk shall certify the action by the Approving Authority on the map.

2. Until any dedication is accepted by the City by execution of a Certificate of Acceptance recorded in the office of the County Recorder, the City shall not be responsible for, and shall not incur, any liability with respect to the offered property.

3. If any dedication is accepted, including but not limited to road or street, path, storm drain, sanitary sewer, water (potable or recycled), public utilities, and/or other public use easement, the acceptance shall be completed by the execution and recordation of a Certificate of Acceptance, recorded in the office of the County Recorder.

~~4. If any dedication is rejected, the City may accept all or part of the dedication at any later date, without any further action by the offerors. The City Council may, by resolution at any later date and without further action by or notice to the offerors, rescind its action, and accept the dedications for public use.~~

5. Until any dedication is accepted by the City by execution of a Certificate of Acceptance recorded in the office of the County Recorder, the City shall not be responsible for, and shall not incur, any liability with respect to the offered property. If any dedication is accepted subject to the completion and acceptance of public improvements, the City shall not be responsible for or incur any liability with respect to such dedication, unless and until the public improvements are completed by the subdivider and accepted by the City as evidenced by a notice of completion issued by the City Engineer pursuant to Section 6.08.040.J.4 of this Division. The ownership of and responsibility for the construction and maintenance of any public improvement is held by the subdivider and shall remain so until such time as the public improvements are completed and accepted.

6. Offers of Dedication may be terminated and abandoned in the same manner as prescribed for the abandonment or vacation of streets by the Streets and Highways Code (SHC), commencing with SHC Section 8300 or SHC Section 940, as applicable.

7. Acceptance of offers of dedication on a final map shall not be effective until the final map is filed in the office of the County Recorder, or a separate resolution of acceptance, approved by the City Council, is filed in such office.

~~8. If a resubdivision or reversion to acreage of the tract is subsequently filed for approval, any offer of dedication previously rejected shall be deemed to be terminated upon the approval of the map by the Approving Authority, except as provided in GC Section 66499.16, 66499.17 and 66499.18.~~

E. Dedication of Land for Public Access. All vehicular and pedestrian access rights shall be dedicated to the City for those lots abutting any major, primary, secondary or collector street, flood control channel, park, or bike trail, except at designated locations.

F. Dedication of Land for Public Schools. Pursuant to GC Section 66478, the City may reserve an elementary school site within a proposed subdivision for later purchase by the appropriate school district. Whenever there is consideration of an area for a public school site within a subdivision, the city shall notify the school district and the State Department of Education, in writing, of the proposed site. The notification shall include the identification of any existing or proposed airport runways within the distance specified in State Education Code Section 17215.

1. Standards. As a condition of approval of a tentative or vesting tentative map, and as allowed by state law, a subdivider who develops or completes the development of one or more subdivisions within the school districts serving said subdivision, shall dedicate to the school district such lands as the Approving Authority deems necessary, for the purpose of constructing elementary schools necessary to assure the residents of the subdivision adequate public school service.

2. Consistency with Policy Plan (General Plan). School sites offered for dedication shall conform to the policies in the Policy Plan (General Plan) component of The Ontario Plan and relevant specific plans, and the requirements of the school district.

3. Timing. The requirement of dedication shall be imposed at the time of approval of the tentative or vesting tentative map. If, within 30 days following the requirement to dedicate is imposed by the City, the school districts do not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to 60 days following the filing of the final map on any portion of the subdivision.

4. Repayment of Costs. Upon accepting the dedication, the school district shall repay to the subdivider, or their successors, the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

a. The cost of any improvements to the dedicated lands since acquisition by the subdivider;

b. The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication; and

c. Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

5. Exception. These dedication requirements for public school lands shall not apply to a subdivider who has owned the land being subdivided for more than 10 years prior to the filing of the tentative map.

G. Dedication for Streets. In order to meet the City's transportation goals as described in the Mobility Element of the Policy Plan (General Plan) component of The Ontario Plan, any subdivider or developer of land shall dedicate, or make an irrevocable offer of dedication, of all land within the subdivision or the site that is needed for public streets and alley ways.

1. When Required. The dedication, or irrevocable offer of dedication, of land for streets and alley ways shall be a condition of approval of any tentative tract or parcel map, or vesting map submitted pursuant to Section 4.02.095 (Subdivisions—Tentative Tract and Parcel Maps, and Vesting Maps) of this Development Code, or the approval of any Development Plan submitted pursuant to Section 4.02.025 (Development Plans) of this Development Code, for the construction, alteration, or enlargement of any building or dwelling, or the establishment of any agricultural, commercial, or industrial land use. Furthermore, an owner, lessee, or agent constructing, altering, or enlarging a building or dwelling, or establishing an agricultural, commercial, or industrial land use, shall provide appropriate street dedication, or make an irrevocable offer of dedication, as a condition of building permit issuance, except that such dedications shall not be required for the following:

- a. Any accessory building that does not exceed 1,000 SF of GFA;
- b. Any alteration, enlargement, or addition that does not exceed 50 percent of the area of an existing building, dwelling, or land use, not to exceed 2,000 SF of GFA;
- c. The installation or construction of walls, fences, or signs;
- d. Temporary land uses not exceeding 30 days duration; and
- e. Unenclosed agricultural land uses legally established pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

2. Rights-of-Way. Street dedications shall include the full right-of-way required for the functional classification of roadway as described in the Mobility Element of the Policy Plan (General Plan) component of The Ontario Plan, and applicable specific plans, and Section 6.08.015 (Subdivision Design) of this Division.

3. Street Design. Streets to be dedicated to the City, as well as any private streets, shall follow the design specifications in Subsection 6.08.015.C (Street Rights-of-Way) of this Division.

~~4. Termination. Rejected offers of dedication may be terminated as described in GC Section 66477.2.~~

H. Dedication for Pedestrian and Bicycle Paths. Whenever a subdivider or developer is required to dedicate roadways to the public, a dedication of land may be required to provide bikeways and pedestrian paths for the use and safety of the residents of the subdivision, or to provide bikeways and pedestrian paths as shown in the Mobility Element of the Policy Plan (General Plan) component of The Ontario Plan, any bicycle or pedestrian master plan adopted

by the City, or an applicable specific plan. ~~Rejected offers of dedication may be terminated as described in GC Section 66477.1.~~

I. Dedication for Local Transit Facilities. In order to provide adequate local transit facilities, whenever a subdivider or developer is required to dedicate roadways to the public, a dedication of land shall be required for local transit facilities, such as bus turnouts, benches, shelters, landing pads, and similar items, that directly benefit the subdivision, or the community as a whole, as required by the Planning Director and/or the City Engineer, and as described in the Mobility Element of the Policy Plan (General Plan) component of The Ontario Plan, or an applicable specific plan. To facilitate a logical phasing of transit facility improvements, the City may require the payment of a fee in lieu of the construction and installation of required improvements.

J. Improvement of Bridges, Signals, and Thoroughfares. Pursuant to GC Section 66484 and Section 4.02.025 (Development Plans) of this Development Code, the subdivider or developer shall pay traffic impact fees for the purpose of defraying the actual or estimated cost of constructing major thoroughfares, other citywide transportation improvements or bridges. The City Council shall establish procedures and standards for determining the appropriate fees.

1. Construction, modification, or upgrading of traffic signals and appurtenances may be required as a condition of the approval of any subdivision, land division, development plan, or use or building permit, if the additional traffic generated by the tract or development, the safety of the traveling public, the increased use of the streets, or other circumstances necessitate the construction.

2. Where the development of a subdivision or other project will be phased over a period time, and, in the opinion of the City Engineer, the full effect of increased burden on the streets will not be realized immediately, the subdivider or developer may be required to deposit a cash amount in the estimated value of the traffic signal improvements ultimately to be made, which sum shall be used at such time as the construction of the signal and appurtenances is warranted. In lieu of a cash deposit, the subdivider or developer may be permitted to post a bond or other surety to guarantee the installation of required traffic signals in a form satisfactory to the City Engineer and City Attorney. The exact amount, details and timing of the deposit and future construction shall be subject to an agreement between the city and the subdivider or developer.

K. Groundwater Recharge Facilities. Pursuant to GC Section 66484.5, the subdivider shall pay fees for the purpose of constructing recharge facilities for the replenishment of the underground water supply in that area of benefit. The City Council shall establish procedures and standards for determining the appropriate fees.

L. Reservations for Other Public Uses. In addition to the dedications for specific public uses that this Section requires, the subdivider or developer shall reserve land within the subdivision for wells, fire stations, libraries, or other public uses, consistent with the Policy Plan (General Plan) component of The Ontario Plan and applicable specific plans, provided that:

1. Develop in an Orderly and Efficient Manner. The reserved area is of a size and shape that permits the balance of the property within which the reservation is located to develop in an orderly and efficient manner;

2. Feasibility of Development. The amount of land reserved will not make development of the remaining land held by the subdivider economically infeasible; and

3. Consistency with Policy Plan (General Plan). The reserved area shall conform to the Policy Plan (General Plan) component of The Ontario Plan and applicable specific plans, and shall be in such multiples of streets and lots as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period. In such an event, the subdivider shall make those changes that are necessary to permit the reserved area to be developed for the intended purpose, consistent with good subdividing practices.

M. Drainage Facilities and Grading. Drainage facilities shall be provided and installed as necessary to help protect the lots, parcels, buildings, and structures from flooding, and to minimize flooding of the public streets therein or abutting the property.

1. Facilities shall be designed to minimize the inundation of private properties from storm runoff emanating from a 100-year frequency storm.

2. Public streets shall be protected from flooding from runoffs of a 10-year frequency storm pursuant to City standards or approved equivalent. Protection to higher levels may be required by the City Engineer, dependent upon the degree of flood risk involved, the topography, location, local drainage patterns, and the requirements of the San Bernardino County Flood Control District.

3. Hydrologic and hydraulic calculations and studies for required facilities shall be subject to review and acceptance by the City Engineer and/or Building Official. All grading done in conjunction with the development of a tract or property shall be performed in conformance with the City's building code, the City grading standards, and good engineering practices.

4. On-site and off-site storm drain facilities, and site grading, shall be designed and constructed to prevent undue erosion of the site or off-site properties, and to prevent excessive deposits of mud, silt, or debris upon any public street or easement, or within any channel, storm drain facility, swale, or watercourse. The drainage facilities shall be designed in accordance with the City's drainage master plan, applicable elements of the Policy Plan (General Plan) component of The Ontario Plan, and any applicable specific plan.

N. Sewage Facilities Improvements. Sewer mains, manholes, and appurtenances shall be constructed to serve each subdivision, lot, parcel, building or structure, and individual laterals shall be provided to each lot therein. All such facilities shall be installed prior to the paving of the streets, alleys, or improvement of the easements within the development. Sanitary sewers shall be constructed to the sizes, lines, grades, and design pursuant to City standards, and applicable elements of the Policy Plan (General Plan) component of The Ontario Plan, or any applicable specific plan.

O. Water Supply System Improvements. Water mains, service meters, cross connection control devices, valves, fire protection facilities, and all other appurtenances of the water system shall be provided to the applicable City master plan(s), and water lines, grades, and design shall be pursuant to City standards, and as required by applicable elements of the Policy Plan (General Plan) component of The Ontario Plan, or any applicable specific plan.

P. Underground Utilities and Service Lines. Whenever any tentative tract or parcel map, development project, or map for the reversion of lots to acreage is filed, all electrical, telephone, cable television, and similar wires, cables, services, and appurtenances that provide direct service to the property being subdivided, divided, or developed, shall be installed underground, and all existing facilities providing direct service to the building, structure, or development being added

to or rebuilt, shall be underground as a condition precedent to the approval of the tentative tract or parcel map, by the City Council or City Engineer, as applicable.

Q. Development Impact Fees.

1. Prior to the issuance of a building permit for construction on any lot within any subdivision or development project, the applicant for such permit shall pay all development impact fees established by resolution or ordinance of the City.

2. The City Council may authorize by resolution, the imposition of development impact fees that are less than the maximum fees, to encourage the development of undeveloped and underdeveloped properties within the "Old Model Colony" area of the City.

3. Where it is determined that the public interest would be served by such an agreement, the City Manager is hereby authorized to negotiate and execute agreements on behalf of the City, in order to provide credits to a project applicant against certain development impact fees, in exchange for the applicant's construction and dedication of public improvements on those reasonable terms and conditions as may be negotiated on a case-by-case basis, subject to approval by the City Council.

4. The City Manager is further authorized to negotiate and execute agreements to defer, waive, or reduce any development impact fees imposed upon an applicant for a particular development project, based upon evidence presented by the Applicant, that:

a. The development project will provide a general benefit to the health, safety, morals, and welfare of the citizens of the City, and will not only be of special benefit to the project applicant; or

b. Other properties to be benefitted by any development impact fee will not be unfairly burdened by the delay, reduction, or waiver of said development impact fee; or

c. Deferral, waiver, or reduction in development impact fees will result in a more fair funding arrangement, and in the case of waiver or reduction, the owner will receive insufficient or no benefit from the development impact fee imposed, and would, therefore, be required, if the fee(s) were imposed in full, to pay more than their fair share for the benefit received.

5. The required findings (Subparagraphs 4.a through c, above) and any resulting agreement(s) to defer, waive, or reduce any development impact fee(s) shall be subject to approval by the City Council.

R. Condemnation Proceedings. When any dedication, improvement or design is required by the City Engineer, and the subdivider or developer does not have full control of the land required in connection with the dedication, improvement or design, and condemnation proceedings are necessary as determined by the City, the subdivider or developer shall pay all necessary and reasonable costs involved in the condemnation or acquisition including, but not limited to, appraisal and court costs.

6.08.040: Improvement Plans and Security**A. Design of Improvement Plans.**

1. Following approval of a development project, tentative tract or parcel map, or vesting tentative map, and prior to the submission of any final map or parcel map, the subdivider or developer shall prepare and submit complete sets of improvement plans and cost estimates for any improvement(s) required.

2. The acceptance of all required improvement plans by the City Engineer shall be a prerequisite to the approval of the final map or parcel map, and in the case of a development project, shall be prerequisite to the issuance of any building permit.

3. All public or private improvement plans, profiles, descriptions, studies, calculations, notes, surveys and drawings required pursuant to this Division shall be provided at no expense to the City and shall be prepared pursuant to the requirements of this Section and as required by the City Engineer.

4. Construction plans for street, alley, drainage, sewer, and water improvements, traffic signals, and streetlights, and for any other required improvements, shall be drawn on standard City mylar film, in indelible ink, and shall be filed with the City Engineer for checking and review prior to their acceptance. All maps, sketches, descriptions, estimates, plans and other drawings and items required to fulfill the requirements of this Division shall also be provided in the form, content, number, and details as specified by the City Engineer.

5. The plans and profiles of all required and proposed public and private improvements in a subdivision or development plan shall be furnished to the City Engineer and shall be ready for acceptance before a final map of the subdivision or the development plan is presented to the Approving Authority for approval.

6. No construction work shall commence on any of the improvements shown on any construction or improvement plans required herein until the plans have been reviewed, approved, and signed by the City Engineer. After acceptance and signature by the City Engineer, all original drawings shall become the property of the City.

B. Application Requirements. The improvement plans shall be prepared by or under the direction of a registered civil engineer licensed by the state of California, and shall show the complete plans, profiles and details for all streets and appurtenances, storm drainage, water systems and fire hydrants, sewers, utilities, grading and all other improvements proposed or necessary, on-site and off-site. They shall meet all the requirements deemed necessary by the City Engineer.

C. Application Review Process.

1. Upon receipt of a complete set of improvement plans, the City Engineer shall cause the plans to be reviewed and return one set to the applicant or their engineer, with the required revisions, if any, marked thereon.

2. When the plans are found to be complete and satisfactory to the City Engineer, the applicant shall submit copies in the number and term deemed necessary by the City Engineer. The copies shall be accompanied by any additional number of complete sets of copies the

applicant, their engineer, and contractors may require, to be noted as approved by the City Engineer.

D. Acceptance by City Engineer.

1. Upon finding that all required revisions have been made, all required fees have been paid, and the plans conform to all applicable City ordinances, standards, and conditions of approval imposed upon the tentative map **or development plan**, the City Engineer shall accept the improvement plans.

2. Pursuant to GC Section 66456.2, the City Engineer shall act within 60 days of receiving the preliminary improvement plans and calculations, except that at least 15 days shall be provided for processing any resubmitted improvement plan. The period of 60 days shall not include any days during which the improvement plans have been returned to the subdivider for corrections or have been subject to review by any party other than the City or a private entity contracted by the City.

3. The City Engineer's acceptance of improvement plans shall not relieve the subdivider **or developer** of responsibility for the design of the improvements and for any deficiencies in the improvements.

E. Permit Required. The subdivider **or developer** shall not commence work on any portion of improvements prior to the issuance of an encroachment permit and payment of **inspection applicable permit and inspection** fees. The City Engineering Department shall be notified in advance of commencement of any portion of the work.

F. Construction of Improvements.

1. All construction methods and materials for improvements shall conform to the approved improvement plans, the requirements of the applicable construction permit, and any other applicable City standards and requirements.

2. All construction of improvements is subject to inspection by the City Engineer. The subdivider **and/or developer** shall notify the City Engineer before beginning the construction of any improvements. The City shall always have full access to the improvement work during its construction.

G. Completion of Improvements/Subdivision Improvement Agreement.

1. If any public improvement required with the approval of a subdivision will not be completed and accepted pursuant to Section 6.08.035 (Dedications and Improvements) of this Division, prior to approval of the final map, the subdivider, at their expense, shall enter into a Subdivision Improvement Agreement as a condition precedent to approval of the final map, to complete the public improvements. Performance of the Subdivision Improvement Agreement shall be guaranteed by the security specified in Subsection I (Improvement Security) of this Section, and GC 66499 et seq.

2. A subdivision improvement agreement shall be prepared by the City Engineer in a form approved by the City Attorney, and shall provide for the following:

a. Construction of all improvements shall be as set forth in the approved plans and specifications;

b. The maximum period within which all improvements shall be completed to the satisfaction of the City Engineer;

c. Provisions for inspection of all improvements by the City Engineer and payment of fees by the subdivider for the cost of such inspection and all other incidental costs incurred by the City in enforcing the agreement;

d. If the subdivider fails to complete the work within the specified period of time, or any extended period of time that may have lawfully been granted to the subdivider, the City may, at its option, complete the required improvement work and the subdivider and their surety shall be firmly bound, under a continuing obligation, for payment of the full cost and expense incurred or expended by the City in completing such work, including interest from the date of notice of said cost and expense until paid;

e. In the event of litigation occasioned by a default of the owner or subdivider, his successors or assignees, the owner or subdivider, their successors or assignees will pay all costs involved, including reasonable attorney's fees, and that the same may be recovered as part of a lien against the real property; and

f. Additional terms or provisions, as may be necessary, pertaining to the forfeiture, collection, and disposition of improvement security upon the failure of the contracting party to comply with the terms and provisions thereof or with the terms and provisions of this Development Code.

3. A subdivision improvement agreement shall be valid for a period specified in the agreement, but not to exceed 2 years from the effective date of the agreement.

a. The term of a subdivision improvement agreement may be extended at the discretion of the City Engineer.

b. A subdivision improvement agreement shall not only bind the present subdivider, but also all heirs, successors, executors, administrators, and assignees, so that the obligation runs with the real property. All agreements shall be executed by all those parties executing the final or parcel map.

H. Inspection of Improvements.

1. The construction of improvements required pursuant to this Division shall be subject to inspection and testing by the City Engineer to ensure compliance with the standards and specifications specified and required by this Division. All work and improvements must be found to conform to the standards and specifications as a condition of the City's acceptance and release of any improvement securities held therefor.

2. No construction shall commence or continue without arrangements first having been made with the City Engineer for inspection. The City Engineer and his authorized representatives shall have the right to stop any work, refuse to inspect any work, or reject any or all work and construction if it is found that the work is unauthorized, is unsafe in any way to the workers or the public, is inferior in materials or workmanship, was performed without inspection, or does not meet or comply with city standards, specifications, or city-approved construction plans. Reasonable access to the construction and work shall be provided at all times so that full

knowledge of the progress, workmanship, and character of the materials used in the work can be gained.

3. Upon completion of the **subdivision required** improvements, the subdivider **or developer** shall apply in writing to the City Engineer for preliminary final inspection. The City Engineer shall conduct a preliminary final inspection and prepare a deficiency list, noting all additional work to be performed and deficiencies in existing work to be corrected. The City Engineer shall provide a copy of the deficiency list to the subdivider **or developer**. If there are an excessive number of deficiencies or missing improvements, the City Engineer may choose to postpone the inspection.

4. After the subdivider **or developer** has corrected all of the items on the deficiency list, the subdivider **or developer** shall apply to the City Engineer for final inspection. The City Engineer shall conduct a final inspection and verify that the items on the deficiency list have been corrected. Upon verification, and after receiving record drawings (improvement plans), the City Engineer shall accept the improvements and issue a notice of completion to the subdivider **or developer**.

5. The City Engineer's acceptance of improvements shall not relieve the subdivider **or developer** of responsibility for correcting any deficiency that subsequently is discovered.

I. **Improvement Security.** Performance of a subdivision improvement agreement required pursuant to Subsection G (Completion of Improvements/Subdivision Improvement Agreement) of this Section shall be guaranteed by the security specified herein and GC Section 66499 et seq. **Any public improvement required with the approval of the Development Plan submitted pursuant to Section 4.02.025 (Development Plans) of this Development Code, at the discretion of the City Engineer, shall be guaranteed by the security specified herein.**

1. **Acceptable Forms of Required Improvement Security.** Improvement securities shall be posted as a guarantee of the performance of any act, improvement, or obligation required as a condition of approval of any final map or parcel map, parcel map waiver, lot line adjustment, ~~or~~ lot merger **or development project**. Unless otherwise provided herein, all such improvement securities shall be provided in one of the following forms, subject to approval and acceptance by the City Engineer and City Attorney:

a. *Bonds by Authorized Corporate Sureties.* One or more bonds by one or more duly authorized corporate sureties substantially in the form prescribed by the Subdivision Map Act, and subject to approval and acceptance by the City Attorney and City Council;

b. *Negotiable Bonds or a Letter of Credit.* A deposit with the City of immediately negotiable bonds or a letter of credit; or

c. **Cash and/or Negotiable Bonds of The Kind Approved for Securing Deposits of Public Moneys.** A deposit with the City or a responsible escrow agent or trust company, at the option of the City, of cash and/or negotiable bonds of the kind approved for securing deposits of public moneys; or

d. *Lien or Other Security Interests.* Any other form of security, including a lien or other security interests in real property, which the City Engineer and the City Attorney may, in their discretion, allow; provided, they determine that it is equivalent to the foregoing forms of security in terms of security and liquidity. Any written contract or document creating security interests shall be recorded in the Office of the County Recorder. From the time of recordation, a

lien shall attach to the real property described therein, which shall have the priority of a judgment lien in the amounts specified.

2. Required Security Amounts. ~~The subdivider shall provide as security to the City:~~

a. *Performance and Guarantee.* ~~The subdivider or developer shall provide an~~ amount determined by the City Engineer, ~~equal up~~ to 100 percent of the total estimated cost of the improvement to be performed, including costs and fees incurred by the City. The estimated cost of improvement shall include a 10 percent contingency and a 10 percent increase for projected inflation computed to the estimated mid-point of construction; and

b. *Payment.* ~~The subdivider or developer shall provide an~~ amount determined by the City Engineer, ~~equal up~~ to 100 percent of the total estimated cost of the improvement to be performed, excluding grading and monumentation.

3. Release of Improvement Security. Improvement security may be released upon the final completion and acceptance of the act or work by the City Engineer; provided, however, such release shall not apply to the amount of security deemed necessary by the City Engineer for the guarantee and warranty period, nor to costs and reasonable expense fees, including reasonable attorney's fees incurred by the City in enforcing any improvement agreement. The subdivider ~~or developer~~ shall not be entitled to any reduction in security, except pursuant to Paragraph 4 (Partial Release of Improvement Security), below, until all improvements have been completed to the satisfaction of, and have been accepted by, the City Engineer.

4. Partial Release of Improvement Security. A partial release of performance security may be requested in writing from the Engineering Department. The portion of the performance security, in conjunction with ~~acceptance of~~ the satisfactory completion of a part of the improvements as the work progresses, may be released upon the approval of the City Engineer, subject to the following:

a. No release shall be considered until at least 50 percent of the improvements are completed ~~and accepted by the City;~~

b. No release shall be ~~considered~~ for an amount less than 10 percent of the original total improvement security given for performance and guarantee;

c. ~~An amount of up to 200 percent of the revised estimated construction cost for the remaining required improvements shall be required for~~ the substitute security (or the remaining security) ~~shall not be less than 150 percent of the revised estimated construction cost for the remaining required improvements;~~

d. The City Engineer is responsible for reviewing all applications and shall determine the amount of substitute security required in accordance with Subparagraph 1.4.c, above; and

e. The original performance security may be released only upon receiving the proper substitute security, which has been determined acceptable by the City Attorney and the City Engineer.

J. Completion of Improvements.

1. Public improvements required as a condition of approval shall be completed pursuant to this Division, unless they are deferred pursuant to Subsection K (Deferred Improvements) of this Section. The City Engineer shall review and approve any improvement agreement, conduct an inspection, and approve any constructed public improvement necessary to satisfy this provision, with the City Council delegating final approval to the City Engineer of any agreement or acceptance of any completed public improvement.

2. Once begun, public improvements for a final tract or parcel map, or development plan when required, shall be constructed to completion without interruption. The subdivider or developer shall exercise due diligence to ensure that this provision is met to the satisfaction of the City Engineer. Construction and inspection of public improvements shall be governed by City standards and the requirements of any applicable permit.

3. Notwithstanding any applicable agreement, the construction and maintenance of any public improvement is the responsibility of the subdivider or developer and shall remain so until such time that the City Council accepts the completed public improvements.

4. Upon acceptance of a public improvement, the City Engineer shall provide a notice of completion for that public improvement and shall release applicable securities for that public improvement. This action shall serve to transfer ownership and maintenance responsibility of the public improvement from the subdivider or developer to the City, and to provide full acceptance of the applicable dedication or easement, which acceptance had been contingent upon completion and acceptance of public improvements within said dedication or easement, subject to the terms of any applicable agreement.

K. Deferred Improvements. The Approving Authority for a tentative map or parcel map shall be responsible for approving any request for the deferred construction of on-site and off-site improvements required by a tentative map or parcel map. The City Attorney shall approve the form and content of all deferred improvement agreements prior to the City accepting the document.

6.08.045: Common Interest Subdivisions

A. Purpose. The purpose of this Section is to establish criteria for the establishment of common interest subdivisions. For the purposes of this Section, the term "common interest subdivision" means a community apartment, condominium, planned development, or stock cooperative.

B. Applicability. The herein prescribed regulations shall be implemented in conjunction with the establishment of any common interest subdivision in the City.

C. Common Interest Subdivisions are Exempt from Minimum Lot Area and Building Setback Requirements. Common interest subdivisions shall be exempt from the minimum lot area and building setback regulations applicable to individually numbered and/or lettered lots identified on a tract or parcel map, excepting one-lot subdivisions. For the purposes of a common interest subdivision, any minimum lot area requirement shall be applied to the overall area of the common interest subdivision. Furthermore, any minimum building setback requirement shall only be applied to the exterior boundary of the common interest subdivision.

D. Recordation of a Tract or Parcel Map is Required. The establishment of a common interest subdivision shall require the approval and recordation of a tract or parcel map pursuant to the provisions of the Subdivision Map Act (commencing with GC Section 66410), Section 4.02.100 (Subdivisions—Tentative Tract and Parcel Maps, and Vesting Maps) and Section 4.03.030 (Final Maps and Parcel Maps) of this Development Code, and all applicable requirements of this Division.

E. Recordation of Covenants, Conditions, and Restrictions (CC&Rs). Covenants, conditions, and restrictions, if required, shall be recorded concurrently with the final map or parcel map, required pursuant to Subsection D (Recordation of a Tract or Parcel Map is Required), above, in the office of the San Bernardino County Recorder.

1. The purpose of the covenants, conditions, and restrictions is to guarantee compatibility and coordination of all lots or units within a common interest subdivision in terms of access, parking, landscaping, recreation facilities, open space, property and landscape maintenance, and architecture. Furthermore, the covenants, conditions, and restrictions shall establish a property owner (or homeowner) association for the purpose of maintaining common areas and facilities, enforcement of the covenants, conditions, and restrictions, regulation of operations and uses within the development, and ensuring continued architectural and landscaping compatibility within the development.

2. The covenants, conditions, and restrictions shall be subject to approval and acceptance by the Planning Director and City Engineer prior to recordation. Furthermore, the City may be required to be a non-voting member of the association and maintain the right of enforcement of the covenants, conditions, and restrictions.

3. The covenants, conditions, and restrictions shall include the establishment of a specific methodology or procedure for enforcement of its provisions by the City, if adequate maintenance of the development does not occur. Such procedures may include, but is not limited to, granting the City the right of access to correct maintenance issues and assess the property owner (or homeowner) association for all costs incurred by the City.

F. Recordation of a Condominium Plan. The establishment of a condominium shall require the approval of a Condominium Plan by the City and the recordation of said Condominium Plan in the office of the San Bernardino County Recorder, prior to the sale of the first dwelling unit.

6.08.050: Conversion to a Residential Common Interest Project

This Section shall apply to the conversion of any existing residential real property to a common interest project, including condominium, community apartments, stock cooperative project, or any other similar form of common ownership, except conversion projects for which a final or parcel map has been approved prior to the effective date of this Development Code, or where the conversion involved a limited equity housing cooperative as defined in HSC Section 33007.5. All provisions, conditions, and further definitions of condominium development, as included in the California Civil Code, shall apply to the divisions of real property as permitted herein.

A. Purpose. The purpose of this Section regulating conversions to a residential common interest project is as follows:

1. Establish criteria for the conversion of existing single-family and multiple-family rental housing to community apartments, condominiums, planned developments, or stock cooperatives;

2. Ensure that converted housing achieves high quality appearance and safety, and is consistent with the goals and policies of The Ontario Plan;

3. Endeavor to maintain a reasonable balance of ownership and rental housing within the City, and a variety of housing choices of varying tenure, type, price, and location;

4. Ensure that the purchasers of community apartments, condominiums, planned developments, or stock cooperatives converted from existing rental housing stock have been properly informed as to the physical condition of dwellings offered for purchase; and

5. Ensure compliance with all requirements of applicable development, building, fire codes, plumbing, and electrical codes, and other applicable State and local laws and regulations, in effect at the time of filing of the tentative subdivision maps for conversion.

B. Applicability. Any conversion to a residential common interest project, including a community apartment, residential condominium, residential planned development, or residential stock cooperative, shall be subject to all applicable provisions of the Subdivision Map Act (commencing with GC Section 66410), the requirements of this Section, and all other applicable requirements of this Development Code and the Ontario Municipal Code.

C. Application Requirements. A residential common interest project conversion request shall consist of the following:

1. Subdivision Application. A subdivision application as required by Section 4.02.100 (Subdivisions—Tentative Tract and Parcel Maps, and Vesting Maps) of this Development Code.

2. Physical Elements Report. A report on the physical elements of all structures and facilities shall be submitted with the tentative or vesting tentative map. The report shall include, but not is limited to, the following:

a. Architect's or Engineer's Report. A report by a licensed architect or engineer detailing the structural condition of all elements of the property, including foundations, electrical, plumbing, utilities, walls, ceiling, windows, recreational equipment, parking facilities, appliances, and fixtures. The report shall state, to the best knowledge or estimate of the applicant, the following:

(1) When the element was constructed or installed;

(2) The condition of each element;

(3) When the element was replaced;

(4) The approximate condition of each element;

(5) Any variation or non-compliance of the element from this Development Code and the Building Code in effect on the date the last building permit was issued for the subject structure;

(6) The approximate date upon which the application for conversion was filed and accepted by the city; and

(7) The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed.

b. Pest Control Report. A report from a licensed structural pest control operator, approved by the city, on each structure and each unit within the structure.

c. Soils and Geological Hazard Reports. Soils and geological hazard reports prepared pursuant to Section 6.08.025 (Reports) of this Division, regarding soil deposits, rock formations, faults, groundwater, landslides, and liquefaction within the vicinity of the project, and a statement regarding any known evidence of soil problems relating to the structures. Reference shall be made to any previous soils reports for the site and a copy submitted with the report.

d. Repairs and Improvements Report. A statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a high degree of appearance and safety.

e. Notice to Tenants. The subdivider shall supply proof of all written notices as required by the Subdivision Map Act for conversion projects, as listed in Subsection E (Notice to Tenants) of this Section.

f. Plans and Information. The subdivider shall provide plans, maps, reports, special studies, exhibits, and any other information deemed necessary by the City to process the conversion, as identified on the applicable City application forms.

g. Proposed Declaration. The subdivider shall provide a proposed declaration, as required by CC Section 1353. The declaration must include an agreement for the creation of an association responsible for common area maintenance, a clear designation of parking and signage rights, and a method for resolving differences.

h. Development Plan Application Required. The developer shall submit a Development Plan application for approval of the conversion pursuant to Section 4.02.030 (Development Plans) of this Development Code.

D. Procedures.

1. Notification and Hearing Requirements. A final subdivision map creating a community apartment, condominium, planned development, or stock cooperative from the conversion of rental housing units, unless the subdivider shows that the following notification procedures have been fulfilled:

a. Each of the tenants or prospective tenants of the proposed community apartment, condominium, planned development, or stock cooperative project has received or will receive each of the notices included in the Subdivision Map Act (commencing with GC Section 66410), including the following:

(1) Written notification pursuant to GC Section 66452.8 and GC Section 66452.9, of intention to convert, provided at least 60 days prior to the filing of a tentative map;

(2) Written notification at least 10 days prior to the date of the public hearing at which the Approving Authority will review the Conditional Use Permit for the requested conversion in compliance with GC Section 65090 and GC Section 65091. Notice shall also be mailed to the owner of the subject property, as well as all property owners within 300 FT of the subject property, as shown on the last equalized tax assessor roll. In addition, a notice of public hearing shall be published at least once in a newspaper of general circulation at least 10 days prior to the hearing;

(3) Written notification pursuant to GC Section 66427.1(a) that each tenant shall receive a 10-day notice that a final public report will be, or has been, submitted to the Department of Real Estate, that the period for each tenant's right to purchase begins with the issuance of the report, and that the report will be available from the City, upon request;

(4) Written notification that the subdivider has received the public report from the Department of Real Estate. This notice shall be provided within 5 days after the date that the subdivider receives the public report from the Department of Real Estate;

(5) Written notification within 10 days following approval of a final map for the proposed conversion;

(6) Upon approval of a final map for the proposed conversion, written notification shall continually be delivered to all prospective tenants prior to execution of a rental agreement using the form in GC Section 66459(a). Failure to do so will not be grounds to deny the conversion, but will require the subdivider to pay each prospective tenant who was entitled to that notice, an amount as indicated in GC Section 66459(f);

(7) Written notification pursuant to GC Section 66452.11 shall be provided to all affected tenants at least 180 days prior to termination of tenancy due to the conversion or proposed conversion, but not before the City has approved a tentative map for the conversion. The notice given pursuant to this subparagraph shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by CC Section 1941, 1941.1, and 1941.2; and

(8) Notice of an exclusive right to contract for the purchase of a tenant's respective unit upon the same terms and conditions that the unit will be initially offered to the general public, or terms more favorable to the tenant. The exclusive right to purchase shall commence on the date the subdivision public report is issued, as provided in BPC Section 11018.2, and shall run for a period of not fewer than 90 days, unless the tenant gives prior written notice of their intention not to exercise the right. Notice shall be given using the form included in GC Section 66452.12(b).

b. If a rental agreement was negotiated in a language other than English, all required written notices regarding the conversion of residential real property into a community apartment, condominium, planned development, or stock cooperative project shall be issued in that language.

2. Division of Airspace Not Required. A map of a community apartment, condominium, planned development, or stock cooperative project need not show the buildings or the manner in which the buildings or the airspace above the property shown on the map are to be divided. The City does not have the right to refuse approval, of a conversion project

(tentative or final map, or parcel map), based upon the manner in which the airspace is divided or any of the provisions listed in GC Section 66472.

3. Limitation on the Number of Rental Housing Units Converted Within a Current Calendar Year. The conversion of rental housing units to a community apartment, condominium, planned development, or stock cooperative, shall not result in the conversion of more than 5 percent of the potentially convertible rental units in the City during any current calendar year.

E. Notice to Tenants.

1. Tenant Notifications. The developer shall notify current and potential tenants according to Paragraph D.1 (Notification and Hearing Requirements) of this Section and the Subdivision Map Act.

2. Tenant Rights.

a. *Tenants Right to Purchase*. As provided in GC Section 66427.1(b), any present tenant or tenants of any housing unit shall be given a nontransferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. The right of first refusal shall extend for at least 60 days from the date of issuance of the subdivision public report pursuant to BPC Section 11018.2, unless the tenant gives prior written notice of his intent not to exercise the right.

b. *Vacation of Units*. Each tenant that does not purchase a housing unit, and is not in default under the obligations of the rental agreement or lease under which they occupy the unit, shall have no fewer than 180 days from the date of receipt of notification from the owner of their intent to convert, or from the filing date of the final map, whichever date is later, to find substitute housing and to relocate. Tenants shall have the right to terminate leases at any time after receiving the notice.

c. *Increase in Rents*. From the date of submittal of the tentative or vesting tentative map, until the sale of the unit, no tenant's rent shall be increased more frequently than once every 12 months, at a rate no greater than the Consumer Price Index, as compiled by the Federal Bureau of Labor Statistics. This limitation shall not apply if rent increases are provided for in leases or contracts in existence prior to the filing date of the tentative map.

d. *Notice to New Tenants*. After submittal of the application to convert, any prospective tenant shall be notified in writing by the developer of the intent to convert prior to leasing or renting any unit and shall not be subject to the provisions of Subparagraph E.2.c (Increase in Rents) of this Section.

e. *Senior Citizens, the Handicapped, and the Disabled*. The developer shall be required to retain ownership of units occupied at the time of filing of the tentative map by senior citizens (persons 62 years of age or older) or the handicapped (as defined by HSC Section 50072) or the disabled (as defined by 42USC423), for a period of one year from the date of approval by the Approving Authority.

F. Standards for Conversion.

1. Building and Physical Standards.

a. The community apartment, condominium, planned development, or stock cooperative conversion project, and all individual units and common areas contained therein, shall comply with all applicable existing and current development, building (including energy conservation and sound transmission), fire, and subdivision requirements, unless legally nonconforming.

b. The community apartment, condominium, planned development, or stock cooperative conversion project shall comply with all applicable provisions of Ontario Municipal Code Chapter 11 (Security Standards for Building).

c. The consumption of gas, electricity and water within each unit shall be separately metered so that the unit owner can be separately billed for each unit. Each unit shall have its own panel, or access thereto, for all electrical circuits that serve the unit. The requirements of this subsection may be waived where the Approving Authority finds that full compliance with this provision would not be practicable and the developer submits an alternative plan approved by the Approving Authority.

d. The electrical, plumbing, mechanical, fire, and life safety systems of the structure shall be placed in a condition of good repair and maintenance.

e. The buildings and facilities shall be upgraded to meet the requirements of Ontario Municipal Code Title 5, Chapter 29 (Noise). The Approving Authority may require additional insulation or other upgrades to reduce noise to an acceptable level.

f. The developer shall dedicate land or easements for street widening, public access, or other public purposes in connection with the project, where determined necessary by the Approving Authority and in conformance with this Development Code.

g. All on-site and adjacent overhead utility service lines and poles shall be converted to an underground system consistent with the requirements of this Development Code.

h. All main buildings, structures, fences, patio enclosures, carports, irrigation systems, landscaped areas, accessory buildings, sidewalks, driveways and additional elements as required by the Approving Authority shall be refurbished and restored as necessary, to achieve a high quality appearance and safety.

i. If Development Impact Fees have not previously been paid for the affected residential units, the required fees shall be paid prior to the recordation of the final map, or as otherwise required by City ordinance.

j. The developer shall provide each purchaser with a copy of the below-listed items, prior to executing any purchase agreement or other contract to purchase a unit within the project and shall give the purchaser sufficient time to review the information. Copies of the information shall also be made available at all times at the sales office and a notice indicating that the reports and documentation are available shall be posted on the project site, at locations approved by the Planning Director. In addition, copies of the required reports and documentation shall be provided to the Homeowners Association upon its formation.

(1) Reports and documentation required by Paragraph C.2 (Physical Elements Report) of this Section, in their final form as accepted by the City; and

(2) A copy of the covenants, conditions, and restrictions, and a project maintenance plan.

k. Other conditions may be applied as deemed necessary by the Approving Authority to further the intent of this Section.

2. Securities and Penalties. All improvements and alterations required pursuant to this Section and all other applicable requirements of this Development Code, the Ontario Municipal Code, and the conditions of project approval, shall be made prior to the approval of the final map or parcel map, or upon approval of the Planning Director, City Engineer, and Building Official, and a deposit paid to the City pursuant to Division 2.06 (Performance Guarantees), to assure the completion of all required work prior to the closing of escrow on any unit within the project. The deposit shall be accompanied by an agreement by the developer, and owner of the project if different from the developer, in a form to be approved by the city attorney, guaranteeing completion of the work.

G. Findings. The Approving Authority, prior to approving a tentative tract or parcel map, or a Conditional Use Permit, for the conversion of rental housing units to a common interest project, including a community apartment, residential condominium, residential planned development, or residential stock cooperative, shall find and clearly establish the following findings:

1. Not Detrimental. All provisions of this Section have been met and the project will not be detrimental to the health, safety, or welfare of the community;

2. Consistency with The Ontario Plan. The proposed conversion is consistent with the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan;

3. Conformity with Title. The proposed conversion conforms to all applicable requirements of this Development Code; and

4. Housing Diversity. The proposed conversion of rental housing units to a community apartment, condominium, planned development, or stock cooperative, will not have an adverse effect on the diversity of housing types available in the City.

6.08.055: Conversion to a Nonresidential Common Interest Project

This Section shall apply to the conversion of any existing nonresidential real property to a common interest project, such as condominiums or any other similar form of common ownership, except conversion projects for which a final or parcel map has been approved prior to the effective date of this Development Code. All provisions, conditions, and further definitions of condominium development, as included in the California Civil Code, shall apply to the divisions of real property as permitted herein.

A. Purpose. The purpose of this Section is to provide a legal process for the conversion of existing nonresidential buildings to a common interest ownership, such as a condominium, so as to protect both the community and the purchasers of units within a common interest project. This Section provides regulations to ensure adequate and safe building design and maintenance for all industrial and commercial common interest conversions, in order to achieve this goal.

B. Applicability. Any conversion to a nonresidential common interest project shall be subject to all applicable provisions of the Subdivision Map Act (commencing with GC Section 66410), the requirements of this Section, and all other applicable requirements of this Development Code and the Ontario Municipal Code.

C. Application Requirements. A request for the approval of a parcel map for a nonresidential common interest project conversion, must be accompanied by the following items:

1. **Subdivision Application.** A subdivision application as required by Section 4.02.100 (Subdivisions—Tentative Tract and Parcel Maps, and Vesting Maps) of this Development Code.

2. **Physical Elements Report.** A physical elements report shall be submitted for each structure and/or facility, as described in Paragraph C.2 (Physical Elements Report) of Section 6.08.045 (Conversion to a Residential Common Interest Project) of this Division.

3. **Notice to Tenants.** Proof of all written notices required by the Subdivision Map Act for conversion projects, as listed in Subsection E (Notice to Tenants) of Section 6.08.045 (Conversion to a Residential Common Interest Project) of this Division.

4. **Plans and Information.** Provide plans, maps, reports, special studies, exhibits, and any other information deemed necessary by the City to process the conversion, as identified on the applicable City application forms.

5. **Proposed Declaration.** Provide a copy of the declaration required by CC Section 1353. The declaration must include an agreement for the creation of an association responsible for common area maintenance, a clear designation of parking and signage rights, and a method for resolving differences.

6. **Development Plan Application Required.** The developer shall submit a Development Plan application for approval of the conversion pursuant to Section 4.02.030 (Development Plans) of this Development Code.

D. Procedures.

1. **Acceptance of Reports.** The final form of the reports and other documents required under Subsection C (Application Requirements) of this Section shall be as approved by the City. The reports, in their accepted form, shall remain on file with the City for review by the public. The subdivider shall provide each purchaser with a copy of the reports in their final, accepted form.

2. **Inspection.** In conjunction with the filing of a nonresidential common interest project conversion request, the subdivider shall request that an inspection of the premises be made by the Building Official and the City Engineer. The inspection shall include structures, common areas, site improvements, public improvements, and all other related facilities. A deficiency list shall be compiled during the inspection, which lists all necessary corrections required to conform to the requirements of this Section and all other applicable codes and ordinances.

3. **Corrective Work.** Upon completion of the inspection required pursuant to Paragraph D.2 (Inspection), above, a copy of the deficiency list shall be transmitted to the subdivider. All deficiencies shall be corrected to the satisfaction of the City prior to filing a final map or parcel map. When plans for corrective work are required, they shall be as approved by the appropriate city official, prior to the filing of the final map or parcel map.

4. Payment of Inspection Fees. The City shall charge the usual fees, if applicable, or an hourly fee for the inspection and processing according to an estimated actual hourly cost to the city. The owner shall post a cash deposit in an amount equal to the estimated cost of inspection. The deposit will be applied toward the inspection fee, with any refund or balance due to be resolved before the approval of the final map by the Approving Authority. Any unpaid balances shall be paid prior to recordation of the final map.

E. Standards for Conversion.

1. Building and Physical Standards.

a. Building Regulations. The project shall conform to the applicable standards of the City's Building Code that was in effect at the time the last building permit was issued for the affected structures.

b. Fire Prevention. Each unit shall be provided with a fire-warning system conforming to the City's Building Code. All fire hydrants, fire alarm systems, portable fire extinguishers and other fire protective appliances shall be retained in an operable condition at all times.

c. Sound Transmission.

(1) *Vibration Transmission.* All permanent mechanical equipment, such as motors, compressors, pumps, compactors, or any item determined by the Building Official to be a source of structural vibration or structural-borne noise shall be vibration-isolated with inertia blocks or bases, or vibration isolator springs, in a manner approved by the Building Official.

(2) *Noise Standards.* The structures shall conform to all interior and exterior sound transmission standards of CCR Title 24, the City's Building Code, and the requirements of Ontario Municipal Code Chapter 29 (Noise). The Approving Authority may require additional insulation or other upgrades to reduce noise to an acceptable level.

d. Utility Metering. Each unit shall be separately metered for gas, electricity and water, unless the covenants, conditions, and restrictions provide for the property owner association to take responsibility for these utilities.

e. Landscape Maintenance. All landscaping shall be restored, or new landscaping shall be installed, to achieve a high degree of appearance and quality pursuant to Division 6.05 (Landscaping) of this Development Code. Provisions shall be made within the declaration required pursuant to Paragraph C.5 (Proposed Declaration) of this Section, for continuing maintenance of all landscaped areas. Existing landscaping is subject to review and approval by the Approving Authority. If new landscaping is proposed, the design of all landscaping is subject to review and approval by the City.

f. Off-Street Parking and Loading. Off-street parking and loading shall be provided pursuant to the requirements of Division 6.03 (Off-Street Parking and Loading) this Development Code, for allowed commercial and industrial land uses, as applicable.

g. Refurbishing and Restoration of Improvements. Each main building, structure, fence, accessory building, sidewalk, driveway, landscaped area, utilities, and additional element as required by the department shall be refurbished and restored as necessary to achieve

a high degree of appearance, quality and safety. The refurbishing and restoration is subject to review and approval by the department.

h. Building Security Standards. Each unit shall comply with all applicable provisions of Ontario Municipal Code Chapter 11 (Security Standards for Building).

i. Dedication of Land and Easements. The developer shall dedicate land or easements for street widening, public access, or other public purposes in connection with the project, where determined necessary by the Approving Authority, and in conformance with this Development Code.

j. Undergrounding of Overhead Utilities. All on-site and adjacent overhead utility service lines and poles shall be converted to an underground system consistent with the requirements of this Development Code.

k. Copies of Reports and Documentation to be Provided to New Property Owners. The developer shall provide each purchaser with a copy of the below-listed items, prior to executing any purchase agreement or other contract to purchase a unit within the project and shall give the purchaser sufficient time to review the information. In addition, copies of the required reports and documentation shall be provided to the Property Owner Association upon its formation.

(1) Reports and documentation required by Paragraph C.2 (Physical Elements Report) of this Section, in their final form as accepted by the City; and

(2) A copy of the covenants, conditions, and restrictions.

l. Additional Conditions. Additional conditions may be applied as deemed necessary by the Approving Authority to further the intent of this Section.

2. Securities and Penalties. All improvements and alterations required pursuant to this Section and all other applicable requirements of this Development Code, the Ontario Municipal Code, and the conditions of project approval, shall be made prior to the approval of the final map or parcel map, or upon approval of the Planning Director, City Engineer, and Building Official, and a deposit paid to the City pursuant to Division 2.06 (Performance Guarantees), to assure the completion of all required work prior to the closing of escrow on any unit within the project. The deposit shall be accompanied by an agreement by the developer, and owner of the project if different from the developer, in a form to be approved by the city attorney, guaranteeing completion of the work.

F. Findings. The Approving Authority may not approve a request for a conversion to an industrial or commercial common interest project, unless it finds and clearly establishes that the proposed conversion conforms to the requirements of this Section, and is consistent with the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and all other applicable requirements of this Development Code and the Ontario Municipal Code.

Division 6.10—Property Appearance and Maintenance (Reserved)

Sections:

- ~~6.10.000: Purpose~~
- ~~6.10.005: Applicability~~
- ~~6.10.010: Maintenance of Property: Nuisances~~
- ~~6.10.015: Abatement~~
- ~~6.10.020: Notice of Violation~~
- ~~6.10.025: Hearing and Determination~~
- ~~6.10.030: Record of Cost of Abatement~~
- ~~6.10.035: Assessment of Costs~~
- ~~6.10.040: Violations~~

6.10.000: Purpose

~~The City Council has determined that the quality of life within the City is directly linked to the character and condition of its residential, commercial, mixed use, industrial, specialized use, and overlay districts. It is the purpose of this Division to provide maintenance standards that shall serve to enhance the value of land and development within the City, protect the appearance, integrity, and character of the community, and secure the public's health, safety, and welfare.~~

6.10.005: Applicability

~~A. Property owners shall be responsible for maintaining all structures, landscaping, accessory structures, paved areas, appurtenances, fences, and personal property situated on lots and premises in the City in a manner required to protect the health and safety of users, occupants, and the general public. This responsibility cannot be contracted, transferred, assigned, or conferred to another person or organization. The property shall be deemed substandard in maintenance if it violates any portion of this Division or any other applicable provision of this Development Code.~~

~~B. This Division is not the exclusive regulation of property maintenance for the City. It shall be supplemental and in addition to, and not supersede other regulations contained within this Development Code and the Ontario Municipal Code, and other statutes and ordinances heretofore or hereinafter enacted by the City, the State, or any other legal entity or agency having legal jurisdiction, including, but not limited to such regulations as contained in the Housing Code, the Building Code, and any plans and permits approved by the City (i.e., specific plans, planned unit developments, Conditional Use Permits, Development Plans, business licenses, etc.).~~

6.10.010: Maintenance of Property: Nuisances

~~It is a public nuisance for any person owning, leasing, occupying or having charge of any premises in this City to maintain the premises in such manner that any of the following conditions are found to exist thereon:~~

~~A. Land, topography, geology or configuration of which, whether in natural state or as a result of grading operations, excavation or fill, causes erosion, subsidence or surface water drainage~~

~~problems of such magnitude to be injurious or potentially injurious to the public health, safety and welfare or to adjacent properties.~~

~~B. Buildings that are abandoned, partially destroyed, or permitted to rein unreasonably in a state of partial construction.~~

~~C. The failure to close, by such means as will protect against entry without the use of substantial force, all doorways, windows and other openings leading into vacant structures.~~

~~D. Paint deterioration upon buildings, causing dry rot and warping or lack of weather protection.~~

~~E. Broken windows that comprise a hazardous condition, or invite trespassers or malicious mischief, or constitute a condition tending to depreciate the aesthetic and property values of surrounding properties.~~

~~F. Overgrown vegetation:~~

~~1. Likely to harbor rats, vermin and other vectors;~~

~~2. Constituting unsightly appearance;~~

~~3. Having a tendency to depreciate the aesthetic and property values of surrounding properties; or~~

~~4. Causing a fire hazard.~~

~~G. Dead, decayed, diseased or hazardous trees, and other nuisance vegetation:~~

~~1. Constituting unsightly appearance;~~

~~2. Creating fire hazards or health problems dangerous to public safety and welfare;~~
~~or~~

~~3. Having a tendency to depreciate the aesthetic and property values of surrounding properties.~~

~~H. Wrecked or otherwise disabled or abandoned vehicles, except in cases of emergency and in no event for a period longer than 5 days, and motors, equipment and automotive parts or accessories stored anywhere other than within a fully enclosed space, carport garage or approved automobile wrecking yard.~~

~~I. Vehicles, trailers, recreational vehicles and boats kept or stored in yard areas, other than on paved driveways installed in accordance with the City's zoning and development standards, where they are not screened from streets or highways.~~

~~J. The existence of rubbish, tin cans, or other waste matter of any type upon any alley, sidewalk or vacant lot within the City.~~

~~K. Accessible conditions dangerous to children, including:~~

~~1. Abandoned and broken equipment;~~

- ~~2. Refrigerators or freezers with latching doors;~~
 - ~~3. Unprotected and/or hazardous pools, ponds and excavations; or~~
 - ~~4. Neglected machinery.~~
- ~~L. Broken or discarded furniture and household equipment on the premises for unreasonable periods and visible from the street or neighboring properties, and having a tendency to depreciate the aesthetic and property values of surrounding properties.~~
- ~~M. Boxes, lumber, trash, rubbish and other debris either inside or outside buildings and visible from public streets or neighboring properties for unreasonable periods, and having a tendency to depreciate the aesthetic and property values of surrounding properties.~~
- ~~N. The accumulation of rubbish, litter or debris in vestibules, doorways or the adjoining sidewalks of commercial or industrial buildings.~~
- ~~O. Trash containers stored in front or side yards and visible from public streets except when placed in places of collection at the time permitted.~~
- ~~P. Keeping of property with a lack of adequate landscaping or ground cover sufficient to prevent blowing dust and erosion.~~
- ~~Q. Any device, decoration, design, graffiti, fence structure, clothesline or vegetation that is unsightly due to its condition or its inappropriate location.~~
- ~~R. The outside storage of building materials, machinery or other material or equipment, used in or for a business, on any lot in any residential district, except during construction on the lot.~~
- ~~S. The maintenance of signs and/or sign structures relating to uses no longer conducted or products no longer sold on vacant commercial, industrial or institutional buildings more than 45 days after such building becomes vacant.~~
- ~~T. The maintenance of any structure in a state of substantial deterioration, such as peeling paint on a facade, broken windows, roofs in disrepair, damaged porches, broken steps or other such deterioration or disrepair not otherwise constituting a violation, and which is visible from a public right of way or neighboring properties, where such condition would have a tendency to depreciate the aesthetic and property values of surrounding properties.~~
- ~~U. The substantial lack of maintenance of grounds within the City on which structures exist, where the grounds are visible by the public from a public right of way or neighboring properties, where such condition would have a tendency to depreciate the aesthetic and property values of surrounding properties.~~
- ~~V. Property maintained (in relation to others) so as to establish a prevalence of depreciated values, impaired investment, and social and economic maladjustments that the capacity to generate taxes is reduced and tax receipts from such particular area are inadequate for the cost of public services rendered therein.~~
- ~~W. The maintenance of any yard, including any parkway as defined in OMC Section 7-3.03 (Definitions), which is visible from the public right of way without live and health grass and/or~~

~~landscaping, or the failure to adequately irrigate such yard or parkway. If such yard is so maintained, the City may, pursuant to this chapter, abate such conditions and collect the costs thereof by any reasonable method, including the installation and maintenance of health grass and/or landscaping and/or an irrigation sprinkler system, as well as the continued utilization of such irrigation sprinkler system.~~

~~X. The maintenance of any vacant lot without live and healthy grass, landscaping, or screening combined with perimeter landscaping, where such lot is adjacent to an improved sidewalk and/or parkway.~~

~~Y. The existence of solid waste such as excessive animal feces or human waste of any kind.~~

~~Z. The presence of any abandoned shopping cart, to the extent not otherwise remedied by law.~~

6.10.015: Abatement

~~All or any part of premises found, as provided herein, to constitute a public nuisance shall be abated by rehabilitation, demolition, or repair, or any other reasonable means pursuant to the procedures set forth in this Division. The procedures set forth herein shall not be exclusive, and shall not in any manner limit or restrict the City from enforcing other City ordinances or abating public nuisances in any other manner provided by law.~~

6.10.020: Notice of Violation

~~A. If the Code Enforcement Director, after investigation, believes that one or more public nuisances exist on premises within the City, the Code Enforcement Director shall cause to be served upon the owner, lessee, occupant or person having charge of the affected premises, a Notice of Violation. The Notice of Violation shall list the conditions constituting a public nuisance, and shall order the owner, lessee, occupant, or person having charge of the affected premises, to abate the nuisance or nuisances listed in the Notice of Violation. The Notice of Violation shall provide a reasonable time in which the owner, lessee, occupant, or person having charge of the premises may abate the nuisance or nuisances cited in the Notice of Violation.~~

~~B. Service of the Notice of Violation shall be made upon the owner, lessee, occupant, or person having charge of the affected premises, pursuant to Section 6.10.035 (Assessment of Costs) of this Division.~~

~~C. Any property owner, lessee, occupant or person having charge of the affected premises shall have the right to have any such premises rehabilitated or to have the cited nuisance or nuisances abated in accordance with the Notice of Violation, at his or her own expense, provided the same is done prior to the expiration of the abatement period set forth in the Notice of Violation. Upon such abatement in full, proceedings under this ordinance shall terminate.~~

~~D. To the extent such nuisance is not completely abated by the owner, lessee, occupant or person having charge of the affected premises, as directed within the designated period of abatement, the Code Enforcement Director or his or her designee is authorized and directed to cause the same to be abated by City forces or private contract in any reasonable manner; and the Code Enforcement Director or his or her designee is expressly authorized to enter the affected~~

~~premises for such purpose. Upon request of the designated official, other City departments shall cooperate fully and shall render all reasonable assistance in abating any such nuisance.~~

6.10.025: Hearing and Determination

~~A. Upon request by the owner, lessee, occupant, or person having of the affected premises and if received by the Code Enforcement Director within 10 days after mailing of the Notice of Violation, the Code Enforcement Director or his or her designee shall hold a hearing, which shall be open to the public. The Code Enforcement Director or his or her designee shall hear and consider objections and/or protests from any owner, lessee, occupant, person having charge of the affected premises, or other interested persons relative to the served Notice of Violation.~~

~~B. The Code Enforcement Director or his or her designee shall hear and receive all relevant evidence and testimony relative to the alleged public nuisance and shall consider methods to abate such nuisance. This hearing may be continued from time to time.~~

~~C. Upon or after the conclusion of the hearing, the Code Enforcement Director or his or her designee shall, based upon the evidence presented at the hearing, determine whether the affected premises, or any part thereof, as maintained, constitute a public nuisance as defined herein.~~

6.10.030: Record of Cost of Abatement

~~A. The Code Enforcement Director or his or her designee shall keep an account of the cost (including incidental expenses) of abating such nuisance of each separate lot or parcel of land where the work is done, and shall prepare an itemized account showing the cost of abatement, including any salvage value relating thereto.~~

~~B. The Code Enforcement Director shall serve on the owner, lessee, occupant or person in charge of the affected premises a copy of the itemized account pursuant to Section 6.10.035 (Assessment of Costs). Such service shall notify the recipient that failure to pay the amount listed in the account within 30 days of receipt by the recipient shall, upon a determination by the City Manager or his or her designee, constitute a personal obligation of the recipient and may be collected by a lien on the affected premises or may be collected as a special assessment against the affected premises.~~

~~C. "Incidental expenses" include, but are not limited to, the actual expenses and costs of the City in abating the public nuisance, including the preparation of the Notice of Violation, specifications and contracts, inspecting the work, attorneys' fees and costs, conducting the hearing pursuant to Section 6.10.025 (Hearing and Determination), above, and other costs associated with carrying out the provisions of this chapter. The recovery of attorneys' fees and costs shall extend to any prevailing party, including the City. Attorneys' fees and costs may be recovered by a prevailing party only in those proceedings in which the City has notified the owner, lessee, occupant or person having charge of the affected premises, in the Notice of Violation, that the City intends to seek recovery of its attorneys' fees and costs. In no event shall an award of attorneys' fees and costs to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the proceeding.~~

~~6.10.035: Assessment of Costs~~

~~A. To the extent the Code Enforcement Director determines that the public nuisance or nuisances cited in the Notice of Violation existed on the affected premises and the cost of abatement of such nuisance or nuisances was reasonable, the Code Enforcement Director shall make a written order setting forth these findings and ordering that, if such costs are not paid within a specified period, the owner, lessee, occupant, or other person having charge of the affected premises, shall be personally liable for such costs. Upon resolution of the City Council, such costs shall be collected by:~~

- ~~1. A lien on the affected premises pursuant to GC Section 38773.1; or~~
- ~~2. A special assessment against the affected premises pursuant to GC Section 38773.5.~~

~~B. If the City chooses to collect its abatement costs through a lien on the affected premises, the notices to the owner of the affected premises required by this Division shall be served in the same manner as summons in a civil action in accordance with CCP Part 2, Title 5, Chapter 4 Article 3 (commencing with Section 415.10). If the owner of record of the parcel of land on which the nuisance is maintained, based on the last equalized assessment roll or the supplemental roll, whichever is more current, after diligent search cannot be found, notices to the owner may be served by posting a copy thereof in a conspicuous place upon the affected premises for a period of 10 days and publication thereof in a newspaper of general circulation published in San Bernardino County pursuant to GC Section 6062. The lien shall be recorded in the Office of the San Bernardino County Recorder, and from the date of recording, shall have the force, effect, and priority of a judgment lien. The lien shall specify the amount of the lien, the name of the City as the agency on whose behalf the lien is filed, the date of the Notice of Violation and order of the City Council, the street address, legal description and assessor's parcel number of the affected premises on which the lien is imposed, and the name and address of the recorded owner of the affected premises. In the event that the lien is discharged, released, or satisfied, through either payment or foreclosure, notice of the discharge containing the information specified in the preceding sentence shall be recorded by the City. The lien and the release of the lien shall be indexed in the grantor grantee index. The lien may be foreclosed by an action brought by the City for a monetary judgment.~~

~~C. If the City chooses to collect its abatement costs through a special assessment, the notices required by this chapter shall be provided to the owner by certified mail, as determined from the County Assessor's or County Recorder's records. Notice of the special assessment and requests for a hearing regarding the special assessment shall be in accordance with OMC Section 1-4.05 (Appeal Hearing for Special Assessments).~~

~~D. The special assessment shall be collected at the same time and in the same manner as ordinary City taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary City taxes. All laws applicable to the levy, collection, and enforcement of City taxes shall be applicable to the special assessment. If any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the cost of abatement shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection. The City may conduct a sale of vacant residential developed property for which the payment of such~~

~~assessment made pursuant to this subdivision is delinquent. Notices or instruments relating to the abatement proceeding or special assessment may be recorded.~~

~~E. All other notices required by this chapter shall be delivered by certified U.S. mail, postage prepaid to the recipient thereof.~~

6.10.040: Violations

~~A. The owner, lessee, occupant, or other person having charge of any such buildings or premises who maintains any public nuisance as defined in Section 9.01.000 (Definitions) of this Development Code, or who neglects to comply with the Notice of Violation pursuant to Section 6.10.020 (Notice of Violation), above, is guilty of an infraction.~~

~~B. Any occupant or lessee in possession of any such building or structure who refuses to vacate the building or structure, pursuant to an order given as herein provided, is guilty of an infraction.~~

~~C. Any person who removes any notice or order posted as herein required for the purpose of interfering with the enforcement of these provisions shall be guilty of an infraction.~~

~~D. No person shall obstruct, impede or interfere with any representative of the City Council, or any representative of a City department, or with any person who owns or holds any estate or interest in a building that has been ordered to be vacated, repaired, rehabilitated, or demolished and removed, or with any person to whom any such building has been lawfully sold pursuant to these provisions whenever any such representative of the City Council, representative of the City, purchaser, or person having any interest or estate in such building, is engaged in vacating, repairing, rehabilitating, or demolishing and removing any such building pursuant to these provisions, or in performing any necessary act preliminary to or incidental to such work as herein authorized or directed. It is a defense to prosecution under this Subsection that the alleged obstruction or interference consisted of constitutionally protected speech only.~~

~~E. Any prevailing party in an action to abate a public nuisance shall be entitled to attorneys' fees and costs, to the extent such attorneys' fees and costs do not exceed the reasonable attorneys' fees and costs incurred by the City. The City may limit recovery of attorneys' fees and costs by the prevailing party to those individual actions that the City elects, at the initiation of that individual action, to seek recovery of its own attorneys' fees and costs.~~

~~F. Upon entry of a second or subsequent civil or criminal judgment within a 2-year period, finding that an owner of property is responsible for a public nuisance, except for conditions abated pursuant to HSC Section 17980, the owner shall be liable to the City for 3 times the costs of the abatement.~~

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Division 7.01—Historic Preservation

Sections:

- [7.01.000:](#) Purpose
- [7.01.005:](#) Applicability
- [7.01.010:](#) The Ontario Register of Historic Resources
- [7.01.015:](#) Historic Rehabilitation Financing Program
- [7.01.020:](#) California Historical Building Code (CHBC)
- [7.01.025:](#) Incentives for Historic Preservation
- [7.01.030:](#) Historic Preservation Mitigation Fee
- [7.01.035:](#) Historic Preservation Trust Fund
- [7.01.040:](#) Preservation Easements
- [7.01.045:](#) Owner's Duty to Keep a Historic Resource in Good Repair
- [7.01.050:](#) Ordinary Maintenance Repair
- [7.01.055:](#) Unsafe or Dangerous Conditions
- [7.01.060:](#) Enforcement and Penalties
- [7.01.065:](#) Guidelines for the Treatment of Historic Properties

7.01.000: Purpose

The purpose of this Division is to specify significance criteria for the designation of historic resources, procedures for designation, and review procedures to:

- A. Safeguard the character and history of the City, which is reflected in its unique culturally, historically, and architecturally significant structures and heritage, with emphasis on the "Model Colony," as recognized by an Act of Congress and presented at the St. Louis World's Fair in 1904;
- B. Encourage and promote the adaptive reuse of the City's historic resources;
- C. Enhance, perpetuate, and preserve architecturally and historically significant structures and promote revitalization of historic neighborhoods and commercial areas;
- D. Ensure that the rights of the owners of historic resources are safeguarded;
- E. Foster civic pride in the beauty and noble accomplishments of the past by promoting private stewardship of historic resources that represent these accomplishments;
- F. Fulfill the City's responsibilities as a Certified Local Government under Federal preservation laws;
- G. Promote the identification, documentation, and evaluation of the significance of individual historic resources and districts;
- H. Implement the historic preservation goals, policies, and programs of the Policy Plan (General Plan) component of The Ontario Plan;
- I. Promote the City as a destination for tourists and as a desirable location for business;
- J. Promote public awareness of the value of rehabilitation, restoration, and maintenance of the existing building stock as a means to conserve reusable material and energy resources;

- K. Recognize the City's historic resources as economic assets and provide economic financial incentives for historic preservation;
- L. Stabilize and improve property values, and enhance the aesthetic and visual character, place making, diversity, and environmental amenities of the City's historic properties and areas;
- M. Promote public knowledge, appreciation, and understanding of the City's past, and foster civic and neighborhood pride in the beauty and accomplishments of the past;
- N. Promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of the City;
- O. Recognize historic resources and protect areas of historic structures from encroachment of incompatible designs;
- P. Promote public awareness of the benefits of preservation; and
- Q. Encourage public participation in historic preservation, thereby increasing civic pride in the City's heritage.

7.01.005: Applicability

The provisions of this Division shall apply to all historic resources within the City, including improvements, buildings, structures, signs, features, historic districts, conservation zones, trees, or other objects of cultural, architectural, or historical significance to the City, State of California, the Southern California region, or the nation, which have been determined eligible for nomination or designation, and determined to be appropriate for historic preservation by the City.

7.01.010: The Ontario Register of Historic Resources

- A. **Purpose.** The purpose of this Section is to establish an official local register, which includes an inventory of buildings, structures, sites, objects, and districts worthy of preservation due to their significance in history, architecture, archeology, engineering, and/or culture within the City.
- B. **Applicability.** The Historic Preservation Subcommittee is hereby empowered to review evaluations of potential historic resources, which have been identified, recorded, and documented through a Historic Resource Survey, against criteria for local landmark and district designations for the purpose of approving or denying inclusion of a potential historic resource to the Ontario Register. The Historic Preservation Subcommittee shall be responsible for maintaining the Ontario Register.
- C. **Historic Resource Surveys.** The City shall conduct, from time to time, a survey to identify properties that have the potential to become eligible historic resources, as well as areas and neighborhoods that, due to the geographic or thematic concentration of potential historic resources, have the potential to be historic districts. These properties, surveyed at the reconnaissance level pursuant to standards established by the California Office of Historic Preservation, are identified but not evaluated for historic significance, and, therefore, are not considered eligible historic structures or eligible historic districts.

D. **Eligible Historic Resources.** Any property or grouping of properties listed on the Ontario Register prior to September 1, 2003, or after September 1, 2003, surveyed at the intensive level pursuant to standards established by the California Office of Historic Preservation, and determined to meet the designation criteria for local historic landmarks or local historic districts set forth in Section 4.02.040 (Historic Preservation—Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservation Areas) of this Development Code, shall be determined by the Approving Authority to be an “eligible” historic resource.

E. **Historic Resources.** Those Improvements, buildings, structures, signs, features, Historic Districts, conservation zones, trees, or other objects of cultural, architectural, or historical significance to the City, State, Region, or the Nation, which have been determined to be eligible for nomination or designation and determined to be appropriate for historic preservation by the Approving Authority.

7.01.015: Historic Rehabilitation Financing Program

A. **Purpose.** The purpose of this Section is to establish a program of long term, low interest loans to finance the preservation, restoration, and rehabilitation of historic resources pursuant to the provisions of the Marks Historic Rehabilitation Act of 1976.

B. **Applicability.** The City hereby establishes a Historic Rehabilitation Financing Program pursuant to the provisions of the Marks Historic Rehabilitation Act of 1976. Any building, structure, object, or site that is eligible for funding pursuant to the Historic Rehabilitation Financing Program, shall be within a rehabilitation area, as defined in Subsection C (Rehabilitation Areas), below, and shall consist of one or more of the following:

1. The building, structure, object, or site shall be a designated local historic landmark;
2. The building, structure, object, or site shall be a contributing structure to a designated local historic district; or
3. The building, structure, object, or site shall be listed, or determined eligible for listing, on the California Register of Historic Resources or the National Register of Historic Places.

C. **Rehabilitation Areas.**

1. **Original Downtown and Euclid Avenue Area.** This area consists of the City’s original downtown, and extends north to include the historic districts adjacent to Euclid Avenue, the boundary of which is as follows:

Beginning at the intersection of the centerlines of State Street and San Antonio Avenue, thence north to the northernmost city boundary, thence east to the centerline of Sultana Avenue, thence south to the centerline of G Street, thence east to the centerline of Campus Avenue, thence south to the centerline of State Street, thence west to the point of beginning.

2. **Guasti.** This area consists of the Historic Guasti Winery, the boundary of which is as follows:

Beginning at the intersection of the centerline of Archibald Avenue and the Southern Pacific Railroad Mainline, thence east to a point 550.19 FT east of the

centerline of Turner Avenue, thence north 492.08 FT, thence west to the centerline of Turner Avenue, thence north to the centerline of Interstate 10 (San Bernardino Freeway), thence west to the centerline of Archibald Avenue, thence south to the point of beginning.

D. **Rehabilitation Requirements.** Any building, structure, object, or site that is rehabilitated with funds from the Historic Rehabilitation Financing Program, shall comply with the following:

1. **Rehabilitation Standards.** Any rehabilitation must use the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, or Reconstructing Historic Buildings, and any local preservation and design guidelines.

2. **Maintenance.** Any building, structure, object, or site rehabilitated with funding from the Historic Rehabilitation Financing Program shall be maintained for a period of at least 10 years, beginning on the date of completion of the rehabilitation.

E. **Advisory Board.** An advisory board shall be established pursuant to, and in accord with, the provisions of State law, if and when the implementation of the provisions of this Section are deemed warranted.

7.01.020: California Historical Building Code (CHBC)

The CHBC provides alternative building regulations to address unique construction issues inherent in the maintenance, rehabilitation, preservation, restoration, adaptive reuse, or relocation of structures surveyed and identified as a historic resource. The CHBC may be used for any historic resource in the City's building permit procedure.

7.01.025: Incentives for Historic Preservation

A. **Purpose.** The purpose of this Section is to allow for the use of certain incentives to support the preservation, maintenance, and appropriate rehabilitation of the City's designated historic resources.

B. **Applicability.**

1. **Qualifying Properties.** Preservation incentives shall be made available to owners of the following types of properties:

- a. Properties listed on the National Register of Historic Places;
- b. Properties listed on the California Register of Historic Resources;
- c. Properties designated as Local Historic Landmarks; or
- d. Properties that are contributing structures within designated local historic districts.

2. **Qualifying Projects.** The below-listed project types shall be eligible for the receipt of preservation incentives. Qualifying project types shall comply with the *Secretary of the Interior's*

Standards for the Treatment of Historic Properties and shall be approved by the City's Historic Preservation Commission.

- a. Restoration or exterior rehabilitation that includes the restoration, repair, or replacement, in kind, of significant architectural features, and that complies with the Secretary's Standards;
- b. Roof replacement with similar material, or repair and replacement of roofing where the roof is a significant architectural feature;
- c. Relocation to another site;
- d. Restoration of designated interior spaces, which complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties;
- e. Seismic reinforcement or structural rehabilitation;
- f. Replacement of building systems that will further the preservation of the historic resource; or
- g. Additions (eligible for development incentives only).

C. **Types of Incentives.** The below-listed incentives may be used for the eligible projects identified in Subsection B (Applicability) of this Section.

1. Economic and Financial Incentives. The following economic and financial incentives may be applied to a project following approval by the Historic Preservation Commission or the Historic Preservation Trust Board of Trustees, as applicable, and approval by the City Manager or the City Council, as applicable:

- a. Grants or loans approved through the Historic Preservation Trust pursuant to Section 7.01.030 (Historic Preservation Trust Fund) of this Division;
- b. Approval of a Mills Act contract pursuant to Section 4.02.070 (Historic Preservation—Mills Act Contracts) of this Development Code;
- c. Approval of funding through the Historic Rehabilitation Financing Program pursuant to Section 7.01.015 (California Historical Building Code) of this Division;
- d. Grants or loans through other City funding sources, including, but not limited to, redevelopment and housing funds;
- e. Preservation easements;
- f. Reduction or elimination of building plan check or permit fees;
- g. Reduction or elimination of development impact fees;
- h. Reduction or elimination of any other applicable City fees; or
- i. Federal rehabilitation tax credits (applied through the California Office of Historic Preservation).

2. Development Incentives. The following development incentives to be applied to the project:

a. *California Historical Building Code*. Use of the CHBC pursuant to Section 7.01.015 (California Historical Building Code) of this Division.

b. *Parking Reduction*. For existing single-family dwellings with a one-car garage, the Planning Director may waive the requirement for 2 off-street parking spaces within a garage when adding floor area, if an existing one-car garage contributes to the significance of the property and/or district, and the existing garage is in good condition, or, if deteriorated, will be returned to good condition as part of the work to add new living space to the residence.

c. *Setback Reductions and Increases in Maximum Building Height*. The Planning Director may grant reductions in required building setbacks or increases in the maximum allowed building height when the setback reduction or increase in allowed building height allows for the restoration of a character-defining feature, or allows character-defining features to be replicated in additions to historic structures. In no case, however, shall a reduction in a setback be granted when the reduction will cause an adverse effect to the property or neighboring property, or cause an adverse effect to the character of the neighborhood or district.

7.01.030: Historic Preservation Mitigation Fee

A. **Purpose**. The purpose of this Section is to establish the Historic Preservation Mitigation Fee whereby the impacts resulting from the demolition (either in part or whole) of historic resources may be lessened by the collection of fees that will provide a source of funds for the conservation, preservation, restoration, and rehabilitation of historic resources within the City.

B. **Applicability**.

1. A mitigation fee, in an amount established by ~~resolution of the City Council~~ this Section, shall be paid prior to the issuance of any permit for demolition, whether in whole or in part, of any historic resource, including accessory buildings and structures that do not contain living space, such as garages and workshops, which contribute to the historic significance of a property. The mitigation fee shall be deposited in the Historic Preservation Trust Fund established pursuant to Section 7.01.030 (Historic Preservation Trust Fund) of this Division.

2. The Historic Preservation Commission may reduce the amount of mitigation fee to be paid if it can be clearly established that the amount of fee to be paid would amount to a regulatory taking of property.

3. Additions and accessory buildings and structures determined not to be contributing to the significance of the property shall not be assessed a mitigation fee.

4. The mitigation fee ~~shall be determined based upon a 3 tier system, established pursuant to Subsection 4.02.040.G (Historic Resource Tiering System) of this Development Code, which ranks historical resources within the City, based upon their size, type, and significance~~ structure shall be based on the most current International Code Council (ICC) Building Valuation Data. Fees can range from 10 to 30 percent of the square foot cost to construct the building or structure that is being demolished. The square foot construction cost is determined by the construction type (building occupancy group) of the demolished building or structure. The

percentage (or fee amount) that is assessed is determined by historic significance and is applied to the cost per square foot of the building or structure that is being demolished.

a. The mitigation fee for historic resources listed on the Ontario Register shall be determined based upon a 3-tier system, established pursuant to Subsection 4.02.040.G (Historic Resource Tiering System) of this Development Code, which ranks historical resources within the City, based upon their size, type, and significance. Tier III historic resources are 10 percent, Tier II are 20 percent, and Tier I are 30 percent of the price per square foot construction cost as established in the most current ICC Building Valuation Data.

b. The mitigation fee for historic resources determined through survey evaluation, completed by individual(s) meeting the Secretary of the Interior Professional Standards, which are not listed in the Ontario Register, shall be determined by the level of historic integrity. Moderate-level integrity shall be 10 percent and high-level integrity shall be 20 percent of the price per square foot construction cost as established in the most current ICC Building Valuation Data.

7.01.035: Historic Preservation Trust Fund

A. **Purpose.** The purpose of the Historic Preservation Trust Fund is to provide funding, under direction of the City Council, for the conservation, preservation, restoration, and rehabilitation of historic resources within the City.

B. **Applicability.** The Historic Preservation Trust Fund is hereby established as means to receive, recycle, and replenish monies to assist the funding of historic preservation projects within the City. All funds deposited in the Historic Preservation Trust Fund shall be used solely for the conservation, preservation, restoration, and rehabilitation of historic resources, as provided in this Section.

C. **Trust Fund Administration.**

1. The City Council shall have authority for establishing policy for Historic Preservation Trust Fund expenditures.

2. The Historic Preservation Commission shall have authority to make recommendations to the City Council regarding grant and loan applications, acquisition of property, contracts and lease agreements, and any other action or activity necessary or appropriate to implement its powers or duties to fulfill the objectives of the Historic Preservation Trust Fund.

3. The City Manager, or designee of the City Manager, shall serve as financial administrator of the Historic Preservation Trust Fund and shall be responsible for management of its finances, which shall be carried-out pursuant to all applicable federal, State and local laws.

4. The Planning Director, or designee of the Planning Director, shall serve as program administrator of the Historic Preservation Trust Fund and shall be responsible for its day-to-day management and operations.

D. **Historic Preservation Trust Fund Proceeds.**

1. **Deposits.** All funds received by the City for historic preservation purposes shall be deposited in the Historic Preservation Trust Fund. The City's Fiscal Services Department may

establish separate accounts within the Trust Fund for the purpose of separating deposits according to their origin or intended purpose.

2. Grants, Gifts, and Donations. In addition to any public funds appropriated expressly for the purpose of this Subsection, the program administrator may apply for grants, gifts, donations, subventions, rents, royalties, and other financial support, or real or personal property, from private sources, pursuant to City policies. All money received from private sources shall be deposited in a separate account established pursuant to Paragraph D.1 (Deposits), above, and shall be appropriated to the program administrator for expenditures for historic preservation projects pursuant to this Section.

3. Deposit of Proceeds from Any Lease, Rental, Sale, Exchange, or Transfer of Real Property. All proceeds from any lease, rental, sale, exchange, or transfer of real property, or any interest therein or option thereon, shall be deposited in the Historic Preservation Trust Fund, together with any other reimbursements, repayments, and income received by the program administrator.

E. Historic Preservation Trust Fund Program Activities.

1. Properties.

a. *Acquisition.* Pursuant to State Property Acquisition Law (GC Section 15850 et seq.), the City may acquire, fee title, or any lesser interest, in any real property whose preservation is required to meet the policies and objectives of the City's historic preservation program. The City may accept gifts or dedications of real property and may enter into an option to purchase real property in order to meet the purposes of this provision.

b. *Agreements for Preservation and Management.* In order to carry out historic preservation projects, the financial administrator may initiate, negotiate, and participate in agreements with public agencies, nonprofit organizations, private entities, or individuals for the preservation and management of historic resources under their control, and enter into any other agreements authorized by state law, as approved by the City Council.

c. *Real Property Transactions; Authorization.* Notwithstanding any other provision of federal, State or local law, the financial administrator may lease, rent, sell, exchange, or otherwise transfer any real property acquired under this section, or interest therein or option to purchase, provided that the City Council first determines that the action is in the best interests of the City.

d. *Acquisition, Conservation, Return, and Transfer of Title.*

(1) The City Council may acquire any interest in real property pursuant to Paragraph E.1 (Properties) of this Section, with historic (including archaeological) significance, or necessary for the preservation or management of a property, in order to prevent the loss of historic integrity, prevent imminent destruction, or to otherwise secure the preservation of the historical resource.

(2) The program administrator may undertake conservation or preservation activities for historic resources acquired Pursuant to this Section.

(3) The program administrator shall encourage, to the greatest extent feasible, the acquisition of historic resources by other qualified purchasers.

(4) The City Council shall take all feasible action to return or transfer title to historic resources, to a nonprofit organization, another public agency, private entity, or individual, for all properties acquired for historic resource preservation pursuant to this Section.

2. Loans and Grants. Money in the Historic Preservation Trust Fund shall be available, upon recommendation of the Historic Preservation Commission and appropriation by the City Council, for all loans and grants to public agencies, nonprofit organizations and private entities, to carry out the purposes of this Section.

a. *Qualifying Properties.* The City Council may award a grant or loan for properties that are designated a local historic landmark or a contributing structure in a designated local historic district, or are listed on the California Register of Historic Resources or the National Register of Historic Places, excepting those projects that are “interpretative,” as described in Subparagraph E.3.c (Interpretive Projects) of this Section.

b. *Agreements.* No loan or grant shall be made except pursuant to an agreement with the City, and subject to terms and conditions approved by the City Council, upon recommendation of the Historic Preservation Commission, which shall ensure that each requested loan or grant carries out the purposes of this Section.

c. *Authorization to Contract and Issue Grants or Loans.* The financial administrator may, upon City Council approval, enter into contracts and make grants or loans with public agencies, nonprofit organizations, or private entities, to further the purposes of City’s historic preservation program, and to carry out activities for this purpose.

d. *Matching Funds.* All grants and loans should include a cash match for the historic preservation project. Guidelines for determining the amount of required matching funds, if any, shall be adopted by resolution of the City Council. Donated materials and services, staff salaries and organizational overhead costs may be eligible sources of match. The City Council may waive the matching funds requirement.

e. *Excess Funds.* After completion of a historic preservation project, a grant or loan recipient shall return to the Historic Preservation Trust Fund, the amount of the grant or loan that exceeds the eligible project’s costs

3. Qualifying Projects for Competitive Grants and Loans. Competitive Grants and loans are hereby established for the following project types:

a. *Construction Projects.* Construction projects include the preservation, restoration, exterior rehabilitation, or rehabilitation of the foundation, structural, electrical, or plumbing systems of a historic resource. Qualifying construction projects do not include new additions, routine maintenance such as simple, small-scale activities requiring only minimal skills or training associated with regular (daily, weekly, monthly, etc.) and general upkeep of a property against normal wear and tear), reconstruction, demolition, or relocation;

b. *Planning Projects.* Planning projects identify, document, and record historic resources according to applicable local, state, and federal standards, and/or contribute to the development of the City’s historic context, and/or contribute to the development of a Historic Structures Report, Building Conditions Assessment, conservation plan or preservation plan; and

c. *Interpretative Projects.* Interpretative projects consist of the creation of interpretative media to educate the public on the City’s history and/or historic resources.

4. Project Selection Criteria. The award of a grant or loan for a historic preservation project shall be based upon consideration of the following criteria:

- a. Level of historic significance of the resource, based upon the Tier Designation;
- b. Level of urgency for the project to avoid the loss of a historic resource;
- c. Value of improvement to ensure preservation of the historic resource;
- d. Overall benefit to the community through the public’s ability to observe and experience the historic resource;
- e. Ability to match funds, if required; and
- f. Level of professional qualifications for administering project to demonstrate the ability to successfully complete the project.

5. Qualifying Projects for Emergency Non-Competitive Grants and Loans. In the event that a historic resource is in need of immediate and unanticipated work to prevent its demolition resulting from an unforeseen disaster, such as fire, flood, wind, earthquake or other calamity, the public enemy, or other cause that is beyond the control of the property owner and could not otherwise have been prevented by reasonable care and maintenance of the structure, the City Council may establish a non-competitive emergency grant and/or loan for the following emergency project types, which are not otherwise covered by property owner insurance:

- a. Securing, shoring and/or stabilizing a historic resource;
- b. Abatement of hazardous health materials and sources which lead to structural deterioration; and
- c. Preparing a historic Structure Report and/or Preservation Plan approved by Planning Director.

7.01.040: Preservation Easements

Preservation easements on the facades of buildings designated historic resources may be acquired by the City, or on the City’s behalf, by a nonprofit group designated by the City through purchase, donation, or condemnation pursuant to Section CC 815.

7.01.045: Owner’s Duty to Keep a Historic Resource in Good Repair

A. **Purpose.** The purpose of this Section is to ensure the upkeep and maintenance of historic resources within the City by their owner or other responsible party.

B. Applicability. It shall be the duty of the owner of a historic resource, or any such person responsible for upkeep and maintenance of a historic resource other than the property owner, to keep in good repair, all exterior and interior features of such historic resources, which if not maintained, may cause or tend to cause the exterior features of such resources to deteriorate, decay, become damaged, or fall into a state of disrepair.

C. Protection against Deterioration, Damage, and Decay. The owner of a historic resource, or any such person responsible for upkeep and maintenance of a historic resource other than the property owner, shall preserve such historic resource against deterioration, damage, and decay, and further, shall keep such historic resource free from structural defects through the prompt repair of the below-listed items:

1. Facades that may fall and injure a member of the public or property;
2. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls, or other vertical structural supports;
3. Members of ceilings, roofs and roof supports, or other horizontal members that age, split, or buckle due to defective material or deterioration;
4. Deteriorated or insufficient waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors;
5. Defective or insufficient weather protection for exterior wall covering, including lack of paint, or weathering due to lack of paint or other protective covering; and/or
6. Any fault or defect in the building, which renders the building not properly watertight or structurally unsafe.

D. Failure of Owner to Comply with this Section. A Certificate of Appropriateness shall not be issued for the demolition of a historic resource resulting from failure of the owner to comply with the provisions of this Section.

E. Enforcement of this Section. It shall be the duty of the Building Official to enforce this Section with guidance from the Historic Preservation Commission.

7.01.050: Ordinary Maintenance Repair

Nothing in this Division shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature within or on any property covered by this Division, which does not involve a change in design, material, or external appearance thereof (refer to Section 7.01.065 (Guidelines for the Treatment of Historic Properties)).

7.01.055: Unsafe or Dangerous Conditions

Nothing contained in this Division shall prohibit the construction, alteration, restoration, demolition, or relocation of any historic resource when such action is required to protect the public safety due to an unsafe or dangerous condition, which cannot be rectified through use of the CHBC. In such case, upon assessment and recommendation by the Building Official, the Planning Director shall

certify to the Historic Preservation Commission that such condition exists, which shall not require the issuance of a Certificate of Appropriateness.

7.01.060: Enforcement and Penalties

In addition to the requirements of Section 1.02.010 (Enforcement) of this Development Code, the following enforcement and penalty provisions shall apply:

A. **Misdemeanor.** Anyone violating a requirement of this Division or failing to obey an order issued by the Historic Preservation Commission or Historic Preservation Subcommittee, or comply with a condition of approval of any certificate or permit issued pursuant to this Development Code shall be guilty of a misdemeanor, unless the citing official or the prosecuting attorney determines that it would be in the interests of justice to prosecute the offense as an infraction.

B. **Demolition of a Historic Resource in Violation of this Division.** Any alteration or demolition (including partial demolition) of a historic resource in violation of this Division is expressly declared to be a nuisance and shall be abated by restoring or reconstructing the property to its original condition prior to the violation. Any person or entity who demolishes or substantially alters or causes substantial alteration or demolition through deferred maintenance of a structure in violation of the provisions of this Division, shall be liable for civil penalties.

C. **Temporary Moratorium.** Alteration or demolition (including partial demolition) of a historic resource in violation of this Division shall authorize the City to issue a temporary moratorium for the development of the subject property for a period not to exceed 24 months from the date the City becomes aware of the alteration or demolition in violation of this Development Code. The purpose of the moratorium is to provide the City an opportunity to study and determine appropriate mitigation measures for the alteration or removal of the historic structure, and to ensure measures are incorporated into any future development plans and approvals for the subject property. Mitigation measures determined by the Planning Director, Historic Preservation Subcommittee, and/or Historic Preservation Commission, shall be imposed as a condition of any subsequent permit for development of the subject property.

D. **Notification of Violation(s) and Assessment of Civil Penalties.**

1. The Planning Director shall issue a Notification of Violation and Assessment Civil Penalties to the applicant, property owner, or entity responsible for the property of the alleged violation(s). The Notification of Violation and Assessment Civil Penalties shall include a description of the conditions that gave rise to the violation(s), and the civil penalties to be assessed pursuant to this Section. The notification shall be served by certified mail, or may be delivered.

2. In the case of demolition (including partial demolition), the civil penalty to be assessed shall be equal to one-half the assessed value of the historic resource prior to the demolition. The assessed valuation prior to demolition shall be determined using the most recently published International Code Council (ICC) Building Valuation Data. In the case of alteration, the civil penalty shall be equal to one-half the cost of restoration of the altered portion of the historic resource. The cost of restoration shall be determined by the Building Official.

3. Upon payment of civil penalties, building and construction permits, and/or a Certificate of Occupancy, may be issued.

4. All monies collected pursuant to this Section shall be deposited into the City's Historic Preservation Trust Fund.

E. Appeal of Assessed Civil Penalties.

1. An appeal of a civil penalty may be filed with the Planning Department on a City application form, within 10 days following the date of the Notification of Violation and Assessment Civil Penalties issued pursuant to Paragraph D.1 of this Section. The appeal shall include a statement identifying the specific violation and civil penalty that is being appealed, the specific grounds for the appeal, and the relief requested from the Planning Director.

2. Within 45 days following receipt of an appeal, the Planning Director shall hold a hearing, which is open to the public, to hear and consider objections and/or protest of the alleged violation(s) and assessment of civil penalties stated in the appeal application. The Planning Director shall hear and receive all evidence and testimony relative to the violation(s) and assessment of civil penalties and shall consider all evidence. Within 15 days following conclusion of the hearing, the Planning Director shall render a decision in writing, determining the amount (if any) of civil penalties to be assessed. The decision of the Planning Director shall be final and conclusive in the absence of the filing of an appeal.

3. The Planning Director's decision may be appealed to the City Manager. The appeal shall be filed with the Planning Department on a City application form, within 10 days following issuance of the Planning Director's decision.

4. Within 30 days following receipt of the appeal of the Planning Director's decision, the City Manager shall hold a hearing, which is open to the public, to hear and consider the evidence and reasons not to uphold the Planning Director's decision. Within 15 days following conclusion of the hearing, the City Manager shall render a decision in writing, determining the amount (if any) of civil penalties to be assessed. The decision of the City Manager shall be final and conclusive.

F. Injunctive Relief. The City Attorney may maintain an action for injunctive relief to restrain a violation or cause, where possible, the complete or partial restoration, reconstruction or replacement of any structure demolished, partially demolished, altered, or partially altered in violation of this Division.

7.01.065: Guidelines for the Treatment of Historic Properties

A. In order to ensure that Ontario's historic resources are preserved for future generations, any proposed work on a historic resource shall follow the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*. The standards were developed by the federal government to be guiding principles regarding the treatment of historic properties.

B. In addition to the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*, any proposed work on a historic resource shall follow the standards and guidelines set forth by Division 6.01 (District Standards and Guidelines) of this Development Code, and the design guidelines established by Subsection D (Historic Preservation Design Guidelines) of this Section, as applicable.

C. The design guidelines referenced in this Section shall be enforceable in the same manner and to the same extent as any other provision of this Development Code.

D. The following design guidelines are intended to assist the designer in understanding the City's goals and objectives for the applicable development type. Furthermore, the guidelines are intended to compliment the mandatory development regulations contained in this Development Code by providing examples of potential design solutions and recommendations, and by providing design interpretations of the various mandatory regulations contained herein.

1. Additions.

a. *Converting Existing Space.* Using existing areas of the structure can provide additional usable square footage. Conversions of basements and attics to habitable space are the most preferred way of adding square footage. Consider introducing dormers to facilitate conversions. Small bays, if strategically spaced and in keeping with the overall design of the house, can accommodate more habitable space while maintaining the integrity of the overall design.

b. *New Construction.* All new construction shall be consistent with the existing structure. Large additions should be placed at the rear or side of structures to minimize visual impacts. New additions should be handled in one of two ways: [i] seamless additions that form a new dominant building mass consistent with the historic style and uses materials and architectural designs indistinguishable from what exists; and [ii] accented additions that express a new building projection as an additive element, reinforcing the identity of the original building, and is made from compatible, but not necessarily identical materials.

(1) New construction along the front of a building should generally maintain the proportion and arrangement of openings, projections, and other features.

(2) Upper-story additions are discouraged unless they are consistent with the original design and character of the house style.

(3) The architectural style shall be consistent with the original structure and shall use material similar to those used on the main structure, including siding treatment, windows, doors, trim, roof pitch, etc.

(4) Details on the addition shall match the architectural details on the original structure such as latticework projecting beams, etc.

c. *Garages and other Accessory Structures.* Garages and other accessory structures shall be consistent with the historic character of the main structure.

(1) The architectural style shall be consistent with the main structure and shall use material similar to those used on the main structure, including siding treatment, windows, doors, trim, roof pitch, etc.

(2) Details on the accessory structure shall match the architectural details on the main structure such as latticework, projecting beams, etc.

(3) Garages shall be located to the rear of the property and detached from the main structure.

2. Architectural Features.

a. *Common Features.*

Traditional buildings and houses have many common features, regardless of the style of architecture.

- Raised front porch;
- Massed columns on porch supports;
- Vertical orientation of windows;
- Window and door trim;
- Garage door (facing street) treatment (recessed, windows, ornamentation, etc.);
- Consistency of materials and colors with style of architecture;
- Detailed porch supports and railings;
- Dormers;
- Chimney;
- Balconies;
- Window Boxes; and
- Ornamentation (grill work over windows, tile accents, pop outs, relief bands, etc).



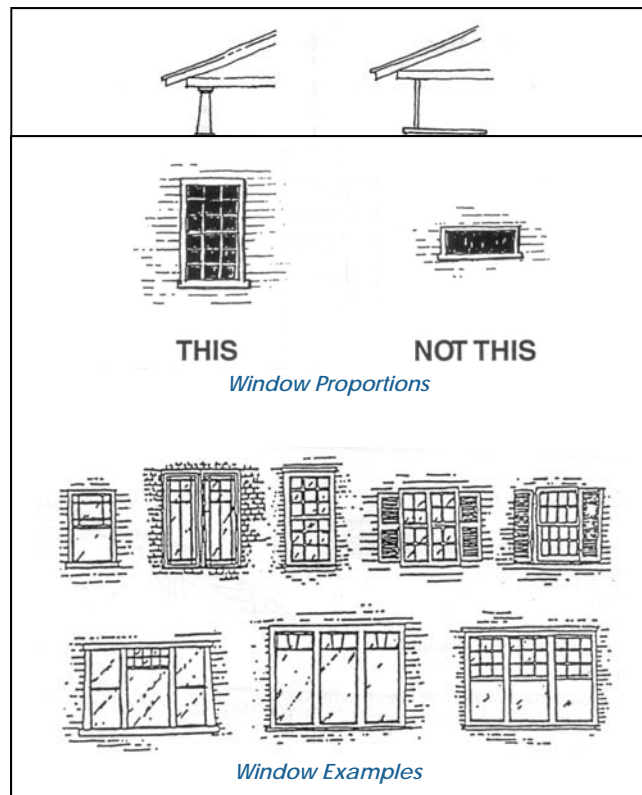
b. *Doors.* Traditional doors relate to the style of architecture of the building. Shown top right, are examples of door styles.

c. *Windows.* Traditional windows relate to the style of architecture of the building. Shown bottom right, are examples of window styles.

d. *Architectural Styles.*

Architectural styles should be used for new development that is compatible with the architecture of the neighborhood. Refer to Reference "B" (Architectural Styles Guide) of this Development Code for an architectural styles guide containing a list of architectural styles and some common features found with the style. This list of architectural styles has been developed with the assistance of the California Office of Historic Preservation and these styles are the only styles approved, except where noted, for use with Historic Resource Surveys. The list is based on the following books about California Architecture:

- The Guide to architecture in San Francisco and Northern California by David Gebhard, Robert Winter and Eric Sandweiss.
- Guide to the Architecture of Los Angeles and Southern California by David Gebhard and Robert Winter.



The list of architectural styles has been revised to include only those styles either present in Ontario, or those styles, which could be used for infill development. In addition, the descriptive drawings are taken from the following books:

- A Field Guide to American Houses by Virginia & Lee McAlester; an American Shelter by Lester Walker

3. Wood Siding and Architectural Details.

a. *Preservation.* All original wood siding and architectural details should be identified, retained, and preserved. All wall coverings that hide original wood siding and architectural details should be removed.

b. *Protection.* All causes of wood siding and architectural detail deterioration should be identified, evaluated and treated. Causes may include faulty flashing, leaking gutters, breaks and cracks, open joints, deteriorated caulking and sealants, insect or fungus infestation, and deteriorated coating such as paint or stain,

c. *Cleaning.* All deteriorated paint or stain should be removed by the gentlest method possible such as hand scraping, hand sanding, hot air heat guns, and chemical strippers. Paint shall not be removed by the propane butane torches, sandblasting, or water blasting. All wood surfaces that have had paint or stain removed shall be given new coatings to protect the wood.

d. *Repairs.* All deteriorated wood elements that cannot be repaired shall be removed. All removed wood elements shall be replaced with new wood details that match the size, shape and profile of the original element.

4. Concrete Walls.

a. *Preservation.* All original exterior concrete walls should be identified, retained and preserved. All original finish materials and coatings that have been applied should be identified.

b. *Protection.* All causes of concrete deterioration should be identified, evaluated and treated. Causes may include exposed steel reinforcing members or metal ties that are rusting, cracked broken concrete, flat surfaces that permit water to penetrate concrete, faulty flashing, and leaking gutters

c. *Cleaning.* All concrete walls shall be cleaned with gentle methods that will not damage the plaster finish or concrete surface such as water and detergents applied with natural bristle brushes and low water pressure. After adequate testing, other cleaning methods, such as liquid chemical cleaners, that do not damage the concrete or cause ecological damage, high pressure water, and paint removal strippers may be permitted. Sandblasting is not permitted.

d. *Repairs.* All rusted steel reinforcing and metal ties shall be removed. All broken and loose concrete shall be removed. All concrete shall be patched using appropriate repair procedures all original finish materials shall be repaired.

e. *Replace Missing Concrete Details.* All missing or broken concrete details shall be replaced with new details that match the size, shape, color, and texture of the original detail.

5. Masonry Walls.

a. *Preservation.* All original exterior masonry walls should be identified, retained, and preserved. All finish materials and coatings that have been applied should be identified.

b. *Protection.* All causes of concrete deterioration should be identified, evaluated, and treated. Causes may include deteriorated roofs, insufficient drainage, deferred pointing, application of coatings and finish materials, faulty flashing, and leaking gutters.

c. *Cleaning.* All concrete walls shall be cleaned with gentle methods such water and detergents applied with natural bristle brushes and low water pressure as not to cause damage to the masonry or mortar. After adequate testing, cleaning methods such as liquid chemical cleaners that do not damage the masonry or mortar or cause ecological damage, high pressure water, and paint removal strippers may be permitted. Cleaning methods such as sandblasting, acid wash on limestone and marble, and metal bristle brushes are not permitted. Prior to initiating the work, all cleaning procedures should be tested to ensure that the masonry will not be damaged.

d. *Pointing Repair.* Deteriorated pointing will be repaired when it is identified. Deteriorated mortar will be removed using hand tools. Power tools shall not be used to remove deteriorated pointing. The new mortar should match the strength of the original. The new mortar should match the color, texture and style of the original mortar. The new pointing shall match the width and profile of the original.

e. *Repairing the Masonry.* Masonry units shall be replaced with new masonry units that match the size, texture and color of the original material. Broken masonry units should be patch rather than replaced.

f. *Replacing Masonry.* All missing or broken masonry units that cannot be repaired shall be replaced with masonry units that match the size, shape, color and texture of the original detail.

6. Architectural Metals.

a. *Preservation.* All original metal architectural features should be identified, retained and preserved. Metal architectural features which are important in defining the historic character of the building shall not be removed.

b. *Protection.* All causes of metal corrosion should be identified, evaluated and treated. Causes may include exposing bare metal to water and moisture, deterioration of protective coatings, and galvanic action between two incompatible metals.

c. *Cleaning Non Ferrous Materials and Alloys.* The type of metal material shall be identified in order to determine the type of cleaning to be used. Non-ferrous metals (lead, tin, copper, zinc) whose natural patina should be preserved shall be identified. Non-ferrous materials with a natural patina shall have cleaned using gentle methods used in order to clean the surface without damaging the patina or coating. Alloys that may require protective coatings shall be identified. A gentle cleaning method that will not abrade the protective coating shall be used.

d. *Cleaning Ferrous Metals.* The type of ferrous material (cast iron, wrought iron, steel) shall be identified. The type of coating and condition of metal shall be determined. Hand scraping shall be used to remove corrosion and deteriorated paint. Low pressure grit blasting may be used to remove corrosion and coatings when hand scraping is ineffective. Cleaned ferrous metals should be painted immediately with a corrosive resistant coating.

e. *Repair.* Metal features that are broken or dented shall be repaired. Metal features that are broken or dented shall not be replaced.

f. *Replacement.* Metal features that are too deteriorated to be repaired should be replaced. The original metal feature shall be used as a model for the new feature. Missing features shall not be replaced with details that do not convey the same visual appearance.

7. Exterior Plaster (Stucco).

a. *Preservation.* All original exterior plaster features should be identified, retained and preserved. Original exterior plaster features that are important in defining the overall historic character of the building shall not be removed.

b. *Protection.* All causes of plaster deterioration should be identified, evaluated and treated. Causes may include leaking roofs, faulty flashing, leaking gutters, broken concrete substrate, deteriorated or rusted metal lath, and deteriorated wood members.

c. *Cleaning.* All plaster shall be cleaned with gentle methods that will not damage the plaster. Use water and detergent with a soft natural bristle brush. Cleaning methods such as sandblasting or high pressure water are not permitted.

d. *Repairs.* All types of deterioration shall be identified such as spalling, broken, or cracked plaster and missing plaster details. All deteriorated substrate material shall be removed. All plaster shall be patched using industry approved repair procedures and materials. Where a large area of plaster needs to be replaced, the adjacent panel should be completely replaced in order to avoid a patched appearance.

8. Roofs.

a. *Preservation.* All original character defining features of the roof should be identified, retained and preserved. Features include shape, slope, roofing materials, and decorative details. The original defining features that have been removed or altered should be identified. The character defining features of the roof shall not be altered. Sound character defining features of the roof shall not be removed.

b. *Protection.* All causes of roof deterioration should be identified, evaluated and treated. Causes may include blocked drains and gutters, moisture condensation, faulty flashing, overhanging tree limbs, insect and fungus infestation, deteriorated roofing material, faulty application of roof fasteners, and deteriorated fasteners.

c. *Repairs.* All features shall be repaired with similar materials.

d. *Replacement.* All features that are not repairable shall be replaced. The deteriorated elements of the roof should be replaced with new material that preserves the overall

shape and slope of the roof. Materials that do not convey the visual appearance of the original roof shall not be used.

e. *Additions to Buildings.* Roofs over additions should retain the character defining features of the original roof.

f. *Additions to Original Roofs.* Mechanical or solar collection should be installed so that they are not visible from the public right of way. Unless an original decorative feature on a house, downspouts should be located in an inconspicuous place, such as the corner, side or back of a building.

9. Doors.

a. *Preservation.* All original character defining features of doors should be identified, retained and preserved. Features include frames, jambs, door, transoms, sills, trim, screen door, and fan lights and sidelights. Doors that are important in defining the overall historic character of the building shall not be removed or radically changed. The pattern of the door shall not be changed. The historic appearance of doors through the use of inappropriate design, materials, finishes or color shall not be changed. Original fittings on doors shall not be stripped.

b. *Protection.* All causes of deterioration should be identified, evaluated and treated. Causes may include weathering due to paint deterioration, rusting due to paint deterioration, and sealant and caulking deterioration.

c. *Repairs.* Original broken door detail should be repaired. When repair of material or missing parts is appropriate, the entire door shall not be replaced.

d. *Replacement.* When a door can no longer be repaired, or is missing, replace it with a new door that matches the original. Character defining doors should not be replaced with new doors that do not convey the same visual appearance of the original.

e. *Doors in Additions to the Original Buildings.* New doors in additions to the original buildings should be compatible with the overall design of the original building, but not duplicate the pattern of the original door.

10. Windows.

a. *Preservation.* All original character defining features of windows should be identified, retained and preserved. Features include frames, heads, sills, trim, jambs, muntins, shutters, awnings, sash, glazing, blinds, and screens. Windows that are important in defining the overall historic character of the building shall not be removed or radically changed. The number, location, size or glazing pattern of windows shall not be changed. The historic appearance of windows through the use of inappropriate design, materials, finishes or color shall not be changed. Window trim should not be obscured with other materials. Original fittings on windows shall not be stripped.

b. *Protection.* All causes of deterioration should be identified, evaluated, and treated. Causes may include water penetration, weathering due to paint deterioration, rusting due to paint deterioration, and sealant and caulking deterioration.

c. *Repairs.* Original broken window features should be repaired. When repair of material or missing parts is appropriate, entire windows shall not be replaced.

d. *Replacement.* When a window can no longer be repaired, or is missing, replace it with a new window that matches the original. Character defining windows should not be replaced with new windows that do not convey the same visual appearance of the original.

e. *Windows in Additions to the Original Buildings.* New windows in additions to the original buildings should be compatible with the overall design of the original building, but not duplicate the fenestration pattern and detailing of the original window.

11. Entrances and Porches.

a. *Preservation.* All original entrance or porch, including doors, entablatures, columns, balustrades, and stairs should be identified, retained and preserved. If replacement is necessary, the proportion and composition of original design should be retained, preferably by using traditional moldings and balusters. An entrance or porch shall not be removed in order to reorient the building for a new use. Columns and railings for porches, stoops and front steps should be substantial looking and not be replaced with pipes, wrought iron or "ranch-style" members. Brick stairs are rarely appropriate; wood stairs are most appropriate to Late Victorian and Classical Revival houses. New entrances shall not be cut into the primary façade. Utilitarian or service entrances shall not be altered so they appear to be the formal entrance.

b. *Protection.* All causes of deterioration should be identified, evaluated, and treated. Causes may include water penetration, weathering due to paint deterioration, rusting due to paint deterioration, and sealant and caulking deterioration.

c. *Repairs.* The historic materials used in the character defining features should be repaired. Original materials should be used for repairs or substitute materials that are compatible. Substitute materials or features that do not convey the visual appearance of the original features shall not be used.

d. *Replacement.* When an entrance or porch can no longer be repaired, or is missing, replace it with a new entrance or porch that conveys the same visual appearance.

e. *A New Entrance or Porch on Additions to the Original Building.* A new entrance or porch should be designed to be compatible to the original buildings.

12. Storefronts.

a. *Preservation.* All original storefront should be identified, retained, and preserved. Store front features include bulkhead, window frames, door transom, recessed ceiling, lighting, wall material, display window, entry door, awnings, recessed paving, and parapets. The original features of the storefront shall not be removed. The location of the storefront main entrance shall not be changed. The original configuration of the storefront shall not be altered. Inappropriate materials shall not be added over original ones.

b. *Protection.* All causes of deterioration on the storefront should be identified, evaluated, and treated. Causes may include, water penetration, weathering due to paint deterioration, rusting due to paint deterioration, and sealant and caulking deterioration. Historic materials shall not be stripped from the storefront.

c. *Repairs.* The historic materials used in the character defining features of the storefront should be repaired. Original Materials or substitute materials that are compatible should

be used for repair. Materials or features that do not convey the visual appearance of the original features should not be substituted.

d. *Replacement.* If there is insufficient information about the original appearance of the storefront, it should be rebuilt using a new design whose size, scale, style, detail, and color are compatible with the original appearance. When a storefront can no longer be repaired, or is missing, replace it with a reconstructed storefront based on the available historical, pictorial and physical documentation available. A new design that is incompatible in size, scale, material, style and color with the original appearance is not allowed.

13. Significant Interior Space Features and Finishes.

a. *Preservation of Interior Spaces.* A floor plan or significant interior spaces that are important in defining the overall historic character of the building should be identified, retained, and preserved. Elements to be considered of the interior space are size, proportions, configuration, relationship of rooms, individual room or space, and relationship of features to spaces or rooms. The floor plan or significant interior spaces that are important in defining the overall historic character of the building shall not be radically changed. Interior space should not be altered or destroyed by inserting floors, cutting through floors, lowering ceilings, or adding or removing walls. A feature should not be relocated so that a historic relationship between the feature and the space is altered.

b. *Preservation of Interior Features and Finishes.* Interior features and finishes that are important in defining the overall historic character of the building should be identified, retained and preserved and shall not be removed or radically changed. New features or finishes that obscure the character defining features of the building should not be applied.

c. *Protection.* All causes of deterioration should be identified, evaluated, and treated. Causes include surface dirt, moisture penetration from the exterior, insect and fungus infestation, excessive moist or dry air, vandalism, improper cleaning procedures, and excessive use. The original features and finishes should be protected from inappropriate changes: removal of original features, replacement of original features, repainting of original finishes, and introduction of new mechanical, plumbing and electrical systems that cause damage when they are installed.

d. *Repairs.* Deteriorated features or finishes should be repaired using the same or compatible materials. Do not make repairs with incompatible materials.

e. *Replacement.* Un-repairable features or finishes should be replaced with new features or finishes that match the original. Features or finishes should not be replaced with new features or finishes that do not convey the same visual appearance of the original.

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Division 8.01—Sign Regulations

Sections:

- [8.01.000](#): Purpose
- [8.01.005](#): Applicability
- [8.01.010](#): Exempt Signs
- [8.01.015](#): Prohibited Signs
- [8.01.020](#): Sign Standards
- [8.01.025](#): Design Guidelines

8.01.000: Purpose

A. The regulations set forth by this Division contain the primary tools for implementing the sign policies, standards, and regulations of the City pursuant to the provisions of the State Outdoor Advertising Act (BPC Section 5200 et seq.), and other applicable state and local requirements, and prescribe standards for the type, placement, size, number, height, and illumination of signs in order to achieve the following purposes:

1. Maintain the attractiveness and orderliness of the City's appearance by avoiding sign clutter;
2. Protect agricultural, residential, commercial, industrial, civic, open space and utilities, from the loss of visual prominence resulting from excessive signing on nearby sites;
3. Protect public and private investment in buildings and open spaces;
4. Protect residentially zoned areas lying adjacent to commercial and industrial areas from the negative effects of excessive signs;
5. Enable users of goods and services to identify establishments offering services to meet their needs;
6. Encourage sound signing practices as an aid to business and inform the public, but to prevent excessive and confusing sign displays;
7. Regulate the number, size, height, and location of signs according to standards consistent with the types of establishments in each zoning district;
8. Promote traffic safety through appropriate and reasonable controls on signs;
9. Promote the public health, safety, and welfare by regulating and controlling all matters relating to signs; and
10. Protect the health, safety, and welfare of City residents from hazards resulting from improper, excessive, distracting and otherwise unsafe signage.

B. It is the determination of the City Council that a sign is intended to serve primarily to identify the general nature of an establishment, or to direct attention to a product, activity, place, person, organization or enterprise. The City Council further determines that as identification devices, signs should not subject the citizenry to excessive competition for their visual attention, and as

appropriate identification devices, signs should harmonize with the building or activity they serve, the neighborhood in which they are located, and other signs within the surrounding area and in the same zoning district.

C. The installation of signs that improve the appearance of a building and neighborhood is encouraged. As such, The City Council hereby promotes the use of artistry and innovation in the design of signs is decidedly encouraged.

8.01.005: Applicability

A. No sign, including copy change or a temporary sign, shall be approved and a permit therefore issued, except in conformance with the requirements of Table 2.02-1 (Review Matrix) and Section 4.03.020 (Sign Plans) of this Development Code, and the requirements of this Division.

B. No sign shall be erected, constructed, attached, affixed, or maintained on any property, except in conformity with the provisions of this Division, and expressly exempted by the provisions of Section 8.01.010 (Exempt Signs) of this Division.

C. It shall be illegal to use, occupy, or maintain property in violation of this Division. Any violation or failure to comply with the provisions of this Division shall render a person guilty of such violation, punishable in accordance with OMC Title 1, Chapter 2 (Penalty Provisions).

8.01.010: Exempt Signs

No sign, including copy change or a temporary sign, shall be placed, installed, constructed, displayed, or altered without a Sign Plan approved by the City pursuant to Section 4.03.020 (Sign Plans) of this Development Code, excepting the following:

A. **Official Notices.** Any sign, posting, notice or other indication used exclusively to display official notices, notices of any court or public office, or posted by a public officer in the performance of a public duty, or required by a public entity in carrying out its responsibility to protect the public health, safety or welfare, or otherwise required by law.

B. **Street and Traffic Control Signs.** Street name and traffic control signs, directional signs, informational signs of a public or semi-public nature, historical markers placed by a governmental or non-profit organization, and railroad crossing, danger, or other emergency warning signs, provided that no individual sign exceeds 4 SF in area.

C. **Directional Signs.** Signs guiding and directing traffic in parking lots and facilities, provided that no individual sign exceeds 4 SF in area and 4 FT in height.

D. **Public Convenience Signs.** Signs showing the location of public restrooms, telephones, other public conveniences, and underground utilities, provided no individual sign exceeds 2 SF in area.

E. **Business Hours, Emergency Phone Numbers, Honoring Credit Cards, and Association Membership Signs.** Signs indicating business hours, emergency phone numbers, honoring credit cards, association memberships and similar types of sign, provided no individual sign exceeds one SF in area and the total area of all such signs does not exceed 4 SF.

- F. **Interior Signs.** Signs located entirely within a building, structure or complex of buildings, which are not visible from a public street or from other adjacent properties.
- G. **Menu Boards for Drive-In, Drive-Through, and Walk-Up Restaurants.** Menu boards not exceeding 36 SF in area and 6 FT in height for drive-in, drive-through, and walk-up restaurants, not to exceed 2 menu boards per restaurant.
- H. **Building Plaques.** The names of buildings and dates of erection and dedicatory, memorial or historical plaques not exceeding 4 SF in area, which are constructed of bronze or other nonflammable material.
- I. **Political Signs.** Political campaign signs installed pursuant to Subsection 8.01.025.J (Political Signs) of this Division.
- J. **Posters and Bulletin Boards.** Temporary posters on private property, not exceeding 4 SF in area, which are located in windows or on bulletin boards, advertising benefit activities and events sponsored by local nonprofit organizations.
- K. **Holiday Lights and Displays.** Holiday lights and displays that do not advertise any business establishment, product, or other commercial activity, limited to 30 days within any 60-day period.
- L. **Real Estate and Construction Signs.** Temporary real estate and construction signs allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Division.
- M. **Home Occupation Signs.** Signs attached to the exterior wall of a dwelling, at or near the building entrance, which identify a legally established home occupation conducted therein, not to exceed one sign per dwelling, maximum 18 inches square in size, and mounted at eye level, no higher than 6 FT above finished floor of the dwelling, measured at the top edge of the sign.

8.01.015: Prohibited Signs

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

- A. Any sign not specifically allowed by this Division; however, nothing in this Division shall be construed to prohibit any sign, notice, or advertisement required by Federal, State, or local laws.
- B. Billboards, including vehicle-mounted billboards (roving or stationary), excepting [i] billboards established pursuant to a Billboard Relocation Agreement, implemented pursuant to Section 4.02.010 (Billboard Relocation Agreements); and [ii] billboards located within the ONT zoning district, established pursuant to the requirements of Table 8.01-1 (Sign Regulations Matrix) of this Development Code.
- C. Rotating, revolving, or otherwise moving signs designed to attract attention by visual means through the movement or semblance of movement of the whole or any part of the sign, including rotation, special lighting or wind actuated devices, and signs that flash, blink or reflect light by means of a glossy, polished, or mirrored surface, excepting barber poles, time and temperature signs, and electronic message displays allowed pursuant to Paragraph C.3 (Electronic Message Displays) of this Section.

- D. Searchlights, open flames, or loudspeakers used to call attention to a product, service or property.
- E. Signs that float in the air, such as signs affixed to, or printed on, hot air balloons, helium balloons, or kites, inflated signs, and any other type of aerial sign, except as temporary signs or displays allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Division.
- F. Banner signs, except as temporary promotional or special event signs allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Division.
- G. Signs that emit or amplify any sounds or noise.
- H. Signs illuminated by lighting that changes in color or intensity of color, excepting electronic message displays allowed pursuant to Paragraph C.3 (Electronic Message Displays) of this Section.
- I. Signs that generate particulate matter, including but not limited to, bubbles, smoke, fog, confetti or ashes.
- J. Swooper signs, except as temporary promotional or special event signs allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Division.
- K. Signs placed on, affixed to, or erected on or over public rights-of-way, excepting street banners allowed pursuant to Subsection 8.01.025.G (Street Banner Program and Street Banners) of this Division.
- L. Signs that identify or advertise a product or service not available on the premises, excepting offsite real estate signs allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Division.
- M. Signs erected on roofs, or that project above the eave, parapet line or roofline, or above a canopy of a building.
- N. Internally illuminated signs with a directly exposed source of light.
- O. Lit borders consisting of neon or LED fixtures, which are affixed around the interior or exterior perimeter of windows, excepting holiday and/or seasonal lights and displays allowed pursuant to Subsection 8.01.010.K of this Division.
- P. Externally illuminated signs where the source of light is directly visible to pedestrians or vehicular traffic.
- Q. Signs that emit or reflect light by means of direct fluorescence, phosphorescence, or "day-glow" colors.
- R. Signs that obstruct the visual lines of sight at corners or intersections for drivers of motor vehicles.
- S. Signs that may obstruct the free use of any exit, entrance, window, vent, emergency access, fire lane, fire hydrant, or standpipe.
- T. Signs that may interfere with, obstruct, confuse or mislead pedestrian or vehicular traffic.

- U. Any sign illumination that, in the opinion of the Zoning Administrator, exhibits undue glare.
- V. Signs affixed to trucks, automobiles, trailers or any other vehicle that advertise, identify, or provide direction to a use or activity not related to its lawful making of deliveries or sales of merchandise, or rendering of services from such vehicles.
- W. Parking of legitimate delivery, sales, or service vehicles in an off-site location, or on-site, within a parking lot adjacent to a public street for the purpose of advertising.
- X. Any sandwich board, "A" frame sign, or other portable sign, except as temporary signs or displays allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Division;
- Y. Signs affixed to, or painted on, a rock, tree, or any other natural feature.
- Z. Changeable copy signs, excepting electronic message displays allowed pursuant to Paragraph 8.01.025.C.3 (Electronic Message Displays) of this Division, and those changeable copy signs specifically allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Division;
- AA. Any sign having a dimension in excess of 1.5 FT in height and 1.5 FT in width, which identifies a home occupation.
- BB. Any sign consisting of several sheets of paper connected together by perforations, tape, staples or any other means.
- CC. Signage painted on the exterior walls or fascia of a building or structure.
- DD. Supergraphics.
- EE. Human signs, including human billboards, human directionals, and sign walkers, wavers and twirlers (holding or wearing a sign, or the act of spinning or dancing while holding or wearing a sign, or wearing a costume, in order to attract attention).

8.01.020: Sign Standards

A. General Regulations.

1. No sign shall be placed on private property, including vacant property, without written authorization from the owner or the occupant, and approval of plans by the City, pursuant to the provisions of Section 4.03.020 (Sign Plans) of this Development Code.
2. No sign shall be placed on public property or within the public right-of-way without written City approval. Signs placed on public property or in the public right-of-way without specific approval, shall be deemed illegal and shall be abated pursuant to the provisions of Section 3.02.015 (Illegal Signs) of this Development Code.
3. Creative and imaginative signage is strongly encouraged and is the standard by which Sign Plan applications will be judged, together with the specific architectural style of adjacent buildings.

4. There are many acceptable sign treatments that may be used; however, a mixed media, three-dimensional approach, which incorporates a combination of fabrication and lighting techniques, is preferred.

5. Consider [i] the overall concept of the project a proposed sign will serve, [ii] the scale of the proposed sign, and [iii] the critical viewing angles and sight lines when designing appropriate graphics and signs for site and storefront installations.

6. A sign shall be located on the same site as the use, activity, or structure it identifies, except as otherwise expressly permitted by this Division.

7. No sign shall resemble a traffic safety or control device or, by intensity of illumination, location or design, impair the vision of, or create a hazard for, motorists on a public street or highway.

8. Lateral and columnar sign supports are to be designed to be architecturally integrated with the building to which it is attached, or so that required bracing, including but not limited to, angle irons, guy wires, cables or other appurtenances, shall not be exposed to public view.

9. All signs shall be constructed to conceal conduits and raceways, exposed wiring, and electrical appurtenances.

B. Sign Regulations.

1. Sign Regulation Matrix. Table 8.01-1 (Sign Regulation Matrix) of this Division, identifies the sign classification, type, number, location, area, height, length, allowed within each zoning district of the City, along with any applicable special regulations. The standards contained in the Sign Regulation Matrix are maximums, unless otherwise stated. The maximum standard established by Table 8.01-1 (Sign Regulation Matrix) may be reduced by the Approving Authority in cases when the Approving Authority can clearly establish by written decision that that implementation of the maximum standard would:

- a. Adversely affect the public health, safety or welfare; or
- b. Result in a sign design and/or placement inconsistent with the requirements of this Section; or
- c. Be contrary to the aesthetic sensibilities of the neighborhood in which the sign is proposed.

2. Downtown Ontario Design Guidelines. The Downtown Ontario Design Guidelines, included as Reference "C" of this Development Code, establishes a set of architectural, graphic, and lighting design principles for the rehabilitation of properties within the City's historic original downtown area (project area). Signs proposed within the project area shall be subject to the sign requirements contained within the Downtown Ontario Design Guidelines. The affected area is bordered by "I" Street on the north, Vine Street on the west, Sultana Avenue on the east, and railroad tracks on the south, and is defined in Figure 1.4 (Land Use Districts) of the Downtown Ontario Design Guidelines. The design guidelines also apply to those properties located across the street from, and directly abut, the project area.

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Number (max.), and Location</i>	<i>Sign Area (max.)</i>	<i>Sign Height (max.)</i>	<i>Sign Length (max.)</i>	<i>Special Regulations</i>
A. ALL ZONING DISTRICTS (excepting those “specialty signs” listed in Subsection G (Standards for Specialty Signs) of this Table)					
1. Temporary Signs					
a. Construction Signs	One freestanding sign or wall sign per parcel.	32 SF per sign face.	8 FT	No restriction.	<p>[1] Signs shall be nonilluminated.</p> <p>[2] Signs shall be removed within 5 days following the sale or lease of the last unit, or final Building Department inspection.</p>
b. Off-Site Residential Subdivision Signs	Number and location subject to Planning Director approval; however, a sign shall not be located more than 600 FT from any other Off-Site Residential Subdivision Sign location.	35 SF	<p><u>Sign</u>: 7 FT (overall)</p> <p><u>Business Panel Signs</u>: 10 inches (each)</p>	Panel: 5 FT (each)	<p>[1] The design, construction materials, and color scheme of Off-Site Residential Subdivision Signs shall be pursuant to an Off-Site Residential Subdivision Sign Program approved by the Planning Director. No more than 6 sign panels shall be affixed to any one structure.</p> <p>[2] Each sign panel may only contain the name of the residential subdivision and a directional arrow.</p> <p>[3] The placement of Off-Site Residential Subdivision Signs within the public right-of-way shall be subject to approval of an encroachment permit by the City Engineer.</p> <p>[4] No flags, balloons, pennants, or other riders or decorations are permitted. The illumination of Off-Site Subdivision Signs is not permitted.</p> <p>[5] Signs shall not advertise residential subdivisions</p>

Table 8.01-1: Sign Regulation Matrix

Sign Classification	Sign Type, Number (max.), and Location	Sign Area (max.)	Sign Height (max.)	Sign Length (max.)	Special Regulations
					<p>located outside of the city limits.</p> <p>[6] Individual directional panels shall be allowed to remain until such time that the respective subdivision is sold-out.</p> <p>[7] It shall be unlawful for any person to place or erect an Off-Site Residential Subdivision Sign, except in conformity with the herein stated provisions</p> <p>[8] The City Council may by resolution, authorize the administration of an Off-Site Residential Subdivision Sign Program by one or more organizations of its choosing.</p>
<p>c. Off-Site Business Signs</p>	<p>Number and location subject to Planning Commission approval.</p>	<p>35 SF</p>	<p>Sign: 7 FT (overall) Business Panel Signs: 10 inches (each)</p>	<p>Business Panel Signs: 5 FT (each)</p>	<p>[1] A maximum of 2 Off-Site Business Signs may be permitted for a business, or group of businesses, when the Planning Commission can make each of the following findings:</p> <ul style="list-style-type: none"> ▪ Five or more businesses are affected by the same special circumstances; and ▪ Special circumstances exist which adversely affect the businesses, such as temporary closure of a public street, which provides main access to the businesses; <p>[2] The design, construction materials, and color scheme of an Off-Site Business Sign</p>

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Number (max.), and Location</i>	<i>Sign Area (max.)</i>	<i>Sign Height (max.)</i>	<i>Sign Length (max.)</i>	<i>Special Regulations</i>
					<p>shall be subject to approval by the Planning Commission.</p> <p>[3] No more than 6 business panel signs shall be affixed to any one structure.</p> <p>[4] The placement of Off-Site Business Signs within the public right-of-way shall be subject to approval of an encroachment permit by the City Engineer.</p> <p>[5] No flags, balloons, pennants, or other riders or decorations are permitted. The illumination of Off-Site Business Signs is not permitted.</p> <p>[6] It shall be unlawful for any person to place or erect an Off-Site Business Sign, except in conformity with the herein stated provisions.</p> <p>[7] An Off-Site Business Sign shall be removed within 30 days following the special circumstances that allowed the sign, ceases to exist.</p> <p>[8] No otherwise eligible business shall be allowed an Off-Site Business Sign until all illegal signs associated with such businesses are removed.</p>
d. Political Signs					Refer to Paragraph 8.01.020.K (Political Signs) of this Division for political sign regulations.
e. Street Banners	Pursuant to Subsection 8.01.020.G (Street Banners	No restriction.	No restriction.	No restriction.	Comply with the requirements of Subsection

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Number (max.), and Location</i>	<i>Sign Area (max.)</i>	<i>Sign Height (max.)</i>	<i>Sign Length (max.)</i>	<i>Special Regulations</i>
	and Street Banner Programs) of this Division.				8.01.020.G (Street Banners and Street Banner Programs)
2. Permanent Signs					
a. Address Signs	One wall sign and rooftop sign per building or divided tenant space.				Street addresses shall be posted pursuant to Subsections 6.06.020.B (Posting of Street Address Numbers) and D (Posting of Rooftop Address Numbers) of this Development Code.
b. Directional Signs	Pole, monument, or wall sign.	4 SF per sign face.	Pole or monument signs shall not exceed 6 FT in height.		Signs shall be for the purpose of serving the public safety or convenience (e.g., signs such as "parking," "entrance," "exit" and the like). The sign may include the name/logo of the business it serves.
c. Directory Signs	Monument or wall sign. The number and location shall be at the discretion of the Planning Director.	6 SF per sign face.	6 FT		Directory signs should include a plot plan showing all private drives and roads, building locations with unit numbers and addresses, and fire hydrant locations. The directory should also include a reference point on the plot plan indicating the location of the directory and a north arrow.
d. Government Flags and Emblems	No restrictions.	No restriction.	No restriction.	No restriction.	Includes flags or emblems of the United States of America, the State of California, the County of San Bernardino and the City of Ontario.
e. Wall Murals	Murals shall be original, non-commercial works of art; uniquely designed for the specific location it is proposed. Ideally, murals should depict the historic	There is no maximum allowed sign area; however, murals must complement the scale and architectural features of the building on which they are located.	No restriction.	No restriction.	[1] Murals are intended to enhance the quality of the area in which it is located, and the community as a whole. They should not serve to direct attention to a

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Number (max.), and Location</i>	<i>Sign Area (max.)</i>	<i>Sign Height (max.)</i>	<i>Sign Length (max.)</i>	<i>Special Regulations</i>
	character of the community or reflect Ontario's environmental setting.				specific business, product, or service. [2] Wall murals may be approved by the Planning Commission, upon consideration of the following: <ul style="list-style-type: none"> ▪ Compatibility of the design with the immediate environment of the site; ▪ Appropriateness of the design and size to the function of the site; ▪ Compatibility of the design and location within a unified theme; and ▪ Appropriateness of the design as a public work of art. The design may portray, but not be limited to, a cultural, historical, or scenic subject.
B. RESIDENTIAL ZONING DISTRICTS (excepting those "specialty signs" listed in Subsection G (Standards for Specialty Signs) of this Table)					
1. Temporary Signs					
a. Real Estate Signs (signs identifying properties and dwellings for resale)	One freestanding sign per lot, which identifies a property as "For Sale," "For Lease" or "For Rent." One on-site freestanding sign per event, which identifies an "Open House." Four off-site freestanding directional signs, which identifies the location of an "Open House" event.	8 SF per sign face. 4 SF per sign face. 4 SF per sign face.	5 FT 3 FT 3 FT		[1] Only nonilluminated signs shall be allowed. [2] A sign identifying a property for sale/lease/rent shall be removed within 5 days following the close of escrow. [3] Open House" signs shall be allowed as follows: <ul style="list-style-type: none"> ▪ Signs may be placed between the hours of 8:00AM and 8:00PM, on

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Number (max.), and Location</i>	<i>Sign Area (max.)</i>	<i>Sign Height (max.)</i>	<i>Sign Length (max.)</i>	<i>Special Regulations</i>
					Friday, Saturday, Sunday, and legal holidays; <ul style="list-style-type: none"> ▪ Off-site directional signs shall be located no farther than 0.5-mile from the Open House location; ▪ Signs shall not be placed on the public sidewalk; and ▪ No flags, balloons, pennants, or other sign riders or decorations shall be used.
b. Subdivision Sales Office < 5 acres	One freestanding or wall sign per subdivision.	32 SF per sign face.	12 FT		[1] Only nonilluminated signs shall be allowed. [2] Signs shall be removed within 30 days following the sale of the last unit in the complex.
c. Subdivision Sales Office ≥ 5 acres	One freestanding or wall signs per street frontage of a subdivision, not to exceed a total of 3 signs.	32 FT per sign face.	12 FT		
2. Permanent Signs					
a. Single-Family Signs					
<ul style="list-style-type: none"> ▪ Subdivision Signs 	One monument sign or wall sign per subdivision, located at the subdivision entry or at major intersecting boundary streets.	12 SF per sign face.	4 FT (freestanding)		[1] Only nonilluminated signs shall be allowed. [2] The Planning Director may implement measures to ensure sign maintenance, such as the establishment of a homeowners association and the recordation of appropriate CC&Rs with the San Bernardino County Recorder’s office, or other suitable measures.

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Number (max.), and Location</i>	<i>Sign Area (max.)</i>	<i>Sign Height (max.)</i>	<i>Sign Length (max.)</i>	<i>Special Regulations</i>
<ul style="list-style-type: none"> ▪ Home Occupation Signs 	One wall sign per dwelling, located at or near the building entrance.	2.25 SF	1.5 FT	1.5 FT	Home occupation signs shall be mounted at eye level, no higher than 6 FT above finished floor of the dwelling, measured at the top edge of the sign.
b. Multiple-Family Signs					
<ul style="list-style-type: none"> ▪ Complex Signs 	One monument sign or wall sign per street frontage.	24 SF per sign face.	6 FT (freestanding)		<p>[1] Signs shall be nonilluminated.</p> <p>[2] Wall signs shall comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division.</p> <p>[3] Monument signs shall comply with Paragraph 8.01.020.C.1 of this Division.</p>
<ul style="list-style-type: none"> ▪ Site Directory Signs 	One monument or wall site directory sign per vehicle entry.	12 SF per sign face.	6 FT (freestanding)		
c. Institutional User Signs (e.g., day care facilities, religious assembly, schools, etc.)	<p><u>Wall Signs</u>: One sign per street frontage, not to exceed 2 signs per building.</p> <p><u>Monument Signs</u>: One sign per street frontage.</p>	<p><u>Wall Signs</u>: 24 SF per building elevation.</p> <p><u>Monument Signs</u>: 24 SF per sign face</p>	<p><u>Wall Signs</u>: 2 FT maximum alphanumeric character height</p> <p><u>Monument Signs</u>: 6 FT</p>	<p><u>Wall Signs</u>: Not to exceed 80% of the elevation width upon which the sign is located.</p>	<p><u>Wall Signs</u>: Signs shall comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division.</p> <p><u>Monument Signs</u>: Signs shall comply with Paragraph 8.01.020.C.1 of this Division.</p>
C. COMMERCIAL ZONING DISTRICTS (excepting those “specialty signs” listed in Subsection G (Standards for Specialty Signs) of this Table)					
1. Temporary Signs					
<ul style="list-style-type: none"> a. Real Estate Signs 	One freestanding sign or wall sign per parcel.	32 SF per sign face.	8 FT		<p>[1] Signs shall be nonilluminated.</p> <p>[2] Signs shall be removed within 5 days following the sale or lease of the last unit has been completed.</p>

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Number (max.), and Location</i>	<i>Sign Area (max.)</i>	<i>Sign Height (max.)</i>	<i>Sign Length (max.)</i>	<i>Special Regulations</i>
b. Window Signs and Displays	Window signs	Limited to 25% of the window area, excepting within the area covered by the Downtown Ontario Design Guidelines (see Reference "C" of this Development Code for applicable standards).			<p>[1] Window signs shall be allowed for a maximum of 3 periods of 30 days per year.</p> <p>[2] Window signs shall be allowed only on windows located on the ground floor of a building frontage.</p> <p>[3] Window signs shall be painted or mounted only on the inside of doors and windows.</p> <p>[4] Signs placed on the interior of a building, which are located within 3 FT of a storefront window and are visible from the building exterior, shall be deemed a window sign.</p>
c. On-Site Promotional and Special Event Signs and Banners					
▪ ≤ 8,000 SF of tenant GFA	One wall-mounted banner per tenant.	50 SF per sign face.	3 FT	Not to exceed 50% of the elevation width upon which the sign is located.	[1] <u>Business Grand Opening</u> . A new business may be allowed temporary signage identifying its grand opening, one time, for a maximum of 30 days duration.
▪ > 8,000 SF of tenant GFA	One wall-mounted banner per tenant.	75 SF per sign face.	5 FT	Not to exceed 50% of the elevation width upon which the sign is located.	[2] <u>Retail Sales Event</u> . A Retail Sales Event pursuant to Paragraph 5.03.395.G.1 of this Development Code may be allowed temporary signage for maximum 7 days duration during the specified "holiday sale periods," and during the specified "additional periods" for which a Temporary Use Permit has been issued, not to exceed a total of 56 days

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Number (max.), and Location</i>	<i>Sign Area (max.)</i>	<i>Sign Height (max.)</i>	<i>Sign Length (max.)</i>	<i>Special Regulations</i>
					<p>per calendar year. Each “additional period” may be used consecutively with “holiday sale periods,” not to exceed a total of 6 consecutive periods (42 consecutive days).</p> <p>[3] <u>Holiday Retail Sales.</u> Holiday Retail Sales established pursuant to Paragraph 5.03.395.G.2 of this Development Code may be allowed temporary signage for maximum 30 days duration.</p> <p>[4] <u>Shows and Exhibits.</u> Shows and Exhibits established pursuant to Paragraph 5.03.395.G.3 of this Development Code may be allowed temporary signage for maximum 30 days duration.</p> <p>[5] <u>Amusement and/or Sporting Events.</u> Amusement and/or Sporting Events established pursuant to Paragraph 5.03.395.G.4 of this Development Code may be allowed temporary signage for maximum 30 days duration per calendar year, which may be used in a single period, or in 2 periods of 15 days duration.</p> <p>[6] <u>Tent Revivals.</u> Tent Revivals established pursuant to Paragraph 5.03.395.G.5 of this Development Code may be allowed temporary signage for maximum 30 days duration per calendar</p>

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Number (max.), and Location</i>	<i>Sign Area (max.)</i>	<i>Sign Height (max.)</i>	<i>Sign Length (max.)</i>	<i>Special Regulations</i>
					year, which may be used in a single period, or in 2 periods of 15 days duration. [7] <u>Charitable and Fund Raising Events</u> . Charitable and Fund Raising Events established pursuant to Paragraph 5.03.395.G.6 of this Development Code may be allowed temporary signage during the specified “holiday periods,” and the specified “additional events” for which a Temporary Use Permit has been issued.
2. Permanent Signs					
a. Wall Signs					
<ul style="list-style-type: none"> ▪ <u>Retail</u>: Businesses Occupying > 100,000 SF 	One primary wall sign per building elevation, not to exceed 3 signs, plus 2 descriptor signs.	200 SF per building elevation.	<u>Primary Signs</u> : 6 FT for alphanumeric characters and graphic logos/icons. <u>Descriptor Signs</u> : 2 FT for alphanumeric characters and graphic logos/icons.		Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division.
<ul style="list-style-type: none"> ▪ <u>Retail</u>: Businesses Occupying 50,000 SF to 99,999 SF 	One primary wall sign per building elevation, not to exceed 3 signs, plus 2 descriptor signs.	175 SF per building elevation.	<u>Primary Signs</u> : 5 FT for alphanumeric characters and graphic logos/icons. <u>Descriptor Signs</u> : 2 FT for alphanumeric characters and graphic logos/icons.		
<ul style="list-style-type: none"> ▪ <u>Retail</u>: Businesses Occupying 20,000 SF to 49,999 SF 	One primary wall sign per building elevation, not to exceed 3 signs, plus 2 descriptor signs.	150 SF per building elevation.	<u>Primary Signs</u> : 4 FT for alphanumeric characters and graphic logos/icons. <u>Descriptor Signs</u> : 1.5 FT for alphanumeric characters and graphic logos/icons.		

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Number (max.), and Location</i>	<i>Sign Area (max.)</i>	<i>Sign Height (max.)</i>	<i>Sign Length (max.)</i>	<i>Special Regulations</i>
<ul style="list-style-type: none"> ▪ <u>Retail</u>: Businesses Occupying 8,000 SF to 19,999 SF 	One primary wall sign per building elevation, not to exceed 3 signs, plus 2 descriptor signs.	100 SF per building elevation.	<u>Primary Signs</u> : 3 FT for alphanumeric characters and graphic logos/icons. <u>Descriptor Signs</u> : 12 inches for alphanumeric characters and graphic logos/icons.		
<ul style="list-style-type: none"> ▪ <u>Retail</u>: Businesses Occupying < 8,000 SF 	One wall sign per building elevation, not to exceed 3 signs.	50 SF per building elevation.	<u>Alphanumeric Characters</u> : 2 FT. <u>Logos/Icons</u> : 4 FT. Signs With Multiple Lines of Copy: 2.5 FT for height of all lines.		
<ul style="list-style-type: none"> ▪ <u>Office</u>: Multiple-Story Building Identification 	One wall sign per building elevation, not to exceed 2 signs.	100 SF per building elevation.	3 FT for alphanumeric characters and graphic logos/icons.		[1] Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division. [2] Signage shall be limited to identification of the building, and not individual tenants.
<ul style="list-style-type: none"> ▪ <u>Office</u>: Multiple Story Building—Tenant Identification 	One wall sign per building elevation, not to exceed 2 signs.	50 SF per building elevation.	2 FT for alphanumeric characters and graphic logos/icons.		[1] Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division. [2] A maximum of 2 tenant identification signs shall be permitted regardless of the number of tenants contained within the building.
<ul style="list-style-type: none"> ▪ <u>Office</u>: Single Story Building—Tenant Identification 	One wall sign per building elevation, not to exceed 2 signs. Alternately, for multiple tenant buildings, one nameplate may be provided for each tenant (2 nameplates may be provided for end/corner-unit tenants).	<u>Wall Signs</u> : 50 SF. <u>Nameplates</u> : 15 SF.	<u>Wall Signs</u> : 2 FT for alphanumeric characters and graphic logos/icons. <u>Nameplates</u> : 1.5 FT for nameplates and 12-inches for alphanumeric characters and graphic logos/icons. Signs With Multiple Lines of Copy: 2.5 FT for height of all lines.		[1] Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division. [2] Nameplates shall not be illuminated.

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Number (max.), and Location</i>	<i>Sign Area (max.)</i>	<i>Sign Height (max.)</i>	<i>Sign Length (max.)</i>	<i>Special Regulations</i>
b. Monument Signs					
▪ Commercial Center Identification Signs	One monument sign for each 500 FT (lineal) of street frontage, with a minimum 300 FT spacing between signs.	50 SF per sign face.	7 FT (3.5 FT for a sign installed within the corner cut-off area of intersecting streets)		Comply with Paragraph 8.01.020.C.1 (Monument Signs) of this Division.
▪ Building Identification Signs (not a part of a center or complex)	One monument sign per street frontage.	36 SF per sign face.	6 FT		
c. Directional Signs (On-Site)	Freestanding directional signs (on-site only) shall be permitted as determined appropriate by the Planning Director.	5 SF per sign face	5 FT		The design of directional signs shall be consistent with the architectural design of the buildings they serve.
d. Freeway Signs	[1] One sign per parcel having a minimum of 600 FT of freeway frontage and is developed as a single entity. [2] Two signs per parcel having a minimum of 1,800 FT of freeway frontage, a minimum of 10 acres in area, and is developed as a single entity. [3] Three signs per parcel having a minimum of 3,000 FT of freeway frontage, a minimum of 10 acres in area, and is developed as a single entity.	150 SF per sign face.	35 FT maximum; however, the height may be increased to 45 FT if the site is at least 10 FT lower than the freeway finish surface.	No sign face shall exceed 25 FT in any direction.	[1] Comply with Paragraph 8.01.020.C.2 (Freeway Signs) of this Division. [2] No advertising display shall contain flashing, intermittent, or moving lights, other than that part necessary to give public service information, including, but not limited to, the time, date, temperature, weather, or similar information, or an Electronic Message Display that complies with Paragraph 8.01.020.C.3 (Electronic Message Displays) of this Division.
D. MIXED-USE ZONING DISTRICTS (excepting those “specialty signs” uses listed in Subsection F (Standards for Specialty Signs) of this Table)					
All Signs	Rely upon the sign standards for residential land uses established by Subsection B (Residential Zoning Districts) of this Table; and rely upon the sign standards for commercial land uses established by Subsection C (Commercial Zoning Districts) of this Table				

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Number (max.), and Location</i>	<i>Sign Area (max.)</i>	<i>Sign Height (max.)</i>	<i>Sign Length (max.)</i>	<i>Special Regulations</i>
E. INDUSTRIAL ZONING DISTRICTS (excepting those “specialty signs” uses listed in Subsection G (Standards for Specialty Signs) of this Table)					
1. Temporary Signs					
a. Real Estate Signs	One freestanding sign or wall sign per parcel.	32 SF per sign face.	8 FT.		<p>[1] Signs shall be nonilluminated.</p> <p>[2] Signs shall be removed within 5 days following the sale or lease of the last unit has been completed.</p>
b. Window Signs and Displays	Window signs	Limited to 25% of the window area.			<p>[1] Window signs shall be allowed for a maximum of 3 periods of 30 days per year.</p> <p>[2] Window signs shall be allowed only on windows located on the ground floor of a building frontage.</p> <p>[3] Window signs shall be painted or mounted only on the inside of doors and windows.</p> <p>[4] Signs placed on the interior of a building, which are located within 3 FT of a storefront window and are visible from the building exterior, shall be deemed a window sign.</p>
c. On-Site Promotional and Special Event Signs and Banners	One wall-mounted banner per tenant.	One-half the area allowed for permanent tenant identification signage, not to exceed 50 SF.		Not to exceed 50% of the elevation width upon which the sign is located.	<p>[1] <u>Business Grand Opening.</u> A new business may be allowed temporary signage identifying its grand opening, one time, for a maximum of 30 days duration.</p> <p>[2] <u>Retail Sales Event.</u> A Retail Sales Event pursuant to Paragraph 5.03.395.G.1 of this Development Code may be allowed temporary signage for maximum 7 days</p>

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Number (max.), and Location</i>	<i>Sign Area (max.)</i>	<i>Sign Height (max.)</i>	<i>Sign Length (max.)</i>	<i>Special Regulations</i>
					<p>duration during the specified “holiday sale periods,” and during the specified “additional periods” for which a Temporary Use Permit has been issued, not to exceed a total of 56 days per calendar year. Each “additional period” may be used consecutively with “holiday sale periods,” not to exceed a total of 6 consecutive periods (42 consecutive days).</p> <p>[3] <u>Holiday Retail Sales.</u> Holiday Retail Sales established pursuant to Paragraph 5.03.395.G.2 of this Development Code may be allowed temporary signage for maximum 30 days duration.</p> <p>[4] <u>Shows and Exhibits.</u> Shows and Exhibits established pursuant to Paragraph 5.03.395.G.3 of this Development Code may be allowed temporary signage for maximum 30 days duration.</p> <p>[5] <u>Amusement and/or Sporting Events.</u> Amusement and/or Sporting Events established pursuant to Paragraph 5.03.395.G.4 of this Development Code may be allowed temporary signage for maximum 30 days duration per calendar year, which may be used in a single period, or in 2 periods of 15 days duration.</p>

Table 8.01-1: Sign Regulation Matrix

Sign Classification	Sign Type, Number (max.), and Location	Sign Area (max.)	Sign Height (max.)	Sign Length (max.)	Special Regulations
					<p>[6] <u>Tent Revivals</u>. Tent Revivals established pursuant to Paragraph 5.03.395.G.5 of this Development Code may be allowed temporary signage for maximum 30 days duration per calendar year, which may be used in a single period, or in 2 periods of 15 days duration.</p> <p>[7] <u>Charitable and Fund Raising Events</u>. Charitable and Fund Raising Events established pursuant to Paragraph 5.03.395.G.6 of this Development Code may be allowed temporary signage during the specified “holiday periods,” and the specified “additional events” for which a Temporary Use Permit has been issued.</p>
2. Permanent Signs					
a. Wall Signs					
<ul style="list-style-type: none"> Businesses Occupying > 250,000 SF 	One wall sign per street frontage, and/or at a public entrance facing a parking lot, not to exceed 2 signs per tenant.	250 SF per wall sign	<p><u>Wall Signs</u>: 6 FT for alphanumeric characters and graphic logos/icons.</p> <p>Signs With Multiple Lines of Copy: 7.5 FT for height of all lines</p>	Not to exceed 75% of the elevation width upon which the sign is located.	Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division.
<ul style="list-style-type: none"> Businesses Occupying 249,999 SF to 100,000 SF 	One wall sign per street frontage, and/or at a public entrance facing a parking lot, not to exceed 2 signs per tenant.	200 SF per wall sign	<p><u>Wall Signs</u>: 5 FT for alphanumeric characters and graphic logos/icons.</p> <p>Signs With Multiple Lines of Copy: 6.25 FT for height of all lines</p>	Not to exceed 75% of the elevation width upon which the sign is located.	

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Number (max.), and Location</i>	<i>Sign Area (max.)</i>	<i>Sign Height (max.)</i>	<i>Sign Length (max.)</i>	<i>Special Regulations</i>
<ul style="list-style-type: none"> Businesses Occupying 99,999 SF to 50,000 SF 	One wall sign per street frontage, and/or at a public entrance facing a parking lot, not to exceed 2 signs per tenant.	150 SF per wall sign	<p><u>Wall Signs:</u> 4 FT for alphanumeric characters and graphic logos/icons.</p> <p>Signs With Multiple Lines of Copy: 5 FT for height of all lines</p>	Not to exceed 75% of the elevation width upon which the sign is located.	
<ul style="list-style-type: none"> Businesses Occupying 49,999 SF to 20,000 SF 	One wall sign per street frontage, and/or at a public entrance facing a parking lot, not to exceed 2 signs per tenant.	100 SF per wall sign	<p><u>Wall Signs:</u> 3 FT for alphanumeric characters and graphic logos/icons.</p> <p>Signs With Multiple Lines of Copy: 3.75 FT for height of all lines</p>	Not to exceed 75% of the elevation width upon which the sign is located.	
<ul style="list-style-type: none"> Businesses Occupying < 20,000 SF 	One wall sign per street frontage, and/or at a public entrance facing a parking lot, not to exceed 2 signs per tenant.	50 SF per wall sign	<p><u>Wall Signs:</u> 2 FT for alphanumeric characters and graphic logos/icons.</p> <p>Signs With Multiple Lines of Copy: 2.5 FT for height of all lines</p>	Not to exceed 75% of the elevation width upon which the sign is located.	
[b] Monument Signs					
<ul style="list-style-type: none"> Industrial Park, Center or Complex Identification Sign 	One sign per street frontage, not to exceed 2 signs.	36 SF per sign face.	6 FT (3.5 FT for a sign installed within the corner cut-off area of intersecting streets)		Comply with Paragraph 8.01.020.C.1 (Monument Signs) of this Division.
<ul style="list-style-type: none"> Single or Multiple-Tenant Building Identification Signs—Not a Part of a Park, Center or Complex 	One sign per street frontage, not to exceed 2 signs.	36 SF per sign face.	6 FT (3.5 FT for a sign installed within the corner cut-off area of intersecting streets)		
F. SPECIAL USE ZONING DISTRICTS (excepting those “Specialty Signs” listed in Subsection F (Standards for Specialty Signs) of this Table)					
1. Agriculture	<p><u>Residential Uses:</u> Rely upon the sign standards for residential land uses established by Subsection B (Residential Zoning Districts) of this Table.</p> <p><u>Retail Commercial and Office Uses:</u> Rely upon the sign standards for retail commercial and office land uses established by Subsection C (Commercial Zoning Districts) of this Table</p> <p><u>Industrial Uses:</u> Rely upon the sign standards for single-family residential land uses established by Subsection B (Residential Zoning Districts) of this Table</p>				
2. Civic	Rely upon the sign standards for office land uses established by Subsection C (Commercial Zoning Districts) of this Table.				

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Number (max.), and Location</i>	<i>Sign Area (max.)</i>	<i>Sign Height (max.)</i>	<i>Sign Length (max.)</i>	<i>Special Regulations</i>
3. Mobile Home Park	One monument sign per street frontage.	24 SF per sign face.	6 FT		[1] Non-illuminated or indirect illumination only. [2] Signs shall not be located within a required setback area.
4. Ontario International Airport					
a. Temporary Signs					
▪ Real Estate Signs	One freestanding or wall sign per parcel.	24 SF per sign face.	7 FT		[1] Only nonilluminated signs shall be allowed. [2] Signs shall be removed within 5 days following the sale or lease of the last unit, or final Building Department inspection.
▪ Window Signs and Displays	Window signs	Limited to 25% of the window area.			[1] Window signs shall be allowed for a maximum of 3 periods of 30 days, annually. [2] Window signs shall be allowed only on windows located on the ground floor of a building frontage. [3] Window signs shall be painted or mounted only on the inside of doors and windows. [4] Signs placed on the interior of a building that are located within 3 FT of a storefront window and are visible from the building exterior shall be deemed a window sign.
▪ On-Site Signs and Banners	One wall-mounted sign or banner per business.	50 SF per sign face.			

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Number (max.), and Location</i>	<i>Sign Area (max.)</i>	<i>Sign Height (max.)</i>	<i>Sign Length (max.)</i>	<i>Special Regulations</i>
b. Permanent Signs					
▪ Wall Signs	As allowed by a Sign Program established pursuant to Subsection F (Sign Program) of Development Code Section 8.01.020 (Sign Standards).				
▪ Monument Sign	As allowed by a Sign Program established pursuant to Subsection F (Sign Program) of Development Code Section 8.01.020 (Sign Standards).				
▪ Wayfinding and Directional Signs	As allowed by a Sign Program established pursuant to Subsection F (Sign Program) of Development Code Section 8.01.020 (Sign Standards).				
▪ Billboards	Three LED signs and three static message signs	<p><u>LED Signs:</u> 675 SF per sign face</p> <p><u>Static Signs:</u> 250 SF per sign face</p> <p><u>Total Sign Area:</u> The combined area of all billboard signs shall not exceed 2,500 SF.</p>	<p><u>LED Signs:</u> 35 FT</p> <p><u>Static Signs:</u> 35 FT</p>	<p><u>LED Signs:</u> 48 FT</p> <p><u>Static Signs:</u> 11 FT</p>	All billboard signs shall be located in close proximity to the terminals and/or rental car area of the airport.
5. Open Space—Cemetery	As determined appropriate by the Planning Director.				
6. Open Space—Recreation	As determined appropriate by the Planning Director.				
7. Rail Corridor	As determined appropriate by the Planning Director.				
8. Utilities Corridor	As determined appropriate by the Planning Director.				
G. STANDARDS FOR SPECIALTY SIGNS (Note: The below-listed standards are for the placement of permanent signs. Refer to the general zoning district standards contained in this table for the standards for temporary sign standards)					
1. Fuel Sales (Service Stations) Signs					
a. Wall Signs	One primary wall sign per building elevation, not to exceed 3 signs.	50 SF per building elevation.	<p>[1] 2 FT alphanumeric characters.</p> <p>[2] 2.5 FT graphic icons/logos.</p> <p>[3] A wall sign consisting of multiple lines of copy is permitted; however, the total height of all lines shall not exceed 2.5 FT.</p>	Not to exceed 80% of the elevation width upon which the sign is located.	Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division.

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Number (max.), and Location</i>	<i>Sign Area (max.)</i>	<i>Sign Height (max.)</i>	<i>Sign Length (max.)</i>	<i>Special Regulations</i>
b. Fuel Island Canopy Sign	One fuel island canopy sign per elevation, not to exceed 2 signs.	16 SF per building elevation.	[1] 2 FT alphanumeric characters. [2] 2.5 FT graphic logos/icons may be installed in place of alphanumeric characters.	4 FT graphic logos/icons in place of alphanumeric characters.	Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division.
c. Fuel Pump Identification	One logo/icon identification sign per fuel pump face, not to exceed 2 signs per pump.	2.25 SF	1.5 FT graphic logo/icon		
d. Monument Signs	One monument fuel pricing sign per street frontage.	[1] 25 SF per sign face. [2] 50 SF per sign face, when combined with business identification signage.	7 FT		Comply with Paragraph 8.01.020.C.1 (Monument Signs) of this Division.
2. Drive-Thru Restaurant Signs					
a. Wall Signs	One wall sign per building elevation, not to exceed 3 signs.	25 SF per sign face.	[1] 2 FT alphanumeric characters. [2] 2.5 FT graphic icons/logos. [3] A wall sign consisting of multiple lines of copy is permitted; however, the total height of all lines shall not exceed 2.5 FT.		Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division.
b. Menu Boards	One pre-order board and one order board per business.	36 SF per sign face.	6 FT (freestanding)		
c. Monument Signs	One monument sign per business	50 SF per sign face	6 FT		Comply with Paragraph 8.01.020.C.1 (Monument Signs) of this Division.

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C. **Freestanding Signs.** The following requirements apply generally to the design and placement of freestanding signs, including monument signs and freeway signs, and the use of electronic message or text display:

1. **Monument Signs.** Any freestanding sign that identifies: [i] a residential subdivision; [ii] a multiple-family or mixed-use development project; [iii] an individual building on an individual lot containing one or more nonresidential uses; or [iv] a center or complex consisting of 2 or more buildings containing one or more nonresidential uses per building, shall be designed as a monument sign, which complies with the following:

a. Table 8.01-1 (Sign Regulation Matrix) of this Division establishes the number, location, area, height, and additional regulations applicable to monument signs.

b. The minimum letter height shall be 8 inches.

c. Monument signs for centers/complexes shall be limited to the display of the name of the center/complex and the identification of a maximum of 7 tenants within the center/complex.

d. Monument signs shall have a maximum of 2 sign faces.

e. Monument signs may be oriented toward arterial, collector and/or local streets, or private drives, and shall not be oriented toward freeways.

f. No monument sign shall be located within a public right-of-way and must be wholly located behind the right-of-way line (street property line) for its full height. Furthermore, such signs shall be located a minimum of 10 FT behind the adjacent curb face (public and private streets).

g. A monument sign shall be located a minimum of 30 FT from a monument sign on an adjacent lot, and a minimum of 5 FT from an interior property line or driveway that intersects a public street.

h. Monument signs shall contain an address (or range of addresses) identifying the property on which the sign is located. Address numbers shall be a minimum of 6 inches in height and shall be clearly visible from the adjacent public street. The area of the address numerals shall not be calculated against the allowed sign area.

i. Unless otherwise specifically prohibited by Table 8.01-1 (Sign Regulation Matrix) of this Division, a monument sign may be internally or externally illuminated, provided that the illumination is not harsh or overly bright. Signs shall consist of individual letters/characters affixed to an opaque, matte finished background. The sign background shall not be internally illuminated; only letters/characters shall be internally illuminated.

2. **Freeway Signs.** Freeway signs may be allowed on lots with property lines that are common with the right-of-way of Interstate 10, Interstate 15, or State Route 60 freeways, which have at least 600 linear FT of freeway frontage, and are subject to the following:

a. Table 8.01-1 (Sign Regulation Matrix), above, establishes the number, location, area, height, and additional regulations applicable to freeway signs.

b. The maximum vertical or horizontal dimension of any freeway sign display surface is 25 FT.

c. A freeway sign shall be placed a minimum of 600 FT from any other freeway sign on the same property or on an adjacent property and shall be placed no further than 40 FT from the freeway right-of-way.

d. Freeway signs shall consist of no more than 2 faces unless alternative configurations are approved by the Planning Commission.

e. No tentative tract or parcel map, or lot merger shall be granted, which would result in the consolidation of multiple lots into a single lot with freeway signs in excess of the maximum number, location, area, and/or spacing of signs prescribed by this Section.

f. A freeway sign shall be placed no closer than 10 FT to an interior property line, drive aisle, or private drive.

3. Electronic Message Center. An Electronic Message Center may be incorporated into a freeway sign for a public or private school; public facility or service; convention centers, arenas and other similar places of assembly; and auto malls and shall be subject to review and approval by the Planning Commission. An Electronic Message Center shall comply with the following requirements:

a. The Electronic Message Center display shall not include any message or pictorial that is in motion or appears to be in motion;

b. The Electronic Message Center display shall not change the intensity of illumination; and

c. The Electronic Message Center display shall not change the message or pictorial more than once every 4 seconds.

d. No Electronic Message Center shall be placed within 1,000 FT of another Electronic Message Display located on the same side of the freeway.

e. An Electronic Message Center shall only advertise the business conducted, services rendered, or goods produced or sold upon the property on which the display is placed.

4. Electronic Text Display. An Electronic Text Display may be incorporated into a monument sign to facilitate a fuel pricing sign required pursuant to BPC Sections 13530 through 13540, or for the purpose of providing messages and information related to public or private schools, government facilities, facilities for religious assembly, theaters, convention centers, arenas, and other similar places of assembly. An Electronic Text Display shall comply with the following requirements:

a. An Electronic Text Display shall not include any pictorial display;

b. An Electronic Text Display shall not change the intensity of illumination; and

c. An Electronic Text Display shall not change the message more than once every 4 seconds.

d. No Electronic Text Display shall be placed within 600 feet of another Electronic Text Display located on the same side of the street, excepting fuel pricing signs provided pursuant to BPC Sections 13530 through 13540.

e. An Electronic Text Display shall only advertise the business name, and events and services conducted on the property upon which the Electronic Text Display is installed.

D. Building Wall and Fascia Signs.

1. Wall and/or fascia signs shall consist of individual channel letters placed flat against the exterior wall or parapet of a building, or suspended from the building eaves or overhang, or from the ceiling of a covered walkway, and having an overall depth of no more than 12 inches. A suspended sign shall have a clear space of at least 8 FT between the bottom of the sign and the surface of any walkway that may pass under the sign.

2. Acceptable wall and/or fascia sign designs include one or more of the following elements:

a. Halo lit channel letters;

b. Standard channel letters;

c. Front and halo lit channel letters;

d. Pin mounted sandblasted, textured, and/or burnished metal-leaf faced letters;

e. Signs mounted to hard canopies, eyebrows, or other projecting architectural elements, such as screens, grids or mesh, or etched, polished, patina or abraded materials; and/or

f. Mixed media signs (utilizing the designs described in Subparagraphs D.1.2.a through e, above), incorporating imagery and icons/logos. Although simple rectangular cabinet signs are generally not allowed, mixed media signs may be composed of several elements, one of which may be a sculptured cabinet; however, the cabinet sign shall not exceed 25 percent of the total sign area of each sign.

3. Wall and/or fascia signs may be located on an exterior building elevation that: [i] fronts/faces a public street, or [ii] faces an interior side or rear of a site, and contains a public entrance, pursuant to the standards prescribed by Table 8.01-1 (Sign Regulation Matrix), of this Section.

4. The characters that comprise a sign shall not occupy more than 75 percent of the length of the building wall or fascia upon which it is placed.

5. Electrical raceways and conduits shall be placed so that they are not within public view. Where this is physically impractical, or doing so would damage significant architectural features or materials, the Zoning Administrator may grant a waiver from this requirement, provided all conduits, raceways, and similar devices are kept as small as possible and are painted the same colors as adjacent wall surfaces.

6. Electrical raceways shall not extend beyond the outside edges of the sign copy and shall be painted to match the color of the background on which they are placed.

7. Signs shall be placed flat against the wall and shall not project from the wall more than required for normal construction purposes and in no case more than 12 inches. The Zoning Administrator may modify this requirement in special circumstances where a projection greater than 12 inches may be desirable to allow the creation of an especially creative and unique sign design.

8. Signs shall not be placed to obstruct any portion of a window or cover architectural elements, such as cornices, transom windows, vertical piers and columns, and similar elements.

E. Address Signs Required. The City finds that it is in the interest of public safety that all street addresses be clearly visible. Unless otherwise authorized in writing by the Police and Fire Departments, all permanent structures within the City shall display street address numerals of a size, color, and location, which are clearly visible from a public right-of-way. Address signs shall not count toward the maximum sign area allowed by this Division.

F. Sign Programs.

1. A Sign Program may be allowed pursuant to Section 4.02.075 (Sign Programs) of this Development Code, for the purpose of:

- a. Providing coordinated signing within a development project
- b. Utilizing common design elements; and
- c. Integrating the design of signs with the context of the building and landscape design, to form a unified architectural statement.

2. A Sign Program may allow certain deviations from the standards prescribed by Table 8.01-1 (Sign Regulation Matrix) of this Division, limited to: [i] a 20 percent increase in maximum sign area, [ii] an increase in the maximum number of signs allowed, and [iii] the use of decorative exposed neon. In approving such deviation(s), the following findings must be clearly established:

- a. The Plan's contribution to the overall design quality of the site and the surrounding area will be superior to the quality that would otherwise result under regulations normally applicable to the site;
- b. The proposed signs are compatible with the style or character of existing improvements on the site and are well-related to each other; and
- c. Any deviations from the standards prescribed by Table 8.01-1 (Sign Regulation Matrix) of this Development Code are fully consistent with the purposes of this Development Code.

3. A Sign Program may allow the use of complex-shaped (i.e., Polyhedron) sculptured cabinets if dimensional elements are also incorporated, such as burnished metal-leaf faced letters that are pin mounted from the cabinet face, or decorative exposed neon.

G. Street Banners and Street Banner Programs.

1. Street Banners.

a. No street banner, flag, pennant, or street decoration shall be placed or installed over and/or above any street or other public thoroughfare, without first obtaining City Manager approval, and the issuance of an encroachment permit by the City Engineer.

b. No person, either as principal, agent, or otherwise, shall hang or suspend any street banner above any street or other public thoroughfare, or cause the same be done, unless a Street Banner Program has approved pursuant to the requirements of Paragraph G.2 (Street Banner Programs) of this Section.

c. A street banner, flag, pennant, or street decoration shall be safely suspended not less than 17 FT above a public street, upon approval of the City Engineer and Building Official.

d. A street banner, flag, pennant, or street decoration shall not contain the name or designation of any individual, firm, or corporation as an advertisement for private gain.

e. A street banner, flag, pennant, or street decoration shall not remain in place longer than 30 days from the date permission is granted by the City Manager pursuant to Subparagraph G.1.a of this Section.

f. The Building Official shall, upon receipt of the required application, issue a permit for the erection and maintenance of a street banner, flag, pennant, or street decoration, according to [i] the terms of the City Manager's approval, [ii] the encroachment permit issued by the City Engineer, and [iii] the Street Banner Program described in Paragraph G.2 (Street Banner Programs), below (if required).

2. Street Banner Programs. A Street Banner Program shall be subject to review and approval by the Zoning Administrator, and must adhere to the following guidelines:

a. *Application.* The street banner program application shall contain the following minimum information:

(1) Street Banner Design—A fully dimensioned plan that clearly depicts the street banner design, materials, colors, and letter style;

(2) Street Banner Elevations—A fully dimensioned elevation drawing(s) depicting streetlight poles with each proposed banner type attached;

(3) Street Banner Location—A site plan drawn to scale, which depicts the specific location of each proposed street banner and the affected streetlight poles; and

(4) Equipment—All hardware and bracketry necessary for mounting the proposed street banner(s) to the affected streetlight poles, which shall meet or exceed City specifications.

b. *Private Business Recognition.* Private sponsorship of street banners shall only be permitted in association with an approved street banner program, with identification of the sponsor regulated as follows:

(1) Placement—The street banner sponsor may be identified on each street banner by lettering no greater than 6 inches in height, which runs the width of the banner, and covering no more than 10 percent of the banner area;

(2) Font—A uniform font type, style, size, and color shall be used for banner sponsor names within a given banner program.

(3) Graphics—There shall be no private logos or trademark graphics allowed.

c. *Maintenance.* At a minimum, street banners shall be removed for cleaning annually, and shall be removed for repair or replacement when worn, torn, or faded. The City may require that street banners be alternated seasonally (3 to 4 times per year). Furthermore, Street banners shall be removed for repair or replacement when worn, torn, or faded.

H. Awnings and Canopies, and Outside Umbrellas.

1. As a design feature of any building, structure, or business establishment, all awnings and canopies, and outside umbrellas, shall be reviewed in the same manner as a sign, ensuring enhancement of the building or structure in which it is placed, erected, or installed.

2. Awnings and canopies that contain advertising shall be counted toward the total allowable signing for the business that it serves.

3. Umbrellas shall not contain advertising.

4. The use of backlit awnings and/or canopies shall be prohibited.

I. Accent Lighting.

1. As a design feature of any building, structure, or business establishment, all accent lighting shall be reviewed in the same manner as a sign, ensuring enhancement of the building or structure in which it is placed or installed. Accent lighting should be limited to confined areas, such as building entries, architectural features, or used to reinforce specific architectural elements, such as tower and cornice elements.

2. Accent lighting elements and luminaires placed directly on a building façade shall be shielded. Lighting elements and luminaires placed directly on a building façade so as to be directly exposed to public view, is prohibited.

J. Construction, Installation and Maintenance.

1. Construction. The construction and installation of signs shall be enforced and administered by the Building Official. All signs and advertising structures shall be designed and constructed to withstand wind loads, dead loads, and lateral forces as required by the City's Building Code and the provisions of this Division.

2. Identification. Every sign or other advertising structure hereafter erected in the City shall have an identifying number, name of erector, installation year and, if illuminated, the voltage plainly placed on the exterior surface of the sign body, in a location where the information is readily visible after erection and installation.

3. Illumination.

a. *General Requirements.*

(1) Signs with electrical components shall be constructed, inspected, and approved by the Underwriters Laboratory (UL), or equal, and a label of approval from the laboratory shall be affixed to the sign in plain view.

(2) Awnings with back-lighting are prohibited.

(3) Light sources (luminaires) used for externally illuminated signs shall not be visible within 100 FT of any residential zoning district. Internally illuminated signs visible from any residential zoning district shall not be illuminated between the hours of 11:00PM and 6:00AM, unless they identify an establishment open for business during those hours.

(4) Signs shall not have exposed fluorescent tubes or incandescent bulbs exceeding 15 watts, and the brightness of luminous or backlit signs shall not exceed 250 footlamberts (fl).

b. *Internally Illuminated Signs.* The illumination level of a sign shall be reduced if it is determined to be excessive as a result of City evaluation. Illumination shall be considered excessive if the illumination level:

(1) Is substantially greater than the illumination level of other nearby signs;

(2) Interferes with the visibility of other signs, or with the perception of objects or buildings in the vicinity of the sign;

(3) Directs glare toward streets or motorists;

(4) Adversely impacts nearby residents or residential neighborhoods;

and/or

(5) Reduces the nighttime readability of the sign.

c. *Externally Illuminated Signs.* The light source for externally illuminated signs shall be arranged and shielded to substantially confine all direct light rays to the sign face, and away from streets and adjacent properties.

4. Maintenance. All signs, together with their supports and appurtenances, shall be kept neatly painted and posted. The Zoning Administrator, Building Official, or Code Enforcement Director may order the removal of any sign that is not maintained in accordance with the provisions of this Division.

K. Political Signs.

1. Purpose.

a. The purpose of these political sign regulations is to identify the compatibility between the utilization of political signs, the protection of the right to privacy of individuals, and the quiet and undisturbed enjoyment of property.

b. It is recognized that there have been abuses in the placement of political signs within the City, including: [i] trespassing upon private property; [ii] placement of political signs without permission from the property owner; [iii] placement of political signs in such a fashion as to make it difficult to remove them; [iv] littering caused by dislodged political signs; [v] sight distance hazards to traffic due to sign size and location; [vi] distracting appearance; [vii] aesthetically displeasing impact; [viii] unnecessary proliferation; and [ix] other reasons, all of which are determined to be contrary to the best interests of the community, and in opposition to the public health, safety and welfare.

c. The reasonable regulation of political signs will obviate many of the objections that have been raised to the unregulated placement of such signs.

d. It is recognized that to the extent that placement of political signs is not contrary to the purposes stated herein, it is in the best interests of the City and its inhabitants to allow political expression, and, for that reason, it is but to avoid the total prohibition of such signs.

e. It is believed that responsibility for the placement of political signs should lie with the candidate for public office, the proponents and opponents of ballot measures, and the various political committees connected therewith. It is recognized that political signs are printed by, or at the direction of, those listed herein, and that the ultimate responsibility for the distribution of such signs and their placement lies with them.

2. Definition. The term "political sign," as used herein, means any election or nonelection sign, advertising structure, or display, which communicate any message or idea identifying, supporting, opposing, promoting, or conveying a position upon, or relating to, any political cause or issue, or candidate for public office, or proposition or issue connected with any local, special, state, or national election.

3. Political Sign Registration. Pursuant to BPC Section 5405.3, any candidate (or their designee) or the proponents of a ballot measure who seek to utilize political signs, shall first file a Statement of Responsibility with the Code Enforcement Department, on a City registration form. The registrant shall be responsible for removing the temporary political sign and may be required to reimburse the City for any cost incurred for temporary political sign removal.

4. Permitted Signs. Political signs, as herein defined, shall be permitted within any zoning district subject to compliance with all of the rules and regulations set forth in Paragraph K.5 (Regulations) herein.

5. Regulations.

a. No provision in this Development Code shall be so construed as to prohibit the placing of temporary political signs.

- b. No political sign shall be installed or displayed sooner than 45 days preceding the election for which the sign is intended.
- c. No political sign shall exceed 16 SF in total area, except that a double-faced sign, not exceeding 16 SF on each side, shall be permitted.
- d. No political sign shall exceed an overall height of 8 FT, except if such sign shall be within an enclosed building or structure.
- e. No candidate for public office, proponent or opponent of ballot measures, and/or any political committees connected therewith, shall post more than one political sign per lot or parcel.
- f. No political sign shall be lighted either directly or indirectly.
- g. No political sign shall be placed on private property, vacant or otherwise, without the permission of the owner of the property.
- h. No political sign shall be placed or affixed to a tree, fence, post, utility pole, or any structure, by glue, nails, or screws.
- i. No political sign shall be posted on any public property or in the public right-of-way.
- j. No political sign shall be placed within the right-of-way of any highway, or with 660 FT of the edge of, and visible from, the right-of-way of a landscaped freeway.
- k. No political signs shall be posted in violation of any other provisions of this Development Code.
- l. All political signs shall be removed within 10 days following the date of the election for which the sign was intended.

6. Removal of Illegally Placed Political Signs. The Building Official or Community Improvement Manager may cause the removal of any sign placed contrary to any provision of the Political Sign provisions contained herein (commencing with Subsection K (Political Signs) of this Section).

8.01.025: Design Guidelines

A. Introduction.

1. The following design guidelines are intended as a reference to assist the designer in understanding the city's goals and objectives for high quality sign design, construction, and placement throughout the city. These guidelines are intended to complement the mandatory standards contained in Section 8.01.020 (Sign Standards) of this Division, by providing good examples of potential design solutions and by providing design interpretations of the various mandatory requirements.

2. The design guidelines are general and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized during the city's review of a sign

program or sign plan to encourage the highest level of design quality, while at the same time providing the flexibility necessary to encourage creativity on the part of the designer. Nonetheless, unless there is a compelling reason, these design guidelines shall be observed.

B. General Guidelines.

1. Use a Brief Message. The fewer words used, the more effective the sign. A sign with a brief message is quicker and easier to read, looks cleaner and is more attractive. A sign should only include the name and/or nature of the business, and in addition to the name, may contain a maximum of three words describing the business or service provided.

2. Avoid Overly Intricate Fonts. Signs utilizing very intricate font styles are generally difficult to read and reduce a sign's ability to communicate effectively.

3. Avoid Faddish and Peculiar Fonts. Signs utilizing faddish or peculiar fonts may look good today, but soon go out of style. The image conveyed may quickly become that of a dated and unfashionable business.

4. Sign Colors and Materials. The colors and materials of a sign should be selected so that they contribute to sign legibility and design integrity. Even the most carefully thought out sign may be unattractive and a poor communicator because of poor color selection. Dayglow, fluorescent, and overly bright or loud colors should not be used.

5. Provide Contrast Between Background and Letters/Symbols. Use significant contrast between the sign's letter/symbol color and its background color. If there is little contrast in the hue (shade or tint) and intensity (brightness) between the background and letter/symbol colors, it will be difficult to read.

6. Avoid Too Many Different Colors. The use of too many different colors will overwhelm the basic function of communication. The colors compete with sign content for the viewer's attention. The limited use of accent colors can increase legibility, while large areas of competing colors tend to confuse and annoy.

7. Sign Placement. Generally, building wall and fascia signs should be located within the middle 75 percent of the building frontage, measured from tenant line to tenant line for multiple tenant buildings, and measured across the full width of the building elevation for single tenant buildings. The Zoning Administrator shall have the authority to modify this requirement where it can be shown that:

- a. The directed placement would severely limit proper sign placement; or
- b. The directed placement would be contrary to the sign placement approved by a Development Plan.

8. Proportion, Scale and Rhythm of Sign Placement. Signs should be placed consistent with the proportions and scale of building elements within a building's facade:

- a. A particular sign may fit well on a large, plain wall area, but would overpower the finer scale and proportion of the lower storefront.

b. Signs can be used to establish facade rhythm, scale, and proportion where such elements are weak in the building design. On buildings having a monolithic or plain facade, signs can be used to establish or continue appropriate design rhythm, proportion, and scale.

c. The proportion of letter area to sign background area should be carefully considered. If the letters take up too much of the background area, they may be harder to read — large letters are not necessarily more legible than smaller ones.

d. Generally, the characters that comprise a sign should not occupy more than 70 percent of the area of a sign's background.

9. Pedestrian Signs. Signs oriented to pedestrians should be smaller in scale. The pedestrian -oriented sign is usually read from a distance of 15 to 20 feet, whereas the vehicle-oriented sign is designed to be viewed from a much greater distance. The closer the sign's viewing distance, the smaller the sign needs to be.

10. Freestanding Signs. Freestanding signs should incorporate the materials and architectural features used in the building(s) they serve.

C. Building Wall and Fascia Signs.

1. Building wall and fascia signs should be compatible with the predominant visual elements of the building. Commercial centers and offices, industrial parks, business parks, and other similar facilities, are required to be part of a sign program in accordance with the provisions of Section 4.02.080 (Sign Programs) of this Development Code.

2. Where there is more than one sign for a business (e.g., single tenant buildings) or group of businesses (e.g., multiple tenant buildings, commercial centers, or business or industrial parks), all signs should be complementary to one another in the following ways:

- a. Type of construction materials (sign copy, supports, etc.);
- b. Letter size and style of copy;
- c. Method and design of sign support (wall mounting or monument base);
- d. Configuration of sign area; and
- e. Proportion of sign copy area to background.

3. Lighted signs, whether internally or externally illuminated, are permitted; provided, they are not harsh or overly bright. Can-type box signs with translucent backlit panels should not be used.

4. Signs with backlit or internally illuminated individual channel letters are strongly encouraged.

D. Freestanding Signs.

1. Freestanding signs are intended to provide identification for single-tenant buildings, multiple-tenant buildings, commercial offices and centers, and business and industrial parks. Signs for single-tenant buildings should include the street address of the business.

2. Signs for multiple-tenant buildings, commercial offices and centers, and business and industrial parks should display the range of business addresses for that development. The business address shall not be included in the sign area calculation.

3. Lighted signs, whether internally or externally illuminated, are permitted, provided they are not harsh or overly bright. Signs should consist of individual affixed to an opaque, matte finished background. The use of backlit (halo lighting) letters is strongly encouraged.

4. Freestanding signs should be placed perpendicular to approaching vehicular traffic.

5. Freestanding signs should be placed in landscaped planters of sufficient area, shape and design that will provide a compatible setting and ground definition to the signs.

6. Monument signs should be provided with a base, which measures from 12 to 18 inches in height, to accommodate the growth of landscaping around the sign base, without interrupting view of the sign face.

Division 9.01—Definitions

Sections:

- [9.01.000](#): Purpose
- [9.01.005](#): Applicability
- [9.01.010](#): Terms and Phrases
- [9.01.015](#): Acronyms and Abbreviations

9.01.000: Purpose

The purpose of this Division is to establish definitions for terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage.

9.01.005: Applicability

A. Unless otherwise apparent from the context, certain words, terms, phrases, abbreviations, and acronyms used in this Development Code are defined in this Division and are listed herein, in correct alphabetical order.

B. If any of the definitions in this Division conflict with definitions in other City codes and ordinances, such as the Ontario Municipal Code, or an adopted specific plan or planned unit development, these definitions shall control for the purposes of this Development Code. If a word is not defined in this Division, the Zoning Administrator shall be responsible for determining the correct definition.

C. Words used in the present tense include the future, words in the singular number also include the plural, and words in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

D. The word "shall," indicates a mandatory requirement, except as when used in connection with an action or decision of the City Council, or any City commission, board, or official; in which case, the word "shall" is directory only.

E. The word "may," is a permissive term, similar in context as the terms "might," "can," or "could."

F. Whenever used in this Development Code, the word "day" shall mean a calendar day.

9.01.010: Terms and Phrases

A. Definitions of Words Beginning with **the Letter "A."**

Abandonment of Use. The cessation of a land use by the owner without intent to transfer the land use to another or resume the land use within the time limitations specified in Division 3.01 (Nonconforming Lots, Land Uses, and Structures) of this Development Code.

Abatement. Reducing or eliminating the degree or intensity of a nuisance or other property-related problem.

Abutting. Having property line or zoning district boundaries in common; for example, two lots are abutting if they have property lines in common.

Access. A way of approaching or entering a property. "Access" includes ingress (the right to enter) and egress (the right to leave). In zoning and subdivision regulations, recorded lots are required to have direct access to a public street or highway, or to a private street meeting public standards. This guarantees entry by owners and emergency vehicles.

Accessory (Ancillary) Structure. A structure which is incidental or subordinate to the principal structure on the same site, or the use of which is incidental or subordinate to the use of the principal structure of the site. An accessory structure that is attached or joined to a principal structure and shares a common wall therewith or is attached by a roof, which extends the full width of the structure, creating a covered breezeway (a roofed, open passage connecting two buildings, such as a house and garage), shall be deemed a part of the principal structure.

Accessory (Ancillary) Use. The use of a structure or site, or a portion of a structure or site, which is incidental or subordinate to the principal (primary) use and is located on the same property as the principle use. An accessory use shall generally be considered less intensive as it relates to area, activity, and traffic generation.

Adult Business. A business in the form of an adult arcade, adult bookstore, adult mini-motion picture theater, class "D" cabaret, escort agency, massage establishment, nude model/figure studio, sexual encounter/rap studio or sexual novelty store, as defined in this section. This definition of adult business does not include those uses, businesses, or activities of licensed professionals who are otherwise exempt from classifications as a "massage establishment" pursuant to Section 5.03.275 (Massage Services) of this Development Code. For the purposes of the adult business regulations contained in Section 5.03.015 (Adult-Oriented Businesses) of this Development Code, the following definitions shall apply:

1) **Adult Arcade.** An establishment having coin-operated or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices that show images to one person per machine at any one time, and where the images so displayed are distinguished or characterized by depicting or describing "specified sexual activities," or "specified anatomical areas," as defined in this section.

2) **Adult Bookstore.** An establishment which has a substantial portion of its stock-in-trade (a minimum of 30 percent) and offers for sale for any form of consideration, any one or more of the following:

a) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis on "specified sexual activities" or "specified anatomical areas"; or

b) Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities," as defined in this section. This definition does not include such items customarily sold by a bona fide pharmacy.

3) **Adult Motion Picture Theater.** An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown to

an audience and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas.”

4) **Adult Mini-Motion Picture Theater.** An enclosed building with a capacity of less than 50 persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to “specified sexual activities” or “specific anatomical areas,” as defined in this section, for observation by patrons therein.

5) **Adult Theater.** A theater, concert hall, auditorium or other similar establishment, which, for any form of consideration, regularly features live performances which are characterized by the exposure of “specified anatomical areas” or by an emphasis upon the depiction of “specified sexual activities,” as defined in this section.

6) **Adult Video Store.** An establishment having up to 20 percent or more of its floor area trade in films, motion pictures, video cassettes or video reproduction or other visual representations which are distinguished or characterized by their emphasis on matter depicting or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this section, or any establishment devoted to the sale or display of such material.

7) **Class 'D' Cabaret.** A cabaret that features topless dancers, bottomless dancers, go-go dancers, strippers, male or female impersonators or similar entertainment.

8) **Nude Model/Figure Studio.** Any place where a person, who appears in a state of nudity or displays “specified anatomical areas,” is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any other form of consideration.

9) **Sexual Encounter/Rap Studio.** Any business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

b) Activities between male and female persons and/or persons of the same sex when “specified anatomical areas” of one or more of the persons are exposed or “specified sexual activities” as defined in this section occur.

10) **Sexual Novelty Store.** An establishment having as a portion of its stock-in-trade goods which are replicas of, or which simulate, “specified anatomical areas,” as defined in this article, or goods which are designed to be placed on “specified anatomical areas,” as defined in this article, to cause sexual excitement.

11) **Specified Anatomical Areas.** Any of the following:

a) Less than completely and opaquely covered:

i) Human genitals, pubic region;

ii) Buttocks;

iii) Female breasts below a point immediately above the top of the areola;

b) Human male genitalia in a discernible turgid state, even if completely and opaquely covered.

12) Specified Sexual Activities. Any of the following:

- a) Human genitals in a state of sexual stimulation or arousal;
- b) Acts of human masturbation, sexual intercourse, oral copulation, or sodomy;
- c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

Advertising Display Manufacture. A business establishment engaged in the commercial preparation, fabrication, construction or manufacture of a sign of any type.

Advisory Authority. A body, commission, committee, board or position listed in Table 2.02-1 (Review Matrix) of this Development Code, which is responsible for advising the Approving Authority on the appropriate action to take on [i] a land use or development entitlement, permit, or license; or [ii] other planning, zoning, or development action or decision, pursuant to Division 2.02 (Application Filing and Processing) of this Development Code.

Aesthetics. A term dealing with form, design, and/or quality of construction of a particular sign, building, site or structure, which presents a judgmental statement concerning the level of beauty or artistic value.

Affordable Housing. Housing that is economically feasible for persons whose income level is categorized as very low, low, or moderate within standards set by the California Department of Housing and Community Development or the United States Department of Housing and Urban Development.

Agenda. A document that specifies what will be discussed at a meeting of an Advisory, Approving or Appeal Authority (Reviewing Authorities). Agendas contain a brief, general description of each item the Reviewing Authority will be addressing. Members of the public may request that an agenda be mailed to them. Local agencies generally cannot discuss and make decisions on items that are not on the agenda (see GC Section 54950).

Alcoholic Beverage. Includes alcohol, spirits, liquor, wine, beer, brandy, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

Alcoholic Beverage Manufacturing. The manufacture or production of alcoholic beverages within the City of Ontario, by any person or entity properly licensed by the Department of Alcoholic Beverage Control of the State of California, which may include the sale or distribution of said products. Typical uses include breweries, distilleries, and wineries. Tasting rooms may be included in conjunction with the manufacturing activity.

Alcoholic Beverage Manufacturer. Any person or entity within the City of Ontario that is properly licensed by the Department of Alcoholic Beverage Control of the State of California, or any officer, director, employee, or agent of any such person or entity, which manufactures or produces alcoholic beverages.

Alcoholic Beverage Sales, Off-Sale. Establishments properly licensed by the Department of Alcoholic Beverage Control of the State of California (ABC), which sell alcoholic beverages of varying types, as allowed by the type of ABC license held by the establishment, for consumption off the premises in which they are sold. Typical uses include convenience markets, grocery stores, and liquor stores.

Alcoholic Beverage Sales, On-Sale. Establishments properly licensed by the Department of Alcoholic Beverage Control of the State of California (ABC), which sell alcoholic beverages of varying types, as allowed by the type of ABC license held by the establishment, for consumption on the premises in which they are sold. Typical uses include bars, brew pubs, nightclubs, wine bars, and restaurants that serve alcoholic beverages.

Alley. A public right-of-way that is permanently reserved as a secondary means of vehicular access to abutting property, which is improved by means of asphalt, concrete, decorative laid brick or block pavers, or other similar material providing all-weather access, and excluding loose materials, such as gravel, stone or slag.

Alter. To change, add to, or modify construction, use or occupancy.

Amortization. The process by which nonconforming uses and structures must be discontinued or made to conform to requirements of the current zoning ordinance at the end of a specified period of time.

Ancillary Use, Activity or Facility. A use, activity or facility that is incidental, supplementary, or otherwise subordinate to a primary permitted or conditionally permitted use, activity or facility.

Animal Hospital. A facility in which animals or pets are given medical or surgical treatment and care during the time of such treatment, and in which the boarding of such animals or pets is permitted incidental to their medical or surgical treatment and care.

Antenna. Any exterior transmitting or receiving device mounted on a tower, building structure, or alternative tower structure and used in communications, that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunication signals or other communication signals which transmit or receive radio signals. Antennas typically are either dish, panel or whip type structures.

Apartment. A residential dwelling unit within a multiple-family dwelling, which is available for lease for an extended period.

Appeal. When a person believes a decision was made in error, an appeal may be filed so that a higher decision-making body may be allowed to review the case.

Appeal Authority. A body, commission, committee, board, or position listed in Table 2.02-1 (Review Matrix) of this Development Code, which is responsible for acting on an appeal filed pursuant to Division 2.04 (Appeals) of this Development Code, regarding an action made on [i] a land use or development entitlement, permit, or license; or [ii] other planning, zoning, or development action or decision, pursuant to Division 2.02 (Application Filing and Processing) of this Development Code.

Approving Authority. A body, commission, committee, board, or position listed in Table 2.02-1 (Review Matrix) of this Development Code, which is responsible for approving, approving

with conditions, or denying [i] a land use or development entitlement, permit, or license; or [ii] other planning, zoning, or development action or decision pursuant to the provisions of Chapter 2.0 (Administration and Procedures) and Chapter 4.0 (Permits, Actions and Decisions) of this Development Code.

Architectural Element. The unique details and component parts that, together, form the architectural style of a building or structure.

Architectural Projection. A building feature that is mounted on, and/or extends from the surface of the building wall or façade, typically above ground level. Examples of architectural projections include balconies, bay windows, lighting fixtures, marquees, canopies, and other similar projections of a building.

Artisan, Small-Scale, and Micro Manufacturing. A facility where shared or individual tools, equipment, equipment, or machinery are used to manufacture specialty products on a small scale or in limited quantities (a single product or small batches of product). Products are typically manufactured by hand or with a restricted level of automation. Artisan small-scale and micro manufacturing activities include design, production, processing, printing, assembly, treatment, testing, repair, and packaging, as-well-as any incidental storage, retail, or wholesale sales and distribution. Typical small-scale and micro manufacturing activities include, but are not limited to, electronics, food products, nonalcoholic beverages, leather products, clocks and watches, jewelry, clothing/apparel, metal work, furniture and fine woodworking, glass, ceramics, paper and paper products, soaps, perfumes, and lotions, together with ancillary training and/or educational program activities. Artisan small-scale and micro manufacturing facilities are small in scale and utilize production methods using limited quantities of hazardous materials and hazardous waste production. Furthermore, artisan small-scale and micro manufacturing does not involve the use of large assembly lines, rather relying upon single workplaces or production cells that carry out production steps, until specific components or the whole product is completed. Artisan small-scale and micro manufacturing does not include agriculture, alcoholic beverage production or sales, restaurants and other eating places, or industrial activities deemed “heavy” in nature.

Automated Teller Machine (ATM). An electronic banking device, either freestanding or attached to a building, which dispenses and collects money from or to individual bank accounts. The terms “Automated Teller Machine” and “ATM” may be used interchangeably.

B. Definitions of Words Beginning with the Letter “B.”

Base Zoning District. The principal zoning district in which a lot or area is classified at the same time it is classified in a combined or overlay zoning district.

Bed and Breakfast Inn. A structure in which paying guests are lodged on an overnight basis, with breakfast served in connection with their lodging.

Beer. Any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof in water, and includes ale, porter, brown, stout, lager beer, small beer, and strong beer, but does not include sake (also known as Japanese rice wine). Beer aged in an empty wooden barrel previously used to contain wine or distilled spirits, shall be defined exclusively as “beer,” and shall not be considered a dilution or mixture of any other alcoholic beverage.

Beer Manufacturer. Any establishment properly licensed by the Department of Alcoholic Beverage Control of the State of California, which has facilities and equipment for the purposes of, and is engaged in, the commercial manufacture of beer.

Brandy Manufacturer. Any establishment properly licensed by the Department of Alcoholic Beverage Control of the State of California, which is engaged in the manufacture of brandy only, and not in engaged in the manufacture of any other distilled spirits.

Billboard. An outdoor advertising sign supported by posts or standards and braces set into the ground or attached to a building or other structure and containing advertising copy on the sign face not related to a use, structure or activity located on the same site.

Billiard Parlor. An establishment that provides more than 2 billiard or pool tables or has 50 percent or more of the public floor area devoted to the use of billiard or pool tables by the public for compensation, whether or not the use of billiard or pool tables constitute the primary use or an accessory or incidental use. The terms “Billiard Parlor” “Pool Hall” may be used interchangeably.

Block Face. The properties abutting on one side of a street and lying between the 2 nearest intersecting streets or nearest the intersecting street and railroad right-of-way, unsubdivided land, watercourse or City boundary.

Boarding House (Lodging House or Rooming House). A dwelling, other than a hotel, motel, residence inn, or other similar traveler accommodation, wherein one or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental or lease agreements, either written or oral, whether or not an owner, agent or manager is in residence. The terms “boarding house,” lodging house,” and “rooming house” may be used interchangeably.

Bona Fide Eating Place. A place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation, and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods that may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health. For the purpose of this definition, the term “meals” means the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement. Furthermore, the term “guests” means persons who, during the hours when meals are regularly served therein, come to a bona fide public eating place for the purpose of obtaining, and actually order and obtain at such time, in good faith, a meal therein. Nothing in this definition, however, shall be construed to require that any food be sold or purchased with any beverage.

~~**Boutique Manufacturing.** The custom production of high quality specialty products in limited quantities (a single product or small batches of product), by hand or with a restricted level of automation, such as ceramics, furniture and fine woodworking, amplifiers, leather goods, watches, jewelry, soaps, perfumes, and lotions, among others. Boutique manufacturing facilities are small in scale (not to exceed a GFA of 5,000 SF) and utilize production methods using limited quantities of hazardous materials and hazardous waste production. Furthermore, boutique manufacturing does not involve the use of large assembly lines, rather relying upon single workplaces or production cells that carry out production steps, until specific components or the whole product is completed.~~

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building Foundation. All dwellings and accessory structures shall be affixed to a permanent, continuous concrete or masonry foundation. The exterior building finish shall extend over the foundation, to within 6 inches of the adjacent finished grade.

Building Height. See "Height (of a building or structure)."

Building Official. The Building Official of the City of Ontario.

Bus. Any vehicle designed, used, or maintained: [i] to carry more than 15 persons, including the driver, or [ii] to carry more than 10 persons, including the driver, when it is used to transport persons for compensation or profit, or is used by a nonprofit organization (CVC Section 233).

Business Services. Services that are provided to business establishments in a support capacity, such as but not limited to duplicating, stenographic and messenger services.

C. Definitions of Words Beginning with the Letter "C."

Carport. An accessory structure or portion of a main structure, open on at least 2 sides, designed for the storage of motor vehicles.

Cattery. A place in which 4 or more cats over 4 months in age are kept.

Central Business District. The area of the City bounded by "H" Street on the north, Sultana Avenue on the east, Main Street on the south and Vine Avenue on the west.

Charitable Institution. An establishment engaged in the giving of foods, goods, financial assistance, or grants or offering services or other socially useful programs on a benevolent, non-profit basis.

City. The City of Ontario, a California municipal corporation.

City Attorney. The City Attorney of the City of Ontario, or his/her designee.

City Council. The City Council of the City of Ontario.

City Engineer. The City Engineer of the City of Ontario, or his/her designee.

City Manager. The City Manager of the City of Ontario, or his/her designee.

Clinic. An establishment where patients are admitted for outpatient examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not lodged overnight, excluding chemical dependency clinics.

Code Enforcement Director. The Code Enforcement Director of the City of Ontario, or his/her designee.

College (University). Establishments primarily engaged in furnishing academic courses and granting degrees at baccalaureate or graduate levels. The requirement for admission is at least a

high school diploma or equivalent general academic training. Instruction may be provided in diverse settings, such as the establishments or client's training facilities, educational institutions, the workplace, or the home, and through diverse means, such as correspondence, television, the internet, or other electronic and distance-learning methods. The training provided by these establishments may include the use of simulators and simulation methods.

The term "College" or "University" may include ancillary support services and facilities, which include, but are not limited to, student and/or faculty housing, bookstores and student stores, food services, healthcare services, social assistance services, performing arts facilities, and athletic facilities.

Collocate. Locating wireless telecommunications antennas and related equipment from more than one provider on a single site.

Commercial Center (Commercial Complex). A development within a commercial or mixed-use zoning or land use district, which consists of 2 or more buildings or a single building divided into 5 or more tenant spaces, constructed by a single developer or group of developers and designed to function as a single cohesive unit in terms of access, parking, landscaping, property and landscape maintenance, and architecture, regardless of the subsequent parcelization. The terms "commercial center" and "commercial complex" may be used interchangeably.

Commercial Recreation. An establishment, activity or use of a site or structure in which a fee is charged to provide space, services, or facilities for individual or group use in the pursuit of any recreational purpose.

Commercial Speech. Any message, the prevailing thrust of which is to propose a commercial transaction.

Commercial Vehicle. A vehicle that is used or maintained for the transportation of persons for hire, compensation, or profit (i.e., taxi or limousine), or is designed, used, or maintained primarily for the transportation of property (CVC Section 260).

Community Apartment. A development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon.

Community Care Facility. Any facility place or building that is maintained and operated to provide nonmedical residential care, day treatment adult day care or foster family agency services for children, adults, or children and adults, including but not limited to, the physically handicapped, mentally impaired incompetent persons and abused or neglected children, and includes the following, as defined by the California Community Care Facilities Act (HSC Section 1500 et seq.):

- 1) Residential care facility;
- 2) Adult day program;
- 3) Therapeutic day services facility;
- 4) Foster family agency;
- 5) Foster family home;

- 6) Small family home;
- 7) Social rehabilitation facility;
- 8) Community treatment facility;
- 9) Full-service adoption agency;
- 10) Noncustodial adoption agency;
- 11) Transitional shelter care facility; and
- 12) Transitional housing placement facility.

The term “Community Care Facility” is limited to those facilities places or buildings that are both subject to regulation by the State of California and actually licensed by the State of California. No facility place or building that may otherwise be regulated by the State of California, but which is not actually licensed by the State of California, shall be deemed a “Community Care Facility” for purposes of this title.

Community Noise Equivalent Level (CNEL). A scale for measuring noise activities that takes into account the sounds received at a point from all noise events causing noise levels above a prescribed value. Weighing factors are included which accord greater significance to noise events occurring during evening hours (7:00PM to 10:00PM), and even greater significance to noise events occurring at night (10:00PM to 7:00AM), than to noise events occurring during daytime hours (7:00AM to 7:00PM).

Compatibility. The characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict. The designation of permitted and conditionally permitted uses in a zoning district is intended to achieve compatibility. Some elements affecting compatibility include intensity of occupancy, as measured by dwelling units per acre; pedestrian or vehicular traffic generated; volume of goods handled; and environmental effects, such as noise, vibration, glare, air pollution, or radiation.

Conditionally Permitted Use. A land use that is allowed within a specified zoning district, subject to the approval of a Conditional Use Permit.

Conditional Use Permit. A zoning instrument used primarily to review the location, site development or operation of certain land uses. A conditional use permit is granted at the discretion of the Planning Commission or Zoning Administrator, and is not the automatic right of the applicant or landowner.

Condominium. A development consisting of an undivided common interest in a portion of real property, coupled with a separate interest in space within a residential, commercial or industrial building, called a unit, the boundaries of which area described on a recorded final map, parcel map, or condominium plan, in sufficient detail to locate the boundaries thereof. The area of these boundaries may be filled with air, earth, water, or any combination thereof, and need not physically be attached to land, except by easements for access and, if necessary, support.

Congregate Care Facility. A facility that provides communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services and

other support services appropriate for the residents. A “Congregate Care Facility” is subject to regulation by the State of California as a “Community Care Facility.”

Convalescent Home (Convalescent Hospital). See “Nursing Home.”

Convenience Store (Convenience Market or Mini-Market). A retail establishment, limited to a maximum size of 10,000 SF, offering for sale, prepackaged food products, household items, newspapers and magazines, and sandwiches/salads and other freshly prepared foods for off-site consumption. The terms “convenience store,” “convenience market” and “mini-market” may be used interchangeably.

County. The County of San Bernardino.

County Recorder. The recorder for the County of San Bernardino.

Covenant. A private legal restriction that places a burden on a parcel of land in favor of another parcel, which is recorded in the deed. Covenants are commonly used in the establishment of a subdivision to restrict the use of lots within the development, guarantee views and solar access, and guarantee access and maintenance of designated areas.

D. Definitions of Words Beginning with the Letter “D.”

Day. A calendar day.

Day Care Facilities. Day care facilities shall be defined as follows:

1) **Adult Day Care Facilities.** Facilities of any capacity that provide programs for frail, elderly and developmentally disabled and/or mentally disabled adults (persons 18 years of age and older) in a day care setting.

2) **Child Day Care Center.** A facility, other than an adult and family day care facility, providing non-medical care for children (persons less than 18 years of age) on less than a 24 hour per day basis, including infant care, pre-schools and extended day care for school-aged children.

3) **Family Child Day Care.** A home that regularly provides family day care, protection and supervision for 14 or fewer children (persons less than 18 years of age) in the provider's own home, for periods of less than 24 hours per day while parents or guardians are away, and includes the following:

a) **Small Family Day Care.** Provides family day care to 8 or fewer children, including those children under the age of 10 years who reside at the provider's residence; and

b) **Large Family Day Care.** Provides family day care for 7 to 14 children, inclusive, including those children under the age of 10 who reside at the provider's residence.

dBA. A number in decibels which is read from a sound level meter with the meter switched to its weighting scale labeled “A.” The number is an approximate measurement of the relative noisiness or annoyance level of common sounds.

Deck. An outdoor living area on a floor or platform that extends from a building, or may be freestanding, and which is no more than 2.5 FT above finished grade at any point. A deck is typically made of wood, or a composite wood material or vinyl.

Dedication. Property that is transferred from an owner to a public agency to be used for roads, parks, school sites or other public uses or facilities. Dedication requirements are typically imposed as a condition of a tentative map, parcel map or as a condition of development.

Deed Restriction. A private legal restriction on the use of land recorded in the deed. The restriction burdens or limits the use of the property in some way.

Density (Residential Density). A quantitative measure of the intensity with which residentially zoned land may be developed in terms of the minimum and maximum number of allowed dwelling units for each net acre of land. In calculating the allowed minimum residential density of a lot, if a fractional number results from calculations performed, the number shall be rounded up, to the higher whole number. In calculating the allowed maximum residential density of a lot, if a fractional number results from calculations performed, the number shall be rounded down, to the lower whole number.

Department Store. A retail store offering a full line of general merchandise items.

Development Advisory Board (DAB). A City panel, whose membership is established by resolution of the City Council, which is charged with the responsibility for the review and approval of certain classifications of development plans.

Development Agreement. An agreement duly entered into pursuant to GC Section 65864 et seq. of the State of California.

Development Code. The Development Code of the City of Ontario, including all text and maps, as may be amended from time to time.

Direct Access. Having unimpaired access to a public street over a front, side or rear property line adjoining a street.

Discount Store. A retail establishment that offers continually changing merchandise for sale at below market price, and has no regular stock, constant inventory, or standard supplier. Merchandise typically consists of discontinued items, stock over-runs, out of season merchandise, and one-time, large-lot purchases.

Discretionary Project. An activity that requires a public agency to exercise judgment in deciding whether or not to approve, conditionally approve, or deny a project.

Dish Antenna. A dish-like antenna used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.

Distilled Spirits. An alcoholic beverage obtained by the distillation of fermented agricultural products, and includes alcohol for beverage use, spirits of wine, whiskey, rum, brandy, and gin, including all dilutions and mixtures thereof.

Distilled Spirits Manufacturer. Any establishment licensed by the Department of Alcoholic Beverage Control of the State of California, who produces distilled spirits from naturally fermented materials or in any other manner.

Drive-Through (Drive-Thru). Outdoor service provided by a business establishment by means of a window counter for the purpose of accommodating persons in motor vehicles.

Drive Aisle. A privately owned vehicular access, 26 FT or less in width (excluding adjoining off-street parking spaces), which is improved by means of asphalt, concrete, laid brick or block pavers, or other similar material providing all-weather access, and excluding loose materials, such as gravel, stone or slag, which is needed for vehicular access to off-street parking facilities required by this Development Code, and may include emergency vehicle accesses provided pursuant to the Ontario Fire Code (Ontario Municipal Code Title 4, Chapter 4 (Fire Code)).

Drive, Private. The principal means of vehicular access through a master planned development project, minimum 24 FT in width (excluding adjacent off-street parking spaces), which is privately owned and improved by means of asphalt, concrete, laid brick or block pavers, or other similar material providing all-weather access, and excluding loose materials, such as gravel, stone or slag, and may include emergency vehicle accesses provided pursuant to the Ontario Fire Code (Ontario Municipal Code Title 4, Chapter 4 (Fire Code)).

Driveway. The necessary hard-surfaced area, improved by means of asphalt, concrete, laid brick or block pavers, or other similar material providing all-weather access, excluding loose materials, such as gravel, stone or slag, which is needed for vehicular ingress and egress to a garage, carport or other off-street parking designed pursuant to Division 6.03 (Off-street Parking and Loading) of this Development Code.

Dwelling. Any building, or any portion thereof, which is not an apartment hotel, hotel, motel and which contains one or more dwelling units or guest rooms used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied or which are occupied for living purposes. The classifications of “dwelling” are as follows:

1) Accessory Dwelling Unit (ADU). Refer to Section 5.03.010 (Accessory Residential Structures) of this Development Code.

2) Multiple-Family Dwellings. Two or more attached dwelling units, with each dwelling designed for occupancy by independent households. Multiple-family dwellings shall not include “second dwelling units.”

3) Single-Family Dwellings. A single detached dwelling unit designed and intended exclusively for occupancy by a single household. Single-family dwellings may be designed or arranged in a traditional development consisting of a single detached dwelling unit on a residentially zoned lot of record, or small lot and cluster developments consisting of two or more detached dwelling units, regardless of the number or configuration of lots. In either case, there may be some portion of the development owned in common by all residents.

4) Studio Dwelling. An apartment or condominium unit containing no more than one room and bath, and cooking facilities.

Dwelling Unit. One or more habitable rooms, which are designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities, and containing no more than one kitchen, provided within the same unit for the exclusive use of the household.

E. Definitions of Words Beginning with **the Letter “E.”**

Electronic Message Center. An advertising display where the message is changed more than once every two minutes, but no more than once every four seconds (BPC Section 5216.4).

Eligible Facilities Request. Has meaning as set forth in 47 CFR Section 1.6100(b)(3), or any successor provision.

Emergency Shelter. As defined in HSC Section 50801(e), “emergency shelter” means housing with minimal supportive services for homeless persons, which is limited to an occupancy of 6 months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Employee (Farmworker) Housing. Has the same meaning as defined in HSC Section 17008.

Equestrian Trail. A trail which is a segment of a planned trail system designed, improved, and intended to be used for horseback riding purposes and on which use by vehicles of any type, except for maintenance and service vehicles directly related to equestrian activities and public safety vehicles, is prohibited.

Escort Agency. A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

Exotic Pet. Any warm-blooded or cold-blooded animal of the biological kingdom Animalia, generally considered as wild, exotic, dangerous, or not normally domesticated. The term “exotic animal” does not include venomous reptiles.

F. Definitions of Words Beginning with **the Letter “F.”**

Façade. The exterior walls of a building exposed to public view or that wall viewed by persons not within the building. The primary facade is the exterior building face that is parallel to the front property line.

Family. One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.

Final Map. A map showing a subdivision of 5 or more parcels for which a tentative and final map are required by the Subdivision Map Act and this Development Code, prepared in accordance with the provisions of the Subdivision Map Act and this Development Code, and designed to be filed for recordation in the office of the County Recorder.

Flophouse. A flophouse offers very inexpensive lodging, generally by providing minimal services. Flophouse occupants generally share bathroom facilities and reside in quarters that are typically very small and may resemble office cubicles more than a room in a hotel or apartment building. Persons making use of this type of lodging are often transients.

Floor Area, Gross (GFA). The total area calculation of all floors **and mezzanines** of a building, measured to the outside face of the exterior walls, including hallways, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a clear height of at least 7 FT, but excluding area used exclusively for vehicle parking or loading. The GFA calculation also includes any usable area not provided with surrounding walls, which is under the horizontal projection of a roof or canopy, or floor above. **A GFA calculation shall not include mezzanine areas used as catwalks and platforms for conveyers, equipment, and related workstations.**

Floor Area, Net. The total area calculation of all floor areas and mezzanines of a building, measured to the inside face of the exterior walls, excluding stairwells, elevator shafts, equipment rooms, and all floors below the ground floor, except when used or intended to be used for human habitation or service to the public, and area used exclusively for vehicle parking or loading. A net floor area calculation shall not include mezzanine areas used as catwalks and platforms for conveyers, equipment, and related workstations.

Floor Area Ratio (FAR). Floor area ratio is used as a measure of the intensity of a site being developed, represented by the mathematical formula of dividing the gross floor area of the building (measured in SF) by the lot area of the same lot on which the building is located, to generate a ratio (expressed in a percentage) of building area to land area.

Frontage. The edge of a property that is adjacent to a public or private street, or main drive aisle through a common interest subdivision.

Fueling Stations. See “Gasoline Service Station.”

Funeral Director Services. The occupation or function of organizing funerals and funeral activities, and managing funeral establishments.

Funeral Establishment. A business with assembly facilities for the purpose of conducting observances for dead persons, such as viewing bodies, funerals, and memorial services. A funeral establishment does not include facilities for the preparation of the dead for burial or cremation.

Funeral Parlors (Mortuaries). Establishments with facilities for the preparation of the dead for burial or cremation, excluding establishments with facilities for viewing bodies and for funerals.

G. Definitions of Words Beginning with **the Letter “G.”**

Game Arcade. An establishment that has 50 percent or more of the public floor area devoted to the use of video games, pinball machines, computers, or other similar devices, which are available to the public for compensation. The devices may be used for gaming, internet access, e-mail, access to computer software programs, and other similar activities. “Game arcades” includes cyber cafes, on-line internet gaming, and other similar facilities.

Garage. An accessory structure or portion of a main structure enclosed on 3 or more sides and designed for the shelter or storage of motor vehicles.

Gasoline Service Station (Fueling Station, Gasoline (Gas) Station, or Service Station). A retail business engaged primarily in the sale of motor fuels, but also supplying goods and services generally required in the operation and maintenance of automotive vehicles and fulfilling motorist needs, including the sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; lubrication services; washing of automobiles as an incidental part of the business; performance of minor automotive repair, including engine tune ups, tire and battery replacement and brake replacement, but excluding painting, body work, steam cleaning or major repairs; and the supplying of other such incidental customer services, including limited food and sundry items. The terms “fueling station,” “gasoline station,” “gas station,” and “service station,” may be used interchangeably.

General Plan. The Policy Plan (General Plan) component of The Ontario Plan, which includes all adopted elements and maps, as it may be amended from time to time. The General Plan is the foundation for local land use planning, providing a vision for the foreseeable planning

horizon—usually 10 to 20 years—and translates it into goals and policies for the physical development of the community.

Geologically Hazardous Area. An area that may be affected by one or more of the geologic hazards discussed in the General Plan of the City.

Government Code. The Government Code of the State of California. If at any time any of the sections of the Government Code referred to in this Development Code are redesignated by a new number, such new number shall thereupon be deemed substituted for such old number wherever the same appears in this Development Code.

Grocery Store. A retail establishment with at least 12,000 SF of floor area devoted to the sale of prepackaged food products, household items, newspapers and magazines, and sandwiches/salads and other freshly prepared foods for off-site consumption.

Gross Vehicle Weight Rating. The weight that equals the total unladen weight of the vehicle, plus the weight of the heaviest load that can be safely transported on the vehicle, according to the vehicle manufacturer.

Group Home. A residential facility for 6 or fewer occupants, which serves children or adults with chronic disabilities (mental or physical) and is staffed 24 hours a day by trained caregivers.

Guesthouse. Living quarters within a residential structure, which may be attached to, or detached from, the main dwelling, and is for the sole use of occupants of the main dwelling and persons employed on the premises, or for temporary use by non-paying guests for a period not to exceed 90 days within any 120-day period. A guesthouse has no kitchen facilities and cannot be rented or otherwise used as a separate residence.

H. Definitions of Words Beginning with **the Letter “H.”**

Hardscape. A hard-surfaced area (e.g., driveways, patios, sidewalks, streets, walkways, water features, etc.), improved by means of asphalt, concrete, decomposed granite, laid block and/or brick, gravel, rock, slag, stone, and other similar materials, but excludes mulch.

Hazardous Waste. A waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of, or otherwise managed. Unless expressly provided otherwise, the term "hazardous waste" shall be understood to also include "extremely hazardous waste" (HSC Section 25117). The EPA has established four characteristics of hazardous waste that can be determined by tests:

- **Ignitability:** The ability to catch fire, or to burst into flame spontaneously or by interaction with another substance or material;
- **Corrosivity:** The ability to wear away or destroy other materials, including human issue;
- **Reactivity:** The ability to enter into a violent chemical reaction, which may involve explosion or flumes; and
- **Toxicity:** The ability to release certain toxic constituents when leached with a mild acid (33 USC Section 1321 (b)(2)(A)).

For the purposes of the hazardous waste regulations contained in this Development Code, the following definitions shall apply:

1) **Cement Kiln Incineration.** The burning of organic wastes as a supplementary fuel at very high temperature during the production of cement.

2) **Class "I" Land Disposal Facility.** A land disposal facility which must conform to the requirements of the State Water Resources Control Board for Class "I" units, and which must be located where natural geologic features provide optimum conditions for isolation of wastes from waters of the state. Currently, these facilities may accept solid and dry hazardous waste. After 1990, they will be precluded from accepting any untreated hazardous wastes.

3) **Class "II" Land Disposal Facility.** A land disposal facility that must be located where site characteristics and containment structures isolate wastes from the waters of the State. Class "II" land disposal facilities are suitable for wastes which have been granted a variance from Hazardous Waste Management requirements pursuant to 22 CCR Section 66310.

4) **Class "III" Land Disposal Facility.** A land disposal facility for nonhazardous waste, including garbage, trash, refuse, paper, ashes, etc., provided such wastes do not contain hazardous or designated wastes. Class "III" facilities must conform to the requirements of the State Water Resources Control Board as specified in CCR, Title 23, Division 3, Chapter 15, commencing with Section 2510, and must be located where site characteristics provided adequate separation between the waste and the waters of the State (also called municipal or sanitary landfill.)

5) **Deep Well Injection.** Subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension (22 CCR Section 66224).

6) **Disposal, Hazardous Waste.** Hazardous waste disposal shall be defined as follows:

a) The discharge, deposit, injection, dumping, spilling, leaking or placing of any waste so that the waste or any constituent of the waste is or may be emitted into the air or discharged into or on any land or waters, including groundwater, or may otherwise enter the environment;

b) The abandonment of any waste (HSC Section 25113).

7) **Hazardous Material.** A substance or combination of substances which, because of its facility, concentration, or physical, chemical or infectious characteristics, may either:

a) Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

b) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of or otherwise managed. Unless expressly provided otherwise, the term "hazardous material" shall be understood to also include extremely hazardous material (22 CCR Section 66084).

8) **Hazardous Substance.** Hazardous substances shall be defined as follows:

a) Any substance designated pursuant to States Environmental Protection Agency has taken action pursuant to 15 USC Section 2606;

b) Any element, compound, mixture, solution or substance designated pursuant to Section 102 of the Federal Act, 42 USC Section 9602;

c) Any hazardous waste having the characteristics identified under or listed pursuant to 42 USC Section 6921, but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by act of Congress;

d) Any toxic pollutant listed under 33 USC Section 1317(a);

e) Any hazardous air pollutant listed under 42 USC Section 7412;

f) Any imminently hazardous chemical substance or mixture with respect to which the Administrator of the United Procedure or Waste Extraction Test), or demonstrate toxicity in animal studies (22 CCR Section 66696 et seq.); and

g) Any hazardous waste or extremely hazardous waste as defined by HSC Section 25117 and HSC Section 25115, respectively, unless expressly excluded (HSC Section 25316).

9) **Hazardous Waste Facility.** Hazardous waste facility or facilities means all contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, or recycling of hazardous waste. A hazardous waste facility may consist of one or more treatment, transfer storage, resource recovery, or recycling hazardous waste management units, or combinations of these units (HSC Section 25117.1).

10) **Hazardous Waste Landfill.** A disposal facility, or part of a facility, where hazardous waste is placed in or on land that is not a land treatment facility, a surface impoundment or an injection well (22 CCR Section 66123). After 1990, the disposal of untreated hazardous waste, except solid clean up waste from existing contaminated sites in a landfill will be illegal (HSC Section 15179.6).

11) **Hazardous Waste Collection.** Establishments engaged in collecting and/or hauling hazardous waste within a local area.

12) **Household Hazardous Waste Collection Center.** A collection center that accepts household hazardous waste from residents, which consist of but not limited to, paint, waste oil, thinners, household cleansers, etc., with a capacity of less than 55 drums (equal to 3025 gallons) of waste;

13) **Incinerator.** An enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down hazardous waste, examples are a rotary kiln, fluidized bed liquid injection and a cement kiln;

14) **Land Disposal Facility.** Where hazardous waste is disposed in, on, under or to the land;

15) **Land Farming (Land Application, Land Spreading).** A treatment technique that involves spreading the waste on land and utilizing evaporation and microbial action to degrade the wastes. Used primarily for crude oil wastes;

16) **Off-Site Hazardous Waste Facility.** An operation involving handling, treatment, storage or disposal of hazardous waste at a site physically separate from the site where the waste was generated; at a site not owned by, or leased to the producer of the waste; or at a site which

receives hazardous waste from more than one generator. Also see “specified hazardous waste facility;”

17) On-Site Hazardous Waste Facility. An operation involving treatment and storage of hazardous waste on land owned by the waste producer, contiguous to the site of waste generation, which receives hazardous waste produced only by the generator;

18) Residuals Repository. A hazardous waste facility which accepts for disposal only treated hazardous waste, meets all applicable federal and state regulations, and holds a hazardous waste facility permit;

19) Specified Hazardous Waste Facility. An off-site hazardous waste facility that accepts disposal wastes from more than one producer of hazardous waste (HSC Section 25199.1(m)). For purposes of this Development Code, a household hazardous waste collection center with a capacity of less than 50 drums of waste is not considered a specified hazardous waste facility;

20) Storage Facility/Hazardous Waste. A hazardous waste facility at which hazardous waste is contained for a period greater than 96 hours at an off-site facility or for periods greater than 90 days at an on-site facility (HSC Section 25123.3);

21) Surface Impoundment. A facility or part of a facility that is a natural topographic depression, man-made excavation, or diked area, formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an accumulation of liquid wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds and lagoons (HSC Section 66200);

22) Transfer Stations. Any hazardous waste facility where hazardous wastes are located, unloaded, pumped or packaged (22 CCR Section 66212);

23) Transportable Treatment Unit. Hazardous waste treatment works which are designed to be moved either intact or in modules and which are intended to be operated at a given location for a limited period of time;

24) Treatment Facility. A facility at which hazardous waste generated in the City of Ontario is subjected to treatment or where a resource is recovered from a hazardous waste;

25) Waste Pile. Any non-containerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage (22 CCR Section 66160).

Height (of a Building or Structure). The vertical dimension of a building or any other type of structure measured from the lower of existing grade or finished grade elevation to the highest point of the roof, not including chimneys, antennas, or other appurtenant structures. The height of structures shall be measured vertically, from a line representing a horizontal plane drawn through either the base of the structure at the lowest elevation of the existing grade prior to development or finished grade of the structure, whichever is lower, to a line representing a horizontal plane drawn through the highest point of the roof or through the coping of a flat roof, the deck line of a mansard roof or the highest ridge of a sloping roof.

Historic Preservation. “Historic Preservation” refers to the treatment of historic places and sites. For the purposes of the historic preservation regulations contained in this Development Code, the following definitions shall apply:

1) **Alteration.** Any exterior change or modification, through public or private action, to the character-defining or significant physical features of properties affected by this Development Code, such as changes to or modification of a structure, architectural details or characteristics, rock curbs, the addition of new structures, cutting or removal of trees, and the placement or removal of significant objects, including but not limited to signs, plaques, light fixtures, street furniture, walls, fences, or steps, which affect the significant historical qualities of the property. This may also include any identified significant interior features of historic property.

2) **Certificate of Appropriateness.** A certificate issued by the Approving Authority approving plans, specifications, statements of work, and any other information that are reasonably required by the Approving Authority to make a decision on any proposed alteration, restoration, rehabilitation, construction, removal, relocation, or demolition, in whole or in part, or to an historic resource.

3) **Certificate of Economic Hardship.** A certificate authorizing work described in the accompanying Certificate of Appropriateness granted by the Approving Authority because of extreme financial privation or adversity.

4) **Certified Local Government.** A local government certified under a federal program by the State office of Historic Preservation for the purpose of more direct participation in federal and state historic preservation programs.

5) **Character-Defining Feature.** The man-made elements embodying style or components of an improvement, including but not limited to the kind and texture of the building materials, roof pitches, exterior wall finishes, and the type and style of all windows, doors, lights, signs, and other fixtures appurtenant to such improvement.

6) **Contributing Resource.** Any improvement, building, structure, sign, feature, tree, or other object adding to the historical, architectural or cultural significance of an historic district.

7) **Demolition.** Any act or process that destroys in part or in whole an individual historic resource or a structure within an historic district.

8) **Design Guidelines.** The principles contained in a document, which illustrate appropriate and inappropriate methods of rehabilitation and construction. The purpose of using design guidelines is to aid design and decision-making with regard to retaining the integrity of scale, design, intent, materials, feelings, patterns of development, and historic character of an historic resource.

9) **Designated Site.** A parcel or part thereof on which an historic resource is situated, and any abutting parcel or part thereof constituting part of the premises on which the Historical Resource is situated, and which has been designated a historic landmark or district.

10) **Historic Context.** A framework for interpreting history that groups information about historical resources sharing a common theme, geographical area, or chronology. The development of "historic context" is a foundation for decisions regarding the planning, identification, evaluation, registration, and treatment of historical resources based upon comparative historic significance.

11) **Historic District.** Any defined contiguous or noncontiguous grouping of properties that share a common theme and/or period of significance containing a concentration of

improvements which have a special historical interest or value, which possess integrity of location, design, setting, materials, workmanship, feeling, and association, or which represent one or more architectural periods or styles typical to the history of the City, and that has been nominated or designated a Historic District, or placed on the National Register of Historic Places or the California Register of Historical Resources.

12) **Historic Integrity.** The authenticity of a property's historic identity evidenced by the survival of physical characteristics that existed during the property's prehistoric or historic period. Historic integrity is the composite of seven qualities which include location, design, setting, materials, workmanship, feeling, and association.

13) **Historic Landmark.** Any singular Historical Resource that has been nominated or designated, or placed on the National Register of Historic Places, or the California Register of Historical Resources.

14) **Historic Resources.** Improvements, buildings, structures, signs, features, Historic Districts, conservation zones, trees, or other objects of cultural, architectural, or historical significance to the City, State, Region, or the Nation, which have been determined to be eligible for nomination or designation and determined to be appropriate for historic preservation by the Approving Authority.

15) **Historic Resources Survey.** A survey conducted to identify, record, and evaluate historic properties within a community, neighborhood, project area, or region. A reconnaissance level survey involves the preparation of a Primary Record form (or DPR523A) pursuant to standards established by the California Office of Historic Preservation. A Primary Record documents the location and physical description of a building, structure, object, or site. An intensive level survey involves the preparation of a Building, Structure, and Object (BSO) Record form (or DPR523B) pursuant to the standards established by the California Office of Historic Preservation. A BSO Record is used to evaluate and present detailed information about buildings, structures and objects. The intensive level survey will also evaluate areas or neighborhoods for historic significance and a DPR523D form will be prepared.

16) **Improvement.** Any building, structure, fence, gate, tree, wall or other specified object constituting a historical physical feature of real property, or any part of such feature.

17) **Local Historic Status Codes.** A classification system that identifies historic resources based on the level of evaluation and designation for which the property has been approved.

18) **Mills Act Contract.** A property contract entered into between the City and a property owner that provides a potential for lower property taxes in return for the rehabilitation, restoration and preservation of a qualified historical property pursuant to GC Section 50280 et seq.

19) **Noncontributing Resource.** Any improvement, building, structure, sign, feature, tree or other object that does not add to the historical, architectural or cultural significance of a district.

20) **Object.** A material thing of historical, cultural or architectural value.

21) **Ontario Register.** A list that includes historic resources that have been surveyed at the intensive level (DPR523A and DPR523B) and determined to be eligible for local, state, or national through a regulatory process. This includes "determined eligible," "designated," and "nominated" properties. Historic Preservation Subcommittee maintains the Ontario Register.

22) Ordinary Maintenance and Repair. Any work, for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration of or damage to a structure or any part thereof and to restore the same, to its condition prior to the occurrence of such deterioration or damage.

23) Period of Significance. The length of time when a property was associated with important events, activities, or persons, or attained the characteristics which qualify it for listing in the Local, State, and/or National Register.

24) Preservation. The identification, study, protection, restoration, rehabilitation, or acquisition of Historical Resources.

25) Secretary of the Interior Standards for Rehabilitation. The guidelines prepared by the National Park Service for Rehabilitating Historic Buildings and the Standards for Historic Preservation Projects prepared by the National Park Service with Guidelines for Applying the Standards.

26) Statement of Significance. An organizational format which groups information about related historical resources based on theme, geographic units, and chronological period. The information should describe why the resource is significant within a relevant historic context.

27) Significant Feature. The man-made elements embodying style or components of an improvement, including but not limited to the kind and texture of the building materials, and the type and style of all windows, doors, lights, signs, and other fixtures appurtenant to such improvement.

28) State Historic Building Code. HSC Part 2.7 (commencing with HSC Section 18950), and the regulations promulgated thereunder, as they may be amended from time to time (24 CCR, Part 8).

Home Occupation. An occupation conducted by the occupant of a dwelling as a secondary use in which there is no display, no stock-in-trade, no commodity sold on the premises, no person employed other than residents of the dwelling, and no mechanical equipment used, except for that necessary for housekeeping purposes.

Hotel. A lodging facility, which offers transient accommodations at a daily rate, to the general public, and which may provide additional services, such as restaurants, meeting rooms and recreational facilities.

Household. One or more individuals occupying a single dwelling, with common access to and use of all living, eating, and kitchen facilities within the dwelling.

Household Pet. A small, domesticated animal, normally allowed access to the house or yard, kept for company, security or pleasure, limited to any combination of dogs, cats, potbellied pigs, rabbits, chinchillas, and other small, domesticated animals that are maintained for non-breeding purposes only.

Human Signs. A sign held by, or attached to, a human for the purpose of advertising or otherwise attracting attention to an individual, or a business, commodity, service, or product, and includes the use of a person dressed in costume for the purpose of advertising or attracting attention to an individual, business, commodity, service, or product. A "human sign" may also be referred to as a human billboard, human directional, sign walker, sign waver, or sign twirler.

I. Definitions of Words Beginning with **the Letter “I.”**

Immediate Neighborhood. The block in which the subject property is located, as well as the opposite block face along the same street.

Improvement. Any street work and utilities to be installed, or agreed to be installed, by the subdivider on land to be used for public or private streets, highways, driveways, drive aisles and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic, and drainage needs as a condition precedent to the approval and acceptance of the final tract map. Furthermore, the term shall mean any other specific improvement or type of improvement, whether public or private, the installation of which, either by the subdivider, public agencies, private utilities, any other entity approved by the local agency, or by a combination of such, which is necessary to ensure consistency with or implementation of the general plan or any applicable specific plan.

Industrial Clinic. Establishments of independent healthcare practitioners providing services to businesses and their employees, which are engaged in: [i] providing physical therapy services to patients with impairments, functional limitations, disabilities, or changes in physical functions and health status, which are a result of injury, disease or other causes received while on-the-job, or who require prevention, wellness or fitness services; [ii] planning and administering educational, recreational, and social activities designed to help patients or individuals with disabilities, regain physical or mental functioning or to adapt to their disabilities; and [iii] diagnosing and treating speech, language, or hearing problems.

Industrial Park (Industrial Complex). A development within an industrial zone or land use district, which consists of 2 or more buildings constructed by a single developer or group of developers, and designed to function as a single cohesive unit in terms of access, parking, landscaping, property and landscape maintenance, and architecture, regardless of the subsequent parcelization. The terms "industrial park" and "industrial complex" may be used interchangeably.

In-Lieu Fee. A cash payment that may be required of an owner or developer as a substitute for the dedication of land or the construction of public improvements.

Interim Use. A use of land or a structure that is less than permanent, with the duration of the use subject to City approval.

Institutional Use. A privately operated use of a semi-public type, such as a church, convent, monastery, day care facility or hospital, nursing home, hospice facility, club or lodge, philanthropic or charitable foundation, nonprofit library, art gallery, museum, or similar type of establishment.

J. Definitions of Words Beginning with **the Letter “J.”**

Junior College. Establishments primarily engaged in furnishing academic, or academic and technical, courses and granting associate degrees, certificates, or diplomas below the baccalaureate level. The requirement for admission to an associate or equivalent degree program is at least a high school diploma or equivalent general academic training. Instruction may be provided in diverse settings, such as the establishments or client's training facilities, educational institutions, the workplace, or the home, and through diverse means, such as correspondence, television, the internet, or other electronic and distance-learning methods. The

training provided by these establishments may include the use of simulators and simulation methods.

K. Definitions of Words Beginning with the Letter “K.”

Kennel. A place in which 4 or more dogs over 4 months in age are kept.

Kiosk. A small, freestanding lightweight structure less than 150 SF in area, sometimes open on one or more sides. Kiosks are often used as a newsstand or for small-scale merchandising.

Kitchen. A room or portion of a room in a structure, which is used for the purposes of preparing meals and contains the necessary cooking or food preparation facilities (and may include a microwave oven or hot plate), and shall also be equipped with a sink and hot and cold running water.

L. Definitions of Words Beginning with the Letter “L.”

Lane (Alleyway). The principal means of vehicular access to one or more abutting dwellings within a townhouse, rowhouse, or cluster development, which is not intended for through access and is privately owned and improved by means of asphalt, concrete, laid brick or block pavers, or other similar material providing all-weather access, excluding loose materials, such as gravel, stone or slag. The terms "lane" and "alleyway" may be used interchangeably.

Landscaped Area. The unpaved portion of a site containing planted areas and plant materials, including trees, shrubs, lawns and flowers and ground cover, together with such decorative elements as walkways, benches, patios, terraces, water features, and the like, suitable for ornamenting a site or structure, or use on the site. Landscaping may also include non-plant decorative material as an intended complementary aspect of a landscape design, such as:

- 1) Public art installed pursuant to Division 6.07 (Public Art) of this Development Code;
- 2) Decorative fountains, reflecting pools, and ponds;
- 3) Decorative rock, stone, bark, mulch, and other similar decorative materials installed for the purpose of reducing the need for the watering of plant material, and which does not cover more than 5 percent of the total landscaped area; and
- 4) Trellises, porticos, arbors, and other similar garden structures, which do not exceed 6 FT in width, 3 FT in depth, and 8 FT in height.

Live Entertainment. Any live performance, including, but not limited to, all forms of music, theatrical or comedic performance, song, dance, karaoke, or vocal entertainment by a disc jockey (DJ) or announcer, in which one or more employees, independent contractors, guests, customers, or any other individual participates. Live entertainment shall also include dancing by patrons to live or recorded music.

Live entertainment shall not include ambient or incidental music provided for guests or patrons by one nonamplified musician, or the use of a radio, television, or other electronic playback device in any establishment, except when utilized by an announcer, DJ, master of ceremony (MC), or presenter, who at any time provides any form of vocal or visual entertainment for the purpose of gaining the attention and interest of, or diverting or amusing, guests or patrons, including the announcing of song titles or artists' names.

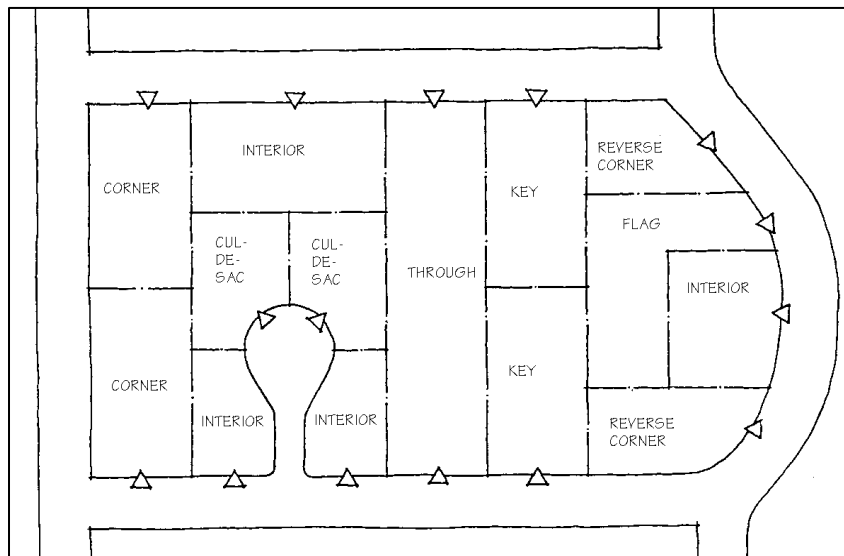
Living Area. The interior habitable area of a dwelling unit, including improved basements and attics, but does not include a garage or accessory structure.

Loading Area. The portion of a site developed for the loading or unloading of motor vehicles or trailers, including loading spaces, drive aisles and driveways.

Lodging Facility. An establishment that provides transient sleeping accommodations for rent.

Lodging House. See “Boarding House.”

Lot. A unit or portion of land, separate from other units or portions by description, as shown on a final map or by other such map or instrument approved by the City or applicable government entity under the provisions of the Subdivision Map Act (commencing with GC Section 66410) and City ordinances in effect at the time of such approval, for the purpose of sale, lease, or financing. The classifications of “lot” are described as follows (see examples below):



Lot Types

- 1) Corner. A lot located at the intersection of 2 or more streets.
- 2) Cul-De-Sac. A lot located on the turning end of a dead-end street.
- 3) Flag. A lot having access to a street by means of a private driveway access easement, or parcel of land not meeting the requirements of this Code for lot width but having a dimension of at least 20 FT at its narrowest point.
- 4) Interior. A lot other than a corner lot.
- 5) Key. The first interior lot to the rear of a reversed corner lot.
- 6) Reverse corner. A corner lot, the side of which on a street side is substantially a continuation of the front property line of the first lot to its rear.

7) Through. An interior lot having frontage on 2 parallel or approximately parallel streets.

Lot Area. The area within the property lines of a lot or parcel, exclusive of any dedications for public rights-of-way, parks, school sites or other public dedications.

Lot Area, Adjusted Gross. The gross lot area, excluding public highways, streets, alleys, and other public rights-of-way, and non-buildable easements for public utilities, railroads, and private streets.

Lot Area, Gross. ~~Shall mean:~~ The entire area within the boundaries of a lot or parcel, measured to the centerline of adjoining alleys, highways or streets or to the underlying fee ownership of such adjoining alleys, highways or streets, whichever is applicable.

Lot Area, Net. A unit of land measure, not including the area within the established right-of-way of a public or private street or railroad, or any other area dedicated or required to be dedicated in the future for a public use.

Lot Coverage. The area devoted to principal and accessory structures on a lot, including patios enclosed on 3 sides, garages, and covered parking.

Lot Depth. The horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines.

Lot Line. The lines bounding a lot (also see “Property Line”). The classifications of “Lot Line” are as follows:

1) Front. The line separating the narrowest street frontage of a lot from a public or private street right-of-way.

2) Interior side. Any lot line that is not a front or rear lot line, and that does not border a public or private street right-of-way.

3) Rear. The lot line opposite and most distant from the front lot line. In the case of an irregularly-shaped lot, a straight line shall be drawn within the lot most nearly parallel to and the maximum distance from the front lot line

4) Street side. Any lot line that is not a front or rear lot line, and which abuts a public or private street right-of-way.

Lot Line Adjustment. A boundary realignment between 2 or more adjoining lots that are legally recognized and under the same or different ownership, where land taken from one lot is added to an adjacent lot, and where a greater number of lots other than originally existed is not thereby created. A lot line adjustment shall not result in the adjustment (moving) of more than 4 lot lines.

Lot Width. The horizontal distance between the side property lines of a lot, measured in a straight line in the mean direction of the front property line, at the minimum front yard setback line of a lot.

M. Definitions of Words Beginning with the Letter “M.”

Maintenance. Repair work or upkeep on a structure, including painting, carpentry, glazing, and the reinforcement or replacement of defective parts, including roofs, foundations, structural members, and the like, but not including an addition, enlargement, or replacement of the structure.

Manufactured Home. A structure designed for single-family residential use that is factory made and is fully or partially assembled on the site of ultimate use, as permitted by Federal laws and the State of California.

Manufacturing. A use engaged in the manufacture, primarily from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental processing of extracted raw materials.

Marijuana. All parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include:

1) Industrial hemp, as defined in Section 11018.5 of the California Health & Safety Code; or

2) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

Marijuana Cultivation. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

Marijuana Dispensary. Any association, cooperative, club, coop, delivery service, collective and any other similar use involved in the sale, exchange, bartering, giving away for any form of compensation whatsoever, possession, cultivation, use and/or distribution of marijuana.

Massage. Any method of treating the external parts of the body for remedial, health or hygienic purposes, by means of pressure on or friction against; or stroking, kneading, rubbing, tapping, pounding; or stimulating the external parts of the body with the hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances; or with or without supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice and shall include herbal body wraps.

For the purposes of the Massage regulations contained in the Development Code, the following definitions shall also apply:

1) **Chair Massage.** Any massage of the neck, arms, shoulders, hands, feet and back area above the waist, where the client is fully clothed, sitting upright in a chair, and done without the use of supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations.

2) **Massage Establishment.** An establishment having a fixed place of business where any person, association, firm, partnership, or corporation engages in, conducts, or carries on, or permits to be engaged in, conducted, or carried on, any business of giving massage, baths, administration of fomentation, electric or magnetic treatments, alcohol rubs, or any other type of

system for treatment or manipulation of the human body, with or without any character of bath, such as Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, fomentation, or any other type of bath.

Master Plans. A term used to describe a process that determines community goals and aspirations in terms of community development. The outcome of comprehensive planning is the Master Plan (also referred to as the “comprehensive plan”), which dictates public policy in terms of transportation, utilities, land use, recreation, public safety, and housing. Master plans typically encompass large geographical areas, a broad range of topics, and cover a long-term timeframe.

Material Recovery Facility. A facility that receives, processes and recycles municipal mixed solid wastes, commercial high-grade wastes (such as corrugated cardboard, newspaper, mixed papers, etc.), construction debris, commingled recyclable materials, and green waste, and ships recovered recyclables and residual solid waste to market or disposal destinations. These facilities typically include:

- 1) Materials handling, sorting, processing and compacting equipment and facilities;
- 2) Shipping/hauling of sorted materials, either by truck or rail;
- 3) Administrative functions, such as office, employee and training areas;
- 4) Weighing of vehicles and collection of fees; and
- 5) Maintenance of vehicles and equipment used in conjunction with the facility.

Medical Marijuana Dispensary. Any association, cooperative, club, coop, delivery service, collective and any other similar use involved in the sale, possession, cultivation, use and/or distribution of marijuana for medicinal purposes.

Menu Board. A permanently mounted sign displaying the bill of fare of a drive-in, drive-through or walk-up restaurant.

Metal Salvage Yards. An establishment that collects and utilizes scrap metal for use as salable products.

Mezzanine. A second level, internal to a building or unit, composed of permanent or modular construction that adds usable square footage to a unit.

Mixed-Use Development. The development of a tract of land, building, or structure, which includes residential land uses in conjunction with a variety of complementary uses, such as, but not limited to, office, manufacturing, retail, public, or entertainment, in an integrated development project with significant functional interrelationships and a coherent and cohesive physical design.

Mobile Home. Same as “Manufactured Home,” but subject to the National Manufactured Housing Construction and Safety Standards Act of 1974.

Mobile Home Park. A development designed exclusively for the placement of mobile homes on spaces or lots offered for sale, lease, rent or condominium ownership, including all improvements, buildings, structures, recreational areas, or other facilities for the use of the residents of such development, but not including any sites or spaces available on a transient basis.

Mobile Recycling Unit. An automobile, truck, trailer or van, licensed by the California Department of Motor Vehicles, which is used for the collection of recyclable materials. This definition encompasses bins, boxes or containers transported by trucks, vans or trailers and used for the collection of recyclable materials. Mobile units shall not be visible from Euclid Avenue.

Monopole. A structure composed of a single spire used to support communications equipment.

Motel. A lodging facility that offers transient accommodations at a daily rate, to the general public, which are predominantly accessed from parking lots or exterior walkways.

Motorhome. A motor vehicle originally designed or permanently altered and equipped for human habitation.

Motor Truck. A motor vehicle designed, used, or maintained primarily for the transportation of property, which has two or more axles and a gross vehicle weight rating (GVWR) of more than 10,000 pounds (CVC Section 410).

Mortuaries. See “Funeral Parlors.”

Mulch. A layer of organic material derived from plants (e.g., compost, leaf mold, peat, shredded bark, wood chips, etc.), which is applied to the surface of an area of soil to conserve moisture, improve the fertility and health of the soil, reduce weed growth, and enhance the visual appeal of the area. Nonstabilized decomposed granite or gravel may be used with appropriate California native landscapes.

Multiple Tenant Building. A building wherein two or more separate and independently owned, rented, leased, or operated commercial occupancies are contained.

Municipal Utility. A utility owned and operated by an agency of local government.

Mural. An original, noncommercial work of art that is displayed by being painted directly on, or being affixed directly to, the exterior wall of a building or structure, and which is clearly intended as a decorative or ornamental feature. Murals do not contain text, numbers, registered trademarks, registered logos, or business or service advertising or identification.

N. Definitions of Words Beginning with **the Letter “N.”**

Neighborhood Convenience Facility. A retail establishment offering for sale, any prepackaged food products or household items, newspapers or magazines, salads or sandwiches, or other freshly prepared foods, for consumption off the premises.

Noncommercial Speech. Any message that is not determined to be commercial speech as defined in this Division.

Nonconforming Structure. A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to a zoning ordinance, but which fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of the zoning district.

Nonconforming Use. A use or activity which was lawful prior to the adoption, revision, or amendment to a zoning ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

Nonprofit Social Service Organization. An organization that is incorporated under State law and has an unpaid board of directors, and which provides social services on a non-resident basis to the public, on an ability-to-pay or non-fee basis.

Nuisance. Anything that is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use in the customary manner of any public park, street, sidewalk, alleyway, highway or other public easement is a nuisance. The classifications of nuisance are as follows:

1) **Private Nuisance.** A private nuisance is an interference with a person's enjoyment and use of their land, recognizing that landowners, or those in rightful possession of land, have the right to the unimpaired condition of the property and to reasonable comfort and convenience in its occupation.

2) **Public Nuisance.** A public nuisance interferes with the public as a class, not merely one person or a group of citizens; however, some nuisances can be both public and private in certain circumstances where the public nuisance substantially interferes with the use of an individual's land.

3) **Attractive Nuisance.** An attractive nuisance is alluring or fascinating to those persons, who, because of their age, inexperience, and/or mental capability, are unable to recognize its dangerous quality.

Nuisance Vegetation. Weeds and wild grasses, such as those commonly known as foxtails, tumbleweeds, devil thorns, puncture vines, horehound gourd vines, and other similar grasses and weeds.

Nursery School. See "Child Day Care Facility."

Nursing Home (Convalescent Home (Hospital), Rest Home, or Rehab (Rehabilitation) Facility). A lodging and care facility for convalescents, invalids, or aged persons, not including persons suffering from contagious or mental diseases, alcoholism, or drug addiction, and in which surgery is not performed and primary treatment, as given in hospitals or sanitariums, is not provided. The terms "Nursing Home," "Convalescent Home," "Convalescent Hospital," "Rest Home," or "Rehab Facility" may be used interchangeably.

O. Definitions of Words Beginning with the **Letter "O."**

Office Building. A building containing two or more separate, independently owned, rented, leased, or operated commercial, administrative or support services, or professional tenants, in which the primary access to the lease area of each occupant is from the interior of the building (from a lobby or foyer), as opposed to direct access from a street or parking lot.

Open Space. Any lot or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring the open space. Open space does not include area covered by buildings or accessory structures (except recreational

structures), paved areas (except recreational facilities), proposed and existing private and public streets, drive aisles, or driveways. The classifications of open space are as follows:

1) **Common.** Open space within an area owned, designed, and set aside for use by all occupants of a development, or the occupants of a designated portion of a development. Common open space is not dedicated to the public and is owned or maintained by a private organization made up of the open space users. Common open space includes common recreation facilities, open landscaped areas, and greenbelts, and excludes streets, drive aisles, driveways, parking lots and other similar pavement areas, parkways, and landscaping within a public right-of-way.

2) **Private.** Open space directly adjoining a dwelling, which is intended for the private enjoyment of the occupants of the dwelling. For multiple-family dwellings, private open space includes area within private patios or balconies. For single-family dwellings, private open space includes front, rear, and side yard areas of individual lots.

Overlay District. A zoning district established by this Development Code that may be applied to an area or vicinity only in combination with a base zoning district.

Owner. Any person in possession, or any person(s) shown as owner(s) on the last equalized property tax assessment rolls.

P. Definitions of Words Beginning with the Letter "P."

Passenger Vehicle. Any motor vehicle, unless the vehicle is used for the transportation of persons for hire, compensation, or profit.

Patio. An outdoor living area constructed at ground level, which may extend from a building or may be freestanding. Patios may or may not have covers or roofs, can take on any shape, and may be constructed of a variety of materials, including concrete, brick, stone, gravel, pavers, flagstone, or other similar materials.

Patio, Covered. A patio with a shade structure, consisting of a roof and structural supports.

Patio, Enclosed. A patio area, consisting of a roof and vertical walls on up to 3 sides which are a minimum of 65 percent open. For the purpose of this definition, the term "open" may include the use of screen material and/or plexiglass, or other similar material. An enclosed patio shall not include any portion of a building that is habitable, as defined in the Uniform Building Code.

Parcel Map. A map that is designated to be placed on record with the office of the County Recorder for any subdivision creating 4 or fewer lots, or 5 or more lots if the subdivision complies with the provisions of GC Section 66426.

Parking Area. A site, or a portion of a site, devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and related landscape and screening areas.

Parolee, Federal. An individual convicted of a federal crime, sentenced to a United States federal prison, and received conditional and revocable release in the community under the supervision of a Federal parole officer.

Parolee, State Adult. An individual who is serving a period of supervised community custody, as defined in PC Section 3000, following a term of imprisonment in a state prison and is under the jurisdiction of the California Department of Correction, Parole and Community Services Division.

Parolee, Youth Authority. An adult or juvenile individual sentenced to a term in the California Youth Authority and received conditional and revocable release in the community under the supervision of a Youth Authority parole officer.

Pavement (Paving). An area improved by the laying or covering with a material, such as asphalt, concrete, laid brick or concrete block, so as to form a substantially flat, hard, and level all-weather surface. The terms “pavement” and “paving” may be used interchangeably.

Personal Property Donation Bin. An unattended canister, bin, box, receptacle, or similar device used for soliciting and collecting donations of personal property.

Personal Services. Services of a household or personal nature, such as dry cleaning, apparel repair, beauty and barbershops, but not including adult businesses as defined in this article.

Philanthropic Institution. See “Charitable Institution.”

Pickup Truck. A motor truck with a manufacturer's gross vehicle weight rating (GVWR) of less than 11,500 pounds and an unladen weight of less than 8,001 pounds, which is equipped with an open box-type bed less than nine feet in length. The term “pickup truck” does not include a motor vehicle otherwise meeting the aforementioned definition, which is equipped with a bed-mounted storage compartment commonly called a “utility body” (CVC Section 471).

Place of Worship. See “Religious Assembly.”

Planned Development. A development, other than a condominium or stock cooperative, having a common area owned by a property owner association, or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.

Planned Residential Development. A residential development on a site under one ownership or under the legally incorporated control of the individual owner-members, approved in conjunction with a subdivision, developed as a single entity, allowing a mix of dwelling types and individual parcels, and containing commonly owned open space and recreation areas.

Planning Commission. The Planning Commission of the City of Ontario.

Planning Director. The Planning Director of the City of Ontario, or his/her designee.

Political Sign. Any election or non-election sign, advertising structure, or display that communicate any message or idea identifying, supporting, opposing, promoting, or conveying a position upon or relating to any political cause or issue, or candidate for public office, or proposition or issue connected with any local, special, state, or national election.

Pool Hall. See “Billiard Parlor.”

Prezoning. The classification of unincorporated territory adjoining a City into one or more City zoning districts.

Primary Use, Activity or Facility ~~Building or Structure. A building or structure housing use, activity or facility that is the principal or main use, activity or facility on a site, or functioning as the principal or main land use.~~ The principal or main use, activity, or facility of land, buildings, or other structures.

Primary Business Activity. The principal concern or interest of a business, based upon volume of business activity, gross receipts, and gross floor area devoted to business activity, in order of rank or importance.

Property Line. A line of record, which bounds a lot, and which divides a lot from another lot, a public or private street, or from any other public or private space (also see “Lot Line”).

Public Nuisance. A nuisance that affects at the same time, an entire community or neighborhood, or any large number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Public Service Installation. Buildings and other structures and equipment owned and/or operated by an agency of local, state or federal government.

Public Storage. See “Mini Warehouse.”

Public Right-of-Way. Any public street, alley, sidewalk, street island, median, or parkway that is owned or granted by easement, operated, or controlled by the City.

Public Utility Installation. Buildings and other structures and equipment owned and operated by a public utility or private utility company subject to the regulation of the Public Utility Commission of the State.

Public View. Observable or likely to be observed by a person positioned on publicly or privately owned property, at a location to which the public have unfettered access.

Q. Definitions of Words Beginning with the Letter “Q.”

Reserved

R. Definitions of Words Beginning with the Letter “R.”

Recognized Lot. Any lot that was a separate lot of record on November 5, 1947, as shown in the official records of the County Recorder, or any lot that was created after July 21, 1977, in accordance with State law or any applicable City law, or any lot that, at the time of annexation of the City, was a separate lot of record, as shown in the official records of the County Recorder.

Recreational Vehicle. A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. The term recreational vehicle includes, but is not limited to, travel trailers, pick-up campers, camping trailers, motor homes, converted trucks or buses, boats and boat trailers, all-terrain vehicles, truck campers, personal water craft and trailers for their transport, off-road vehicles, fifth-wheel trailers, utility trailers and horse trailers. All-terrain and off-road vehicles licensed for use on the public street

shall not be considered a recreational vehicle, such as 4-wheel drive pick-up trucks, sport utility vehicles, and 4-wheel drive passenger vehicles.

Recreational Vehicle Park. A facility for the accommodation of recreational vehicles for short-term periods, generally for not less than one night and not used as a place of residence by persons, other than a manager or other employee and their families.

Recycling Center. A center for the collection and/or processing of recyclable materials certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986 (commencing with PRC Section 14500). A recycling facility does not include storage containers or processing activity on the premises of a residential, commercial, or industrial use, and used solely for the recycling of material generated by the residential property, business or industry. For the purposes of these provisions, recyclable material shall mean reusable material, including, but not limited to metals, glass, plastic and paper intended for reuse, remanufacture, or reconstitution for use in an altered form. Recyclable material may include used motor oil collected and transported in accordance with the California Health and Safety Code. Recycling facility is further defined as follows:

1) **Large Collection Facility.** A center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public, that occupies an area of more than 500 SF, is not appurtenant to a host use and may use a permanent building. In addition, large collection facilities may have the capacity for aggregating and storing large amounts of material on-site.

2) **Processing Facility.** A facility certified by the California Department of Conservation, which purchases empty aluminum beverage containers, bimetal beverage containers, glass beverage containers, plastic beverage containers, or any other beverage containers, including any one or more of those beverage containers that have a refund value established pursuant to the California Beverage Container Recycling and Litter Reduction Act, from recycling centers within the state of California, for recycling. Processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable materials, and repairing of reusable materials sufficient to qualify as a certified processing facility. A processing facility shall not shred, compact, or bale ferrous metals, other than food and beverage containers.

3) **Reverse Vending Machine.** An automated mechanical device that accepts one or more types of empty beverage containers, including, but not limited to, aluminum cans, glass, and plastic bottles, and issues a cash refund or a redeemable voucher. A reverse vending machine may sort and process containers mechanically if the entire process is enclosed within the machine.

4) **Small Collection Facility.** A center of not more than 500 SF in area for the acceptance by donation, redemption or purchase, of recyclable materials from the public, and consisting of one or more of the following:

a) **Mobile Recycling Unit.** An automobile, truck, trailer, or van that is licensed by the Department of Motor Vehicles, which is used for the collection of recyclable materials. A mobile recycling unit also means bins, boxes or containers transported by trucks, vans, or trailers, and used for the collection of recyclable materials.

b) **Bulk Reverse Vending Machine.** A reverse vending machine that is larger than 50 SF in area, is designed to accept more than one container at a time and will pay by weight rather than by individual container.

c) **Kiosk Type Unit.** Portable recycling units, but may include small permanent structures.

d) **Unattended Containers.** Any unattended container placed for the donation of recyclable material.

Rehab (Rehabilitation) Facility. See “Nursing Home.”

Religious Assembly (Place of Worship). A facility operated for worship or recurring organized religious services, or activities, including churches, temples, mosques, synagogues, and other similar facilities of religious instruction. Such facilities may include a variety of traditional accessory uses, amenities and activities, such as offices, classrooms, multi-purpose rooms, play fields and gymnasiums, rectory, group living quarters, child and adult daycare facilities, and incidental retail activities that support the primary religious activity, limited to the sale religious books and paraphernalia. “Religious assembly” within commercial, mixed-use, and specialized use zoning districts may also include nontraditional accessory uses, amenities, and activities, such as general retail sales, entertainment facilities, sports and recreation centers, and broadcasting and recording studios. “Religious assembly” shall not include dwellings periodically used for religious activities that are clearly incidental to the primary residential use of the dwelling and do not create a nuisance.

Residence Inn. A lodging facility consisting of one or more buildings containing individual guest rooms or suites of rooms and/or dwelling units, which may provide kitchen facilities, amenities, recreational facilities, and/or meals. “Residence inn” shall not include residential, group, or community care facilities, as defined in this Division.

Residential Complex. Multiple-family residential developments, mobile home parks, and common interest developments, each consisting of 5 or more dwelling units constructed by a single developer or group of developers, and designed to function as a single cohesive unit in terms of access, parking, landscaping, property and landscape maintenance, and architecture, regardless of the subsequent parcelization.

Residential, Group, or Community Care Facility. Any facility, place or building that is maintained and operated to provide residential care as defined by State law and including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, abused or neglected children and the elderly. Community Care Facilities include, but are not limited to, the following: residential facility, adult day care facility, therapeutic day services facility, foster family agency, foster family home, small family home, social rehabilitation facility, community treatment facility, full service adoption agency, noncustodial adoption agency, and transitional shelter care facility. Any of these facilities with 6 or fewer people in residence shall be viewed as a single-family residence.

Residential Project. Conditional Use Permit, Development Plan, Subdivision Map, or other discretionary or ministerial land use approval that authorizes the development of one or more dwellings and/or residential lots.

Rest Home. See “Nursing Home.”

Restaurant. A business establishment that prepares and serves food and drinks to customers in exchange for money. The classifications of restaurant are described as follows:

1) Full-Service Restaurant. A sit-down eatery where food is served directly to the customers' table. These establishments may sell alcoholic beverages. Food and drink may be consumed on the premises, taken out, or delivered to customers' locations.

2) Limited Service Restaurants. An establishment whose patrons generally order or select items and pay prior to eating. Food and drink may be consumed on the premises, taken out, or delivered to customers' locations.

3) Cafeterias. A restaurant or dining room in a school or a business in which customers serve themselves or are served from a counter and pay before eating.

Reviewing Authority. Advisory Authorities, Approving Authorities, and Appeal Authorities of the City, which are responsible for acting on [i] land use or development entitlements, permits, and licenses; and [ii] other planning, zoning, and/or development actions and decisions, as established by Division 2.02 (Application Filing and Processing) of this Development Code.

Rooming House. See "Boarding House".

S. Definitions of Words Beginning with **the Letter "S."**

Salvage Facility. Any place of outdoor storage or deposit for the storing, keeping, processing, buying, or selling of junk motor vehicles and/or scrap metal, or an outdoor area used for the operation of a motor vehicle graveyard. A salvage facility does not include a garage where wrecked or disabled motor vehicles are stored for less than 90 days, for repairs.

As used in this definition, the following terms shall apply:

1) Motor Vehicle Graveyard. A yard, field, or other outdoor area used or maintained for storing or depositing more than one junk motor vehicle on a property owned or controlled by the owner of the Junk Motor Vehicle. A Motor Vehicle Graveyard does not include the following:

a) An area used by a motor vehicle hobbyist to store, organize, restore, or display motor vehicles, or parts of such vehicles, provided that the hobbyist's activities comply with all applicable federal, State, and local laws;

b) An area used by a motor vehicle dealership for the storage of new or used operational motor vehicles; and/or

c) An area used or maintained for the temporary parking or storage of operational commercial motor vehicles, which are temporarily out of service and/or unregistered, but are expected to be used in the future by the motor vehicle owner or operator. For the purpose of this definition, "temporarily out of service and/or unregistered" shall mean a period of 90 days from the date of placement or discovery.

2) Junk Motor Vehicle. A discarded, dismantled, wrecked, scrapped, or ruined motor vehicle, or parts thereof, or a motor vehicle, other than an on-premise utility vehicle, which is allowed to remain unregistered for a period of 90 or more days from the date of placement or discovery.

School, Private. A school owned and operated by a private entity.

School, Public. A school owned and operated by a public school district.

Self-Storage Facility. A structure or group of structures containing separate storage spaces of varying sizes to be leased or rented on an individual basis.

Senior Citizen. As set forth in CC Section 51.3, as said section may be hereinafter amended.

Senior Citizen Housing Development. A housing development consistent with the California Fair Employment and Housing Act, which has been designed to meet the physical and social needs of senior citizens, and which otherwise, qualifies as housing for senior citizens pursuant to CC Section 51.1. Senior Citizen Housing Developments shall not include Congregate Care Facilities, as defined in this Division.

Service Station. See "Gasoline Service Station."

Setback Area. A required open space area on a parcel of land, unobstructed and unoccupied from the ground upward, except as permitted by this Development Code. The classifications of setback area are described as follows:

1) **Front.** An area that abuts a public or private street, or access easement, which extends across the full width of a lot, the depth of which is the minimum required horizontal distance specified for the zoning district, measured in a straight line perpendicular to the front lot line and extending from the front lot line (measured from face-of-curb in the case of an access easement) toward the interior of the lot, to a line parallel to the front lot line.

2) **Interior Side.** An area that abuts another lot or lots, extending across the full depth of a lot, the width of which is the minimum required horizontal distance specified for the zoning district, measured in a straight line perpendicular to the interior side lot line, and extending from the interior side lot line, toward the interior of the lot, to a line parallel to the interior side lot line.

3) **Rear.** An area extending across the full width of a lot, the depth of which is the minimum required horizontal distance specified for the zoning district, measured in a straight line perpendicular to the rear lot line and extending from the rear lot line toward the interior of the lot, to a line parallel to the rear lot line.

4) **Street Side.** An area that abuts a public or private street, or access easement, which extends across the full depth of a lot, the width of which is the minimum required horizontal distance specified for the zoning district, measured in a straight line, perpendicular to the street side lot line and extending from the street side lot line (measured from face of curb in the case of an access easement), toward the interior of the lot, to a line parallel to the street side lot line.

Shopping Center. A group of retail stores and similar complementary establishments on a site that is planned and built as a coordinated unit, with shared pedestrian and vehicular circulation and off-street parking.

Single Room Occupancy Hotel. A cluster of 5 or more dwelling units on one property for weekly or longer tenancy and providing sleeping and living facilities for one or 2 persons within the unit, in which sanitary facilities are also normally provided and cooking facilities may be provided within each unit or shared by multiple units.

Single Tenant Building. A building in which no more than one owned, rented, leased or operated commercial occupancy is contained.

Sign. Any writing (including letter, word, or numeral), pictorial presentation (including illustration or decoration), emblem (including device, symbol, or trademark), flag (including banner or pennant), or any other device, figure, or similar character that: [i] is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building, other structure or device; and [ii] is used to announce, direct attention to, or advertise; and [iii] is visible from the outside of a building.

The classifications of "sign," and definitions specifically related to the establishment of a sign, are as follows:

1) **Backlit Awnings and/or Canopies.** Awnings and/or canopies that are illuminated from behind so as to permit the transmission of light through a covering material, which thereby serves to attract attention to the building or structure upon which the awnings and/or canopies are affixed.

2) **Banner Signs.** A Temporary sign of lightweight flexible plastic, nylon, fabric, or similar material. Banner signs are further classified as follows:

a) **Promotional or Special Event Banners.** A sign attached to a building, wall or fence, or otherwise suspended down or across its face for the purpose of advertising a promotion or special event for an interim period, as specified by this Development Code.

b) **Street Banners.** A sign that is mounted on City light standards within the right-of-way of arterial public streets, for the purpose of [i] promoting economic development messages to the general public, or [ii] for honoring the men and women of the City that are actively serving with the United States armed forces, or have died while serving.

3) **Billboard Sign.** A sign located in an area distant, and on a separate parcel of land from the place where the product, business, or premises being advertise is located.

4) **Building Identification Sign.** A sign that identifies the name of a building, or the primary use, establishment, activity, owner, or occupant of a building.

5) **Center (Complex) Identification Sign.** A sign that identifies a shopping center, office complex, industrial complex, or other use of a site containing more than one establishment.

6) **Construction Sign.** Signage that identifies contractors, lenders, designers, realtors, and other similar parties involved in the construction of a building or site.

7) **Content Neutral Sign.** Consistently applicable non-discriminatory sign regulations that specify, without reference to the content of the message, when, how, and where a sign can be displayed, with physical standards, such as, but not limited to, height, size and location, that allow the sign to be readable.

8) **Descriptor Sign.** Secondary signage that is intended to illustrate the products or services sold or offered by a business at the site on which the business is located.

9) **Directional Sign.** Signage intended to lead pedestrian and/or vehicular traffic to a predetermined location or destination.

10) **Double-Faced Sign.** A sign with two parallel opposing (back-to-back) faces.

11) **Electronic Message Display.** An LED, LCD, or plasma advertising display containing a changing text message or pictorial presentation.

12) **Electronic Text Display.** A sign with electronically controlled changeable copy and/or message containing internally illuminated letters whose function is primarily to scroll text. Such signs are intended for use with those retail, entertainment, and assembly uses that typically necessitate signs with easily changeable copy, such as fuel pricing signs, marquee-type signs for public or private schools, public facilities and services, theaters, convention centers, arenas, places of worship, and other similar assembly uses.

13) **Fascia Sign.** A sign on the exterior of a building that is attached to a wooden board or other flat piece of material that covers the ends of joists or rafters.

14) **Freestanding Sign.** A sign structure that is permanently affixed to the ground, and includes: [i] complex identification monument signs, which identify a commercial, professional or industrial complex or center, which consists of 2 or more separate buildings, or 5 or more uses within one or more buildings; [ii] building or tenant (business) identification monument signs, which identify a single building or specific use or uses within an individual building; and [iii] freeway oriented signs.

15) **Freeway Sign.** A freestanding sign, including a sign incorporated into garden and screen wall, that is located within 600 FT of a roadway that is declared to be a freeway in compliance with the California Streets and Highways Code, and which complies with the minimum "freeway sign" requirements established by Division 8.01 (Signs) of this Development Code.

16) **Fuel Island Canopy Sign.** Signage placed on the fascia of a canopy structure located over pump (fuel dispenser) islands.

17) **Historical Marker.** An indicator, such as a plaque or sign, to commemorate an event or person of historic interest, and to associate that point of interest with a specific locale one can visit.

18) **Human Sign.** An advertisement that is applied to, worn, or held by a person. Most commonly, this means holding or wearing a sign, but may also include wearing advertising as clothing. A person holding a sign is known in the advertising industry as a "human directional," but may also be referred to as a "sign walker," "sign waver," or "sign twirler." Frequently, a "human directional" will spin or dance, or wear a costume with the promotional sign in order to attract attention.

19) **Menu Board.** A board on which a food menu is written.

20) **Monument Sign.** A freestanding sign with a solid base that is in close contact with the ground, which is equal to or larger than the width of the sign face and incorporates the architectural theme and building materials of the building(s) located on the property in which the sign serves.

21) **Off-Site Subdivision Sign.** A sign that is located off-site, which contains the name of and the direction of travel to a residential subdivision project in the City.

22) **Permanent Sign.** A sign attached to a building, structure, or the ground in a manner that enables the sign to resist environmental loads, such as wind, and precludes ready removal or movement of the sign.

23) **Pole Sign.** A freestanding sign with visible support structure.

24) **Political Sign.** Any display utilized for the purpose of proposing or opposing the election of a candidate, or ballot measure or proposition.

25) **Portable Sign.** A sign not permanently attached to the ground or building, with a power-cord for connection to an electrical source, and readily removable using ordinary hand tools.

26) **Real Estate Sign.** A temporary sign advertising the sale, rental, or lease of the premises upon which the sign is maintained.

27) **Roof Sign.** A sign mounted on or above the roof of a building, but not including a sign mounted on a parapet.

28) **Single-Face Sign.** A sign with only one face plane.

29) **Supergraphics.** A large-scale painted or applied sign, typically in bold colors and containing simple geometric or typographic designs, placed over exterior walls of buildings, and sometimes roofs.

30) **Swooper Sign.** A sign that is longer than it is wide, which is made of a flexible material (typically cloth, nylon, or vinyl), and mounted to a pole that allows it to fly freely, and is commonly used to attract attention to a business or event, or to advertise goods and/or services.

31) **Temporary Sign.** Any sign not intended for permanent installation, which is incidental or secondary in nature, and is subject to a time limitation, such as banner signs, construction signs, political signs, and real estate signs.

32) **Tenant (Business) Identification Sign.** A sign displaying the name of the business to which it pertains and/or the name or description of the products or services sold or offered by the business at the site on which the business is located. A business identification sign may be an attached or freestanding sign.

33) **Vehicle-Mounted Billboard (moving or stationary).** An automobile, truck, trailer, semi-trailer, or other vehicle to which a business identification sign is mounted, painted, or otherwise affixed.

34) **Wall Sign.** A sign attached to the exterior wall of a building or structure.

35) **Way-Finding Signs.** Signage, including maps and other graphic or audible methods, which is used to convey location and directions to pedestrian and/or vehicular traffic.

36) **Window Sign.** A sign that is posted, painted, placed, or affixed to, or suspended or placed within 5 FT feet of the interior side of, a window or glass door of a building, which is intended for viewing from the exterior of the building.

Sign Area. The entire face of a sign, including the surface of any framing, projections or molding, but not including the support structure. The area of a sign consisting of individual channel letters mounted on a building wall or freestanding structure shall be calculated by including the entire area within a single, continuous perimeter enclosing the extreme limits of lettering, representation, emblem, or other display.

Sign Copy. Any words, letters, numbers, figures, designs, or any other symbolic representations incorporated onto the face of a sign, excluding building addresses.

Sign Face. The exterior surface of a sign, exclusive of structural supports, on which is placed the sign copy.

Site. A parcel of land or combination of contiguous parcels of land.

Site Area. The net horizontal area included within the boundary lines of a site, not including the area of any easement within which the right of use has been relinquished, and not including the area within the established right-of-way of a public street, future public street, railroad, or any other area dedicated or to be dedicated for a public use.

Small Cell Facility. Has the same meaning as "small wireless facility" in 47 CFR 1.6002(l), or any successor provision, which is a personal wireless services facility that meets the conditions that, solely for convenience, have been set forth below.

1) The facility:

a) is mounted on a structure 50 FT or less in height, including antennas, as defined in 47 CFR Section 1.1320(d), or

b) is mounted on a structure no more than 10 percent taller than other adjacent structures, or

c) does not extend an existing structure on which it is located, to a height of more than 50 FT or by more than 10 percent, whichever is greater;

2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 CFR Section 1.1320(d)), is no more than 3 cubic feet in volume;

3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

4) The facility does not require antenna structure registration under 47 CFR Part 17;

5) The facility is not located on Tribal lands, as defined under 36 CFR Section 800.16(x);
and

6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR Section 1.1307(b).

Special District. An agency of the State for the local performance of governmental or proprietary functions within limited boundaries including a county service area, a maintenance

district or area, an improvement district, or any other area or district formed for the purpose of designating an area within which a tax or charge will be levied to pay for a service or improvement benefiting that area, but not including a school district or community college district.

State. The State of California.

State Density Bonus Law. The laws, rules and regulations contained in GC Section 65915, as said section may be hereinafter amended.

State Freeway. Any section of a State highway that has been declared to be a freeway by resolution of the Highway Commission of the State, pursuant to the provisions of SHC Section 100.3, and/or any section of State highway that has been fenced by a State agency between intersecting streets, for the purpose of limiting or restricting access thereto.

Stealth Facility. Any wireless telecommunications facility that is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements and details, and antenna structures designed to look like light poles, trees, and flagpoles. Stealth facilities are also referred to as concealed antennas.

Street. Any public or private thoroughfare, other than an alley, that provides the principal means of access to abutting property and has been designed and/or constructed pursuant to the City's minimum established standards for public streets. The classifications of "street" are as follows:

1) **Arterial Street.** A street with signals at important intersections and stop signs on the side streets that collect and distribute traffic to and from collector streets.

2) **Collector Street.** A street that collects traffic from local streets and connects with arterial streets.

3) **Local Street.** A street designed to provide vehicular access to abutting property and to discourage through traffic.

4) **Private Street.** A street in private ownership, which complies with all of the following:

a) The street is built to the standards for public streets established by the City of Ontario;

b) The street has not been accepted for dedication as a public street; and

c) The street is the principal means of vehicular access to properties that do not have access to a public street.

5) **Public Street.** A street that has been accepted for dedication by the City, the County, or the State.

Stock Cooperative. A development in which a corporation is formed to hold title to improved real property, and in which all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between the floor and the ceiling above it, and including basements used for primary use.

Structure. Anything that is built or constructed, whether installed on, above, or below the surface of land or water, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, but not including light standards, poles, lines, cables, or other transmission or distribution facilities of a public utility.

Subdivider. A person, firm, corporation, partnership or association who proposes to divide, divides, or causes to be divided, real property into a subdivision for oneself or others. The term shall not include employees or consultants of such persons or entities, acting in such capacity.

Subdivision. The division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in CC Section 1351(f), a community apartment project, as defined in CC Section 1351(d), or the conversion of 5 or more existing dwelling units to a stock cooperative, as defined in CC Section 1351(m).

Subdivision Map Act. The provisions of GC Title 7, Division 2, commencing with Section 66410, and such amendments thereto as may be made from time to time.

Substandard Lot. Any lot that does not meet the minimum dimension or area requirement of the zoning district in which it is located and for which no variance has been obtained. In determining the minimum lot area or dimensions, the area of any easement that restricts the normal usage of the lot may be excluded.

Supermarket. See "Grocery Store."

Supportive Housing. As defined in HSC Section 50675.14(b)(2), "supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. For the purposes of this definition, the term "target population" means persons, including persons with disabilities, and families who are "homeless," as that term is defined by USC 42 Section 11302, or who are "homeless youth," as that term is defined by GC 11139.3(e)(2). Furthermore, individuals and families currently residing in supportive housing meet the definition of "target population" if the individual or family was homeless when approved for tenancy in the supportive housing project in which they currently reside.

Swap Meet (Concession Mall). The retail sales of a variety of unrelated merchandise within a single enclosed establishment or marketplace by 5 or more independent persons, merchants and/or businesses, that individually occupy or make use of floor area or wall space, for which a fee, commission, rent or lease is charged. The terms "swap meet" and "concession mall" may be used interchangeably.

T. Definitions of Words Beginning with **the Letter "T."**

Tasting Room. A separate area of the alcoholic beverage manufacturer's licensed premises, maintained and operated by and for an alcoholic beverage manufacturer, wherein

alcoholic beverages may be sold and served by an employee or designated representative of the alcoholic beverage manufacturer, to consumers of legal drinking age for consumption on the alcoholic beverage manufacturer's licensed premises. The alcoholic beverages served shall be limited to the products that are authorized to be sold by the alcoholic beverage manufacturer under its license issued by the California Department of Alcoholic Beverage Control. Alcoholic beverages manufactured elsewhere may not be sold in the tasting room or on the alcoholic beverage manufacturer's licensed premises. A tasting room is, and at all times shall remain, an incidental use to the primary alcoholic beverage manufacturing use.

Temporary Use, Activity or Facility. A use, activity, or facility established pursuant to the requirements of this Development Code, for a specific period of time, with the intent to discontinue the use, activity, or facility at the end of the designated time period.

Tentative Map. A map prepared for showing the design of a proposed subdivision and the existing conditions in and around it. The classifications of "tentative map" are as follows:

1) **Tentative Parcel Map.** A tentative map for a proposed subdivision creating 5 or more lots, 5 or more condominiums as defined in CC Section 783, a community apartment project containing 5 or more parcels, or for the conversion of a dwelling to a stock cooperative containing 5 or more dwelling units, excepting those subdivisions that comply with the provisions of GC Section 66426(a) through (d).

2) **Tentative Parcel Map.** A tentative map for a proposed subdivision creating 4 or fewer lots or 5 or more proposed lots that comply with the provisions of GC Section 66426(a) through (d).

3) **Vesting Tentative Map.** A tentative map prepared in accordance with the provisions of this Title that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed.

Tow Truck. Pursuant to CVC Section 615A motor vehicle that has been altered or designed and equipped for, and primarily used in the business of, transporting vehicles by means of a crane, hoist, tow bar, tow line, or dolly, or is otherwise primarily used to render assistance to other vehicles. The term "tow truck" also includes a "roll-back carrier" designed to carry up to 2 vehicles, and excludes an automobile dismantler's tow vehicle or a tow vehicle used for the repossession of vehicles, defined as follows:

1) **Automobile Dismantlers' Tow Vehicle.** A tow vehicle that is registered by an automobile dismantler licensed pursuant to BPC Division 5, Chapter 3 (commencing with Section 11500), and is used exclusively to tow vehicles owned by the automobile dismantler in the course of the automobile dismantling business.

2) **Repossessor's Tow Vehicle.** A tow vehicle that is registered to a reposessor licensed or registered pursuant to BPC Division 3, Chapter 11 (commencing with Section 7500), which is used exclusively in the course of the repossession business.

Tract Map. See "Final Map."

~~Temporary Use. A use established for a fixed period, with the intent to discontinue the use upon the expiration of the period.~~

Trailer Coach. A trailer designed primarily for human habitation or human occupancy.

Transient. Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license, or other agreement, for a period of 30 days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed a transient until said 30-day period has expired.

Transitional Housing. Intended as a middle point between “emergency shelter” and permanent housing, “transitional housing” provides shelter for homeless individuals and families for up to 2 years, in an environment of security and support, which is designed to help residents progress toward self-sufficiency.

Transitional Living Centers. A facility for homeless persons, which varies by program and facility. The length of stay and services provided vary by program. Some transitional living facilities are simply shared houses with minimal supervision, while others may provide meals, medical care, employment assistance, case management, and other similar homeless services.

Transportation Terminal. A station or passenger terminal for any type of transportation system.

Trash Containers. Any container such as trash bags, boxes, or bins used to store trash, rubbish, or other such refuse matter that meets the requirements of OMC Section 6-3.302 (Placement of Refuse, Recycling and Green Waste in Receptacles) and is placed at a collection point.

Travel Trailer. A non-motorized vehicle designed to be towed by a motor vehicle, used for recreation purposes, including human habitation while parked or at rest, but not as a permanent place of residence.

Tree. A plant having a permanently woody main, erect stem or trunk, with a circumference of at least 9.5 inches (or a diameter of 3 inches) at a height of 54 inches above natural grade at maturity, having a rather distinct and elevated head (crown), and usually developing branches at some distance from the ground.

Truck Camper. A recreation vehicle in which the part containing the living and sleeping accommodations is separate from the vehicle and may be removed from the bed of the truck.

Truck Tractor. A motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the vehicle weight and load that is drawn. As used herein, the term “load” does not include items carried on the truck tractor in conjunction with the vehicle operation if the load carrying space for these items does not exceed 34 SF (CVC Section 655).

U. Definitions of Words Beginning with **the Letter “U.”**

Unladen Vehicle Weight. The weight of a vehicle equipped and ready for operation on the road, including body, fenders, permanently attached boxes, and body parts, oil in the motor, radiator full of water, weight of 5 gallons of fuel, and any machinery, equipment, or attachment that functions as a part of the body or vehicle in its normal operation.

University. See “College.”

Urban Farm. The growing of plants and products derived from them, which are grown and sold on the same lot, or sold off-site.

Use. The purpose for which ~~a site or a structure is~~ land, buildings or other structures are arranged, designed, intended, constructed, erected, moved, altered, or enlarged, or for which either ~~a site or structure is or~~ land, buildings or other structures may be occupied or maintained.

Used Merchandise Stores. Retail establishments primarily engaged in the sale of vintage goods, antique furniture and home furnishings, antique glassware, rare books and manuscripts, and other antique objects of art, and previously owned goods. "Used merchandise stores" does not include the retail sales of used motor vehicles and parts, such as automobiles, recreational vehicles, motorcycles, boats, motor vehicle parts, tires, and mobile homes, and pawn shops, which sell a variety of used merchandise but generate most of their revenue from interest and fees on loans.

The classifications of "used merchandise stores" are as follows:

1) **Antique Shops/Dealers.** A retail establishment offering objects for sale that are 100 or more years old, such as works of art, furniture or decorative items, that are collected or desirable because of age, rarity, condition, utility, craftsmanship or other unique feature, and which represent a previous era in human society.

2) **Collectibles Shops.** A retail establishment offering new or used objects for sale, typically mass produced, which are less than 100 years old and are designed for people to collect or have value due to their rarity and/or desirability.

3) **Consignment Shops.** A retail establishment offering objects for sale that are owned by others and derives their profit by collecting a set fee for the objects that are sold or retaining a portion of their purchase price.

4) **Flea Markets and Swap Meets.** A single enclosed retail establishment offering a variety of unrelated objects for sale, within which individual sales booths, or stall or wall spaces are available for use, for which a fee, commission or lease is charged, for the display and/or sale of new, antique, vintage, or collectible objects or merchandise, or for the display and/or sale of services, by 5 or more vendors possessing a valid City business license.

5) **Thrift and Secondhand Stores.** A retail establishment operated by a charitable organization for the purpose of fundraising, offering objects for sale that are used, typically at reduced prices.

6) **Used Goods Stores.** A retail establishment offering objects for sale that that are used or previously owned, such as clothing, shoes, furniture, home furnishings, appliances, electronic equipment and devices, books, musical instruments, compact discs (CDs), tapes, records, and specialty building materials architectural elements.

7) **Vintage Shops.** A retail establishment offering objects for sale that are more than 20 years old, and which exhibit the best of a certain quality, or qualities, associated with, or belonging to, a specific era, and is representational and recognizable as belonging to the era in which it was made.

V. Definitions of Words Beginning with **the Letter "V."**

Vanpool Vehicle. Any motor vehicle, other than a motor truck or truck tractor, which is designed for carrying more than 10, but not more than 15 persons (including the driver), which is

maintained and used primarily for the nonprofit work-related transportation of adults for the purposes of ridesharing (CVC Section 668).

Variance. A zoning instrument which allows deviation from development standards required in the Code when, because of special circumstances applicable to the property, strict application of Code requirements deprives a property the privileges enjoyed by other properties in the vicinity and under identical zoning. Any variance granted will assure that the adjustment granted will not constitute a special privilege.

Variety Store. An establishment primarily engaged in retailing new goods in general merchandise stores (except department stores, discount stores, warehouse clubs, superstores, and supercenters). These establishments retail a general line of new merchandise, such as apparel, automotive parts, dry goods, hardware, groceries, housewares or home furnishings, and other lines in limited amounts, with none of the lines predominating.

Veterinary Hospital. See “Animal Hospital.”

W. Definitions of Words Beginning with the Letter “W.”

Whip (Omnidirectional, Stick or Pipe) Antenna. An antenna that transmits signals in 360 degrees. Whip antennae are typically cylindrical in shape and are less than 6 inches in diameter and measure up to 18 FT in height.

Wine. The product obtained from normal alcoholic fermentation of the juice of sound ripe grapes or other agricultural products containing natural or added sugar, or any such alcoholic beverage to which is added grape brandy, fruit brandy, or spirits of wine, which is distilled from the particular agricultural product or products of which the wine is made and other rectified wine products and by whatever name, and which does not contain more than 15 percent added flavoring, coloring, and blending material, and which contains not more than 24 percent of alcohol by volume, and includes vermouth and sake (also known as Japanese rice wine).

Wine Grower. Any establishment licensed by the Department of Alcoholic Beverage Control of the State of California, which has facilities and equipment for the conversion of grapes, berries, or other fruit into wine, and is engaged in the production of wine within the City.

Wireless Telecommunications Facility. The transmitters, antenna structures and other types of installations used for the provision of wireless services at a fixed location, including, without limitation, any associated tower(s), support structure(s), and base station(s).

X. Definitions of Words Beginning with the Letter “X.”

Reserved

Y. Definitions of Words Beginning with the Letter “Y.”

Yard. An open space unoccupied by and unobstructed from the natural ground upward, except as otherwise provided for in this Development Code. Required yards shall be measured parallel with the front, side or rear property line, as appropriate, in a line perpendicular to the nearest point of a structure on the site; provided, however, where a future right-of-way of a street, highway, freeway or railroad has been established, required yards shall be measured from the established right-of-way line.

Where a site abuts on a street having only a portion of its required width dedicated or a reserved for street purposes, the required yard shall be measured from the line establishing the additional width required for street purposes abutting the line.

On a site that is so irregularly shaped that the locations of the required front, side, and rear yards cannot clearly be identified, the locations and the manner of measurements shall be prescribed by the Zoning Administrator.

The classifications of "yard" are described as follows:

1) **Front.** A yard that extends across the full width of a lot, between the primary (front) façade of the forward-most building on the lot and the front property line, the depth of which is the horizontal distance between the front property line and the structure.

2) **Interior Side.** A yard that abuts another lot or lots, extending between the front and rear yards, the depth of which is the horizontal distance between the side property line and a structure on the site.

3) **Rear.** A yard extending across the full width of a site, between the rear-most building and the rear property line, the depth of which is the horizontal distance between the rear property line and the structure.

4) **Street Side.** A yard that abuts a public or private street, or access easement, extending between the front and rear yards, the depth of which is the horizontal distance between the side property line and a structure on the site.

Z. Definitions of Words Beginning with the Letter "Z."

Zoning District (Zone). A specifically delineated area, district or zone within the City, in which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings. The terms "zoning district" and "zone" may be used interchangeably.

Zoning Administrator. The Zoning Administrator of the City of Ontario, or their designee.

9.01.015: Acronyms and Abbreviations

For the purposes of this Development Code, the following abbreviations and acronyms shall have the meanings listed below:

<—Less than

≤—Less than or equal to

>—Greater than

≥—Greater than or equal to

ABC—Department of Alcoholic Beverage Control of the State of California

AC—Acre(s)

ADA—Americans with Disabilities Act of 1990

ADT—Average Daily Trips made by vehicles or persons within a 24-hour period

ALUC—Airport Land Use Commission of the City of Ontario

AQMD—Air Quality Management District

ARB—California Air Resources Board

BLM—United States Bureau of Land Management

BMP—Best Management Practices
BMR—Below Market Rate
BPC—Business and Professions Code of the State of California
BTH—Brown trunk height
CAC—California Administrative Code
CalEPA—California Environmental Protection Agency
CalGreen—California Green Building Standards Code
CBD—Central Business District
CC—Civil Code of the State of California
CCP—Code of Civil Procedure
CC&Rs—Covenants, conditions and restrictions
CCR—California Code of Regulations
CDBG—Community Development Block Grant
CEQA—California Environmental Quality Act of 1970, as amended
CESA—California Endangered Species Act
CF—Cubic feet (foot)
CFD—Community Facilities District
CFR—Code of Federal Regulations
CHBC—California Historical Building Code
CIP—Capital Improvement Program
CLG—Certified Local Government
CMP—Congestion Management Plan
CNEL—Community Noise Equivalent Level
COG—Council of Governments
CPI—Consumer Price Index
CSA—Community Service District
CUP—Conditional Use Permit
CVC—California Vehicle Code
CWA—Federal Clean Water Act
CY—Cubic yard
DAB—Development Advisory Board of the City of Ontario
dB—Decibels
DFG—California Department of Fish and Game
DG—Decomposed Granite
DMV—Department of Motor Vehicles of the State of California
DOE—United States Department of Energy
DOT—United States Department of Transportation
du/ac—Residential dwelling unit per acre
DU—Residential dwelling unit
EC—Education Code of the State of California
EIR—Environmental Impact Report
EIS—Environmental Impact Statement
EPA—Federal Environmental Protection Agency
ESA—Federal Endangered Species Act
FAA—Federal Aviation Administration
FAR—Floor area ratio
FEIR—Final Environmental Impact Report
FEMA—Federal Emergency Management Agency
FHA—Federal Housing Administration
FHWA—Federal Highway Administration
FIA—Fiscal Impact Analysis
FIFRA—Federal Insecticide, Fungicide and Rodenticide Act

FIR—Fiscal Impact Report
FT—Feet (foot)
GC—Government Code of the State of California
GFA—Gross floor area
GLA—Gross leasable area
HCD—California Department of Housing and Community Development
HDR—High Density Residential
HPC—Historic Preservation Commission of the City of Ontario
HSC—Health and Safety Code of the State of California
HUD—United States Department of Housing and Urban Development
JPA—Joint Powers Authority
LAB—Labor Code of the State of California
LAC—Local Assistance Committee
LAFCO—Local Agency Formation Commission
LDR—Low Density Residential
LOS—Level of Service
MDR—Medium Density Residential
MOU—Memorandum of Understanding
NEPA—National Environmental Policy Act
NOC—Notice of Completion
NOD—Notice of Determination
NOP—Notice of Preparation
NPDES—National Pollution Discharge Elimination System
ODC—Ontario Development Code
OPA—Office of Permit Assistance of the State of California
OPR—Governor’s Office of Planning and Research of the State of California
OMC—Ontario Municipal Code
PC—[i] Penal Code of the State of California; or [ii] Planning Commission
PRC—Public Resources Code of the State of California
PUC—Public Utilities Code of the State of California
PUD—Planned Unit Development
Ref—Reference
RFP—Request for Proposal
RFQ—Request for Qualifications
RLUIPA—Religious Land Use and Institutionalized Persons Act
R-O-W—Right-of-Way
RWQCB—Regional Water Quality Control Board
SCAQMD—South Coast Air Quality Management District
SF—Square Feet (Foot)
SFR—Single-Family Residential
SHC—Streets and Highways Code of the State of California
SMA—Subdivision Map Act
TOD—Transit Oriented Development
TOT—Transient Occupancy Tax
USC—United States Code
WQMP—Water Quality Management Plan
WRCB—Water Resources Control Board
WUCOLS—Water Use Classifications of Landscape Species

Division 9.02—Glossary

Sections:

- [9.02.000](#): Purpose
- [9.02.005](#): Applicability
- [9.02.010](#): Glossary of Terms and Phrases

9.02.000: Purpose

The purpose of this Division is to define common nomenclature used in explaining, depicting, expressing, illustrating, or portraying urban planning and architectural design concepts and elements.

9.02.005: Applicability

- A. Unless otherwise apparent from the context, the urban planning and architectural design nomenclature stated in this Division may be used in the implementation of the development and design standards of this Development Code.
- B. The words, terms, phrases, abbreviations, and acronyms defined in this Division shall be maintained in correct alphabetical order.

9.02.010: Glossary of Terms and Phrases

- A. Definition of Words Beginning with the Letter “A.”

Acoustical Separation. An area or component provided for the purpose of restricting sound transmission between abutting areas or building modules.

Arcades. Covered walkways attached to buildings and supported on one side by columns. Arcades provide pedestrians with shelter and can serve to provide large buildings with a more human scale.

Articulation. The visible expression of architectural or landscape elements through form, structure or materiality. Articulation provides a method for reducing the scale and breaking up the mass of buildings and plazas.

Awnings. Roof-like shelters, generally of canvas, that project from the wall of a building. Awnings serve to provide protection for buildings and pedestrians against the harsh elements of sunlight and weather.

- B. Definition of Words Beginning with the Letter “B.”

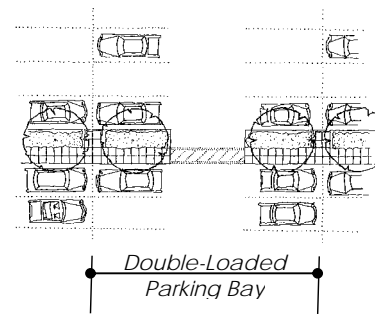
Bank. A sloping surface often used to create separation. See also “Berm.”

Base. The bottom portion of a building, which generally supports its upper portions, both structurally and visually.

Bays. The term “bays” may be used when referring to the structural design of a building or when referring to parking lot design, as follows:

1) **Bays of a Building.** Structural modules occurring between the vertical means of support. Structural bays generally occur between columns or load-bearing walls.

2) **Parking Bays.** Bays in parking lots are a “complete” parking module consisting of a drive aisle with perpendicular or diagonal parking on one side (single-loaded parking bays) or both sides (double-loaded parking bays) (see figure, right).

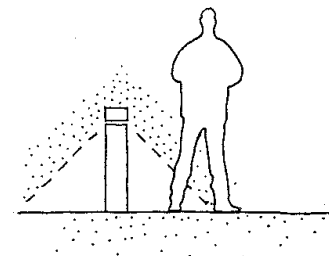


Parking Bays

Bay Windows. Window assemblies that protrude beyond the wall plane of a building. Bay windows may be semi-circular, faceted, or rectangular, and often have their own roof. They are used to provide a wider view, bring in more light, and contribute to the articulation of a building’s exterior.

Berm. An artificial bank of earth usually located along roadsides and off-street parking areas. Berms serve to physically and visually separate areas by raising the level of plants and other landscape elements.

Bollard Light. A short post, generally not more than 3 feet in height, with a built-in light fixture at its uppermost portion (see example, right).



Bollard Light

Build-Out. Development of land to its full potential or theoretical capacity as permitted under current or proposed planning or zoning designations.

Build-To Lines. Building edges that are required to be placed at given locations, as established by the development standards of the City. Build-to lines are generally defined as a given distance from a property line, and can be used to encourage building fronts, entrances and windows to line and spatially define streets, parks or plazas.

C. Definition of Words Beginning with the Letter “C.”

Can Sign. A sign that is internally or externally illuminated, which is generally formed into a square or rectangular-shaped box.

Canopy. A structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity, or decoration, and may be structurally independent or supported by attachment to a building.

Cantilever. A horizontal projection without external bracing. Cantilevers may appear visually awkward, as they typically appear to have no apparent source of support.

Cap. The crowning feature of a wall. Caps protect walls from the weather and provide architectural detailing that contributes to the wall’s visual interest.

Cobrahead Light. A streetlight whose luminaire is supported on a cantilevered arm, which extends over the street, having a profile vaguely resembling that of a cobra snake (see example, right).

Clapboard Siding. A building sheathing made up of overlapping horizontal boards.

Clerestory Windows. Windows with high sills that are often used to bring in light when lower windows are undesirable because of privacy concerns.

Common Open Space. Semi-public areas intended for the use of residents or workers within a project. Common open spaces may include gardens, plazas or recreational spaces.

Connecting Walkways. Pedestrian paths that connect buildings or open spaces directly to the street, and are not overly circuitous. See also "Pedestrian Connections."

Cornice. Horizontal ornamentation on a building's façade, which is generally located near the top of a building's façade, and is often located near the floor line of upper stories (see example, right).

Cupola. A small hat-like projection occurring the ridgeline of a roof. Cupolas traditionally covered the place where large structures, like barns, were vented.

D. Definition of Words Beginning with the Letter "D."

Detailing. The manner in which separate building elements are assembled. Careful detailing will minimize the effects of weather on buildings, and promote an attractive and long-lasting appearance.

Dormers. Upright windows built out from a sloping roof.

Downspouts. Pipes that carry rainwater from a roof gutter to the ground or sewer.

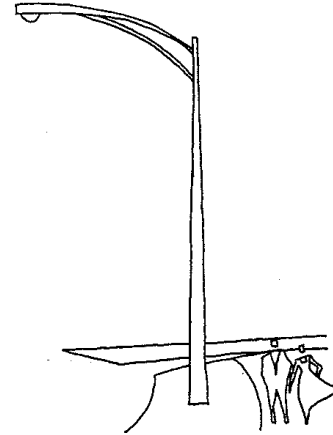
E. Definition of Words Beginning with the Letter "E."

Eaves. The portion of a sloping roof that extends beyond the exterior wall of a building. See also "Overhang."

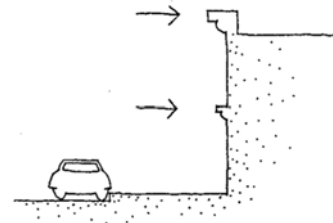
Egress. The point of exit.

Emulate. To represent or re-create the qualities of something else, without duplicating it literally. For example, historic styles may be emulated without copying an historic building.

Entry. The doorway into a building, along with the architectural treatments that accompany it.



Cobrahead Light



Cornice

F. Definition of Words Beginning with the Letter "F."

Fast Food. Those food service establishments offering relatively immediate service of pre-prepared food in disposable containers.

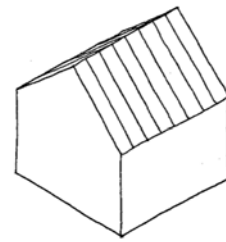
Fenestration. The arrangement of windows in a building.

Finishes. The materials applied to the surface of buildings or landscape elements. Properly applied finishes contribute to an attractive appearance and long-lasting wear.

Freestanding. To be supported at the ground and without support from a building or other structure.

G. Definition of Words Beginning With the Letter "G."

Gable Roof. A type of roof that slopes upward on two sides from the eaves to the ridge (see example, right).



Gable Roof

Gateway. Generally, a major entry into a district or area, which is often emphasized through landscaping.

Gazebo. A small, free-standing structure with a roof, which is open on all sides. Traditionally, gazebos are used as an outdoor room within gardens, or to cover musicians performing in community concerts.

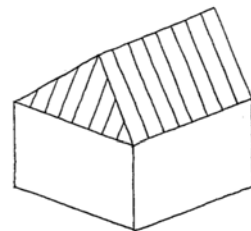
Glazing. The glass within a window.

Grade. The surface of a building site or its vertical elevation (often measured as feet above sea level).

Grasscrete. A paving material that supports the weight of an occasional vehicle, while also permitting groundcover to grow. Also referred to as "turf block".

H. Definition of Words Beginning with the Letter "H."

Hip Roof. A type of roof that slopes upward on all sides, from the eaves to the ridge (see example, right).



Hip Roof

I. Definition of Words Beginning with the Letter "I."

Ingress. A point of entry.

J. Definition of Words Beginning with the Letter "J."

Reserved

K. Definition of Words Beginning with the Letter "K."

Reserved

L. Definition of Words Beginning with the Letter “L.”

Landscape Architectural Feature. Decorative structural elements in a landscaped area, such as walks, benches, patios, terraces, water features, and the like.

Landscaped Buffer. An attractive arrangement of trees, shrubs, and other vegetation that acts as a divider between incompatible uses or activities.

Lattice. An open framework of wood or other members that is often used to partly block views or support vines.

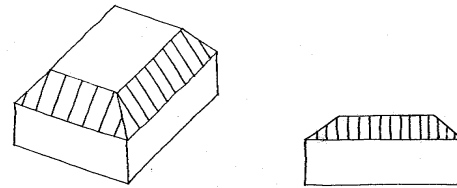
Loggia. A roofed deck that is integrated within an upper level of a building.

Lotting Pattern. A recognizable arrangement of residential lots, which are of the same or varying sizes and widths.

M. Definition of Words Beginning with the Letter “M.”

Major Entry. The most common point or points of ingress for a development project or building.

Mansard Roofs. Extremely steep as they slope up from the eaves; this steeply sloped roof may end in a roof with a shallow roof or a parapet. Mansard roofs are a popular way of decorating tall parapets, such as are used to screen the rooftop equipment above fast food restaurants (see example, right).



Mansard Roof

Mass. The overall volume or form of a building or building element.

Median. An area dividing opposing travel lanes at or near the middle of a road, which is often landscaped.

Metal Standing Seam Roof. A sheet metal roof that has its joints folded together and raised above the roof surface in order to attach metal sheets and prevent leaks.

Modules. Similar units or subcomponents that are combined to create a total building system.

Mullion. The outer structural vertical and horizontal members of a glazing system, which forms a division between the glazing units.

Muntin. The nonstructural vertical and horizontal members of a window that divides the window into individual lites, and holds (or appears to hold) the individual panes of glass.

Muted. A softened or less-vivid color tone.

N. Definition of Words Beginning with the Letter “N.”

Neotraditional. A form of design that attempts to recreate positive features of neighborhoods from an earlier generation.

O. Definition of Words Beginning with the Letter “O.”

Oblique View. A view at an angle that allows one to see more than one side of a building.

On-Site Parking. Parking stalls and aisles that occur on parcels outside of a street right-of-way.

On-Street Parking. Parking stalls provided within the street right-of-way. On-street parking is often in a parallel configuration, along the edge of curbs.

Opaque. Not transparent or semi-transparent.

Overhang. [1] The portion of a building that extends horizontally beyond the building’s exterior wall (also referred to as the “eaves”); or [2] the portion of a motor vehicle that extends beyond the tires, to the front or back of a car (see examples, right).

P. Definition of Words Beginning with the Letter “P.”

Parapet. A wall that extends above the roof, which is often used to protect the edge of the roof, hide roof-mounted equipment, and express ornamentation.

Park. A place for public recreation that generally contains landscaped ground surfaces, such as lawns and gardens.

Pavers. Units of pavement assembled to form the “floor” of a plaza or street. Pavers are often made of concrete or terra cotta (brick).

Pavilion. A small, lightweight structure, often with a roof, used for recreation or shelter in a garden, park or plaza.

Pedestrian Connections. Sidewalks that provide convenient routes between destinations. Pedestrian connections are generally lined by landscape and building features for the pedestrian’s comfort and visual interest. See also “Connecting Walkways.”

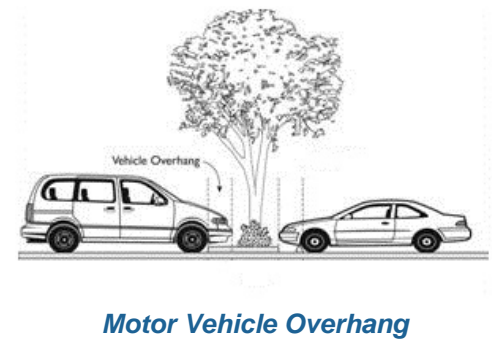
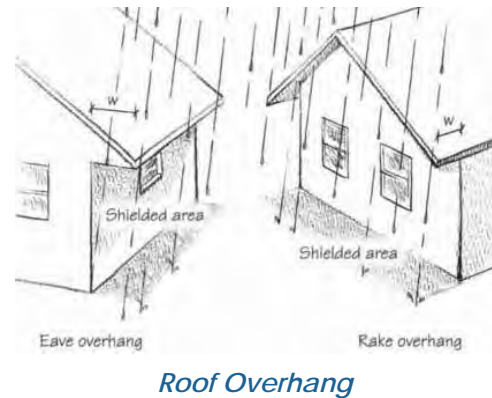
Pedestrian Oriented. Designing to make a building or structure inviting to pedestrian traffic.

Pilaster. A vertical architectural member that is integrated within a wall, but is architecturally treated as a column and usually projects one-third or less of its width from the wall.

Place Making. The creation of pleasant and memorable spaces.

Plaza. A place for public recreation that generally contains hard surfaces, such as seating areas and ornate pavement.

Podium Apartments. A ground floor parking structure with one or more levels of residential units above.



Porte Cochere. A roofed extension of a building over a driveway that shelters passengers getting into and out of vehicles.

Portico. A roofed porch that may be open or partly enclosed.

Prefab. A construction method in which shop-manufactured pieces undergo final assembly on-site.

Primary Building Entry. A publicly accessible and commonly used place of building ingress.

Public Way. A path or road that is accessible by, and generally maintained, by the public.

Q. Definition of Words Beginning with the Letter “Q.”

Reserved

R. Definition of Words Beginning with the Letter “R.”

Recessed Panel. An indentation within a building facade, such as occurs between pilasters or within other framed openings.

Reveals. Depressions or notches, primarily at an edge or corner, used to provide architectural detail by showing depth and enriching character.

Ridge. The line of intersection between opposing sides or slopes of a roof.

S. Definition of Words Beginning With the Letter “S.”

Scale. The proportion of one thing relative to the size of another. Something that is “human” in scale has elements that are comparable to the size of a person. Scale *of a* building is the proportional system that relates the various-sized building elements to each other and to people.

Setback. The ~~distance between a property line and a building or structure~~ required distance that a building, structure, parking space, drive aisle, or other designated item must be located from a lot line or other designated location. Setback requirements ~~can~~ provide a way of encouraging the spatial definition of open space; the separation of uses, **activities or facilities**; or the provision of yards and landscaping.

Staggered Walls. Sections of walls placed in shifted planes.

Structural Podium. See “Podium Apartments.”

T. Definition of Words Beginning with the Letter “T.”

Tandem. An arrangement of things placed one behind the other. Tandem parking places one car behind another.

Terrace. An outdoor paved platform extending from a building that complements the use or activities located within the building.

Tops. The uppermost portions of a building and often include cornice treatments, roof overhangs, or parapets.

Transformers. Electrical switching equipment used for converting electricity from high-voltage to common current. They are often located in ground-mounted boxes.

Trellis. A light framework of horizontal and/or vertical members, often used to support climbing plants.

U. Definition of Words Beginning with the Letter “U.”

Unit. One of many similar or identical components that comprise a greater whole. Unit is also a single dwelling, either on its own lot (in the case of single-family homes) or grouped as part of a multi-family complex.

V. Definition of Words Beginning with the Letter “V.”

Value. A color’s relative lightness or darkness.

Vehicular Access. An entrance or exit for cars or trucks.

Vestibule. An entrance hall or lobby of a building.

W. Definition of Words Beginning with the Letter “W.”

Wainscot. An area of facing or paneling on the lower portion of the walls of a room.

Wall Footings. Structural foundation elements that carry the weight of a structure to the ground.

Window Stem Walls. Low walls that support a large window, generally on a storefront.

X. Definition of Words Beginning with the Letter “X.”

Reserved

Y. Definition of Words Beginning with the Letter “Y.”

Reserved

Z. Definition of Words Beginning with the Letter “Z.”

Zero Lot Line. A development approach in which a building is sited on a lot in such a manner that one or more of the structure’s sides rest directly (to the extent possible) on a lot line ~~along a side property line, with the opposing side yard area separating the dwelling on the abutting lot (conceivably, 3 of the 4 sides of a dwelling could be placed on a lot line).~~ The intent is to allow more flexibility in site design and to increase the amount of usable open space on a lot.

Zone Division Walls. Walls constructed for the purpose of buffering adjacent incompatible land uses.

Zoning Map. The official zoning map of the City, which delineates the location of the zoning districts of the City, governing the use, placement, spacing, and size of land and buildings.

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA18-003, A DEVELOPMENT CODE AMENDMENT PROPOSING TO: [1] REVISE CURRENT PROVISIONS REGARDING THE REGULATION OF ACCESSORY DWELLING UNITS AND RESCIND AN URGENCY ORDINANCE PREVIOUSLY APPROVED BY THE CITY COUNCIL ON JANUARY 21, 2020; [2] REVISE CURRENT MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT PROVISIONS TO FACILITATE THE ESTABLISHMENT OF THE DOWNTOWN DISTRICT PLAN; [3] ESTABLISH PROVISIONS REGULATING THE DEVELOPMENT OF SMALL LOT INFILL SUBDIVISIONS; [4] REVISE PROVISIONS REGULATING MASSAGE SERVICES AND MASSAGE ESTABLISHMENTS, AND ESTABLISHING AN ADMINISTRATIVE APPROVAL PROCEDURE FOR MASSAGE ESTABLISHMENTS; AND [5] MODIFY, ADJUST, AND CLARIFY CERTAIN DEVELOPMENT CODE PROVISIONS WITHIN CHAPTER 2.0 (ADMINISTRATION AND PROCEDURES), CHAPTER 3.0 (NONCONFORMING LOTS, LAND USES, STRUCTURES, AND SIGNS), CHAPTER 5.0 (ZONING AND LAND USE), CHAPTER 6.0 (DEVELOPMENT AND SUBDIVISION REGULATIONS), CHAPTER 7.0 (HISTORIC PRESERVATION), CHAPTER 8.0 (SIGN REGULATIONS), AND CHAPTER 9.0 (DEFINITIONS AND GLOSSARY), AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Ontario has initiated an Application for the approval of a Development Code Amendment, File No. PDCA18-003, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

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

WHEREAS, the City has initiated numerous modifications to the Development Code, including those required in compliance with changes in State law, as well as those changes deemed necessary to: implement the Downtown District Plan, update massage establishment and services regulations, establish new small lot infill subdivision regulations, and other certain adjustments and clarifications to various provisions of the Development Code; 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 City Council the responsibility and authority to review and act on the subject Application; and

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

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

WHEREAS, on October 27, 2020, the Planning Commission of the City of Ontario conducted a public hearing to consider the Project, and concluded said hearing on that date, voting to issue Resolution No. PC20-087, recommending the City Council approve the Application; and

WHEREAS, on November 17, 2020, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

(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 exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the common sense exemption (general rule) that CEQA applies only to projects that have the potential for

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

(3) The determination of CEQA exemption reflects the independent judgment of the City Council.

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 development regulations, land use plans, and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

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

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

SECTION 4. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described Development Code Amendment (File No. PDCA18-003), 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. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

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

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

PASSED, APPROVED, AND ADOPTED this 1st day of December 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER, LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3175 was duly introduced at a regular meeting of the City Council of the City of Ontario held November 17, 2020 and adopted at the regular meeting held December 1, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3175 duly passed and adopted by the Ontario City Council at their regular meeting held December 1, 2020 and that Summaries of the Ordinance were published on November 24, 2020 and December 8, 2020, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

File No. PDCA18-003; Development Code Update 2020

*(Document follows this page. Please note that all proposed deletions are shown in red ~~strikeout~~ text and all proposed additions are shown in yellow **highlighted** text)*

Division 2.02—Application Filing and Processing

Sections:

- [2.02.000](#): Purpose
- [2.02.005](#): Applicability
- [2.02.010](#): Applications and Fees
- [2.02.015](#): Application Processing Procedures
- [2.02.020](#): Environmental Review
- [2.02.025](#): Time Limits and Extensions
- [2.02.030](#): Failure by Applicant to Complete Application Processing
- [2.02.035](#): Limitations on Application Refiling
- [2.02.040](#): Indemnification

2.02.000: Purpose

The purpose of this Division is to establish procedures and requirements for the preparation, filing and processing of applications for permits, amendments, and approvals stipulated by this Development Code.

2.02.005: Applicability

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

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

Table 2.02-1: Review Matrix

<i>Applications, Actions, Decisions and Processes</i>	<i>Reviewing Authorities [4]</i>									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
A. LEGISLATIVE ACTIONS										
1. Airport Land Use Compatibility Plan and Amendments [1] (Ref: ODC Section 4.01.010)								R	X	
2. Development Agreements [1] (Ref: ODC Section 4.01.015)								R	X	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
3. Development Code Amendments [1] (Ref: ODC Section 4.01.020)								R	X	
4. Amendment to the Policy Plan (General Plan) Component of The Ontario Plan [1] (Ref: ODC Section 4.01.025)								R	X	
5. Planned Unit Developments and Amendments [1] (Ref: ODC Section 4.01.030)								R	X	
6. Specific Plans and Amendments [1] (Ref: ODC Section 4.01.035)								R	X	
7. Williamson Act Contract Cancellations [1] (Ref: GC Section 51200 et.seq.)								R	X	
8. Zone Changes [1] (Ref: ODC Section 4.01.040)								R	X	
B. DISCRETIONARY PERMITS AND ACTIONS										
1. Administrative Exceptions (Ref: ODC Section 4.02.020.C)				X				A	A	
2. Billboard Relocation Agreements [1] (Ref: ODC Section 4.02.010)								R	X	
3. Conditional Use Permits (Ref: ODC Section 4.02.015)										
a. Hotels, Motels and Residence Inns [1]								R	X	
b. Use established in conjunction with a Development Plan [1]					R			X	A	
c. Use established within an existing structure [1]				X				A	A	
d. Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) [1]								X	A	
e. Revocation due to abandonment of use per ODC Division 2.05 (City Initiated Modification or Revocation) [1]				X				A	A	
4. Density Bonus and Other Incentives per ODC Section 6.01.010.G (Density Bonus and Other Incentives) [1]								R	X	
5. Development Plans (Ref: ODC Section 4.02.025)										
a. Residential developments totaling 5 or more dwelling units or the development of 3 or more dwelling units on a single lot or parcel					R			X	A	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
b. Commercial developments, and developments in the CIV, OS-R, OS-C and UC zoning districts, greater than 500 SF in area					X			A	A	
c. Industrial developments equal to or less than 0.45 FAR					X			A	A	
d. Industrial developments exceeding 0.45 FAR					R			X	A	
e. Wireless telecommunications facilities pursuant to Section 5.03.415 (Wireless Telecommunications Facilities) of this Development Code										
(1) Tier 2 facilities					X			A	A	
(2) Tier 3 facilities [1]					R			X	A	
f. All others					X			A	A	
6. Extensions of Legal Nonconforming Status [1] (Ref: ODC Section 4.02.030)				X				A	A	
7. Fair Housing and Reasonable Accommodation [1] (Ref: ODC Section 4.02.035)				X				A	A	
8. Historic Preservation										
a. Certificates of Appropriateness (Ref: ODC Section 4.02.050)										
(1) Designated Historic Landmarks and Contributors, and Architectural Conservation Areas; and Demolition of an Historic Resource [1]						R	X		A	
(2) Deferral of Replacement Structure [1]						R	X		A	
(3) Eligible Historic Resources [1]						X	A		A	
(4) Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) [1]						R	X		A	
(5) Waivers for Minor Improvements	X					A[6]	A[6]			
b. Certificates of Economic Hardship [1] (Ref: ODC Section 4.02.055) [1]						R	X		A	
c. Certificates of Economic Hardship—Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) [1]						R	X		A	
d. Conservation Plans (Ref: ODC Section 4.02.060)						X	A		A	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
e. Historic Resource Tiering (Ref: ODC Section 4.02.040), including Rescinding or Amending Status (Ref: ODC Section 4.02.045)						X	A		A	
f. Local Historic Landmark and Local District Designations, and Architectural Conservation Areas (Ref: ODC Section 4.02.040), including Rescinding or Amending Status (Ref: ODC Section 4.02.045)						R	R		X	
g. Mills Act Contracts (Ref: ODC Section 4.02.065)						R	R		X	
h. Mills Act Cancellations [1] (Ref: ODC Section 4.02.065)						R	R		X	
i. Addition/Removal of Resources to/from the Ontario Register (Ref: ODC Section 4.02.045)										
(1) At the request of the property owner, or upon City initiation if the most recently prepared Historic Resource Survey evaluating the resource is more than 5 years old.						X	A		A	
(2) Loss of all historic and/or cultural significance due to a catastrophe causing a loss of integrity, or due to extensive legally performed alterations performed after the property was initially surveyed.	X						A		A	
9. Interpretations and Land Use Determinations (Ref: ODC Section 1.02.010)				X				A	A	
10. Master Plans and Amendments [1] (Ref: ODC Section 4.02.070)								R	X	
11. Minor Variances (Ref: ODC Section 4.02.020.D)				X				A	A	
12. Nonconforming Structure Reconstruction [1] (Ref: ODC Section 3.01.020)								X	A	
13. Parking Reduction (Ref: ODC Section 6.03.025)								X	A	
14. Sign Programs (Ref: ODC Section 4.02.075)	X							A	A	
15. Specific Plan Minor Amendments (Ref: ODC Section 4.02.080)	X							A	A	
16. Stays of Permit Approval Time Limit (Ref: ODC Section 2.02.025.A.8)				X[5]	X[5]	X[5]	X[5]	X[5]	X[5]	
17. Subdivisions										

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
a. Lot Merger (Merger of Contiguous Parcels) [1] (Ref: ODC Section 4.02.085)					R			X	A	
b. Reversions to Acreage [1] (Ref: ODC Section 4.02.090)					R			X	A	
c. Tentative Tract and Parcel Maps, and Vesting Maps [1] (Ref: ODC Section 4.02.095)					R			X	A	
d. Tentative Tract and Parcel Map Time Extensions (Ref: ODC Section 2.02.025.A.3 & 4)					R			X	A	
18. Time Extensions, excepting tentative subdivision maps (Ref: ODC Section 2.02.025)	X							A	A	
19. Variances (Ref: ODC Section 4.02.020.E)										
a. Homeowner [1]				X				A	A	
b. Other [1]					R			X	A	
C. MINISTERIAL (ADMINISTRATIVE) PERMITS AND DECISIONS										
1. Administrative Use Permits (Ref: ODC Section 4.03.015)	X									
2. Airport Land Use Compatibility Plan (ALUCP) Interagency Reviews [7] (Ref: ALUCP)	X								A[8]	
3. Business License - Zoning/Land Use Compliance (Ref: OMC 3-1.129 (Zoning Compliance))	X							A	A	
4. Development Applications within the ONT zoning district	X									
5. Landscape and Irrigation Plans (Ref: ODC Section 6.05.005)	X							A	A	
6. Off-Site (Public) Improvement Plans (Ref: ODC Section 6.08.040)		X						A	A	
7. Other Plan Checks required by this Development Code	X							A	A	
8. Shopping Cart Retention Plans (Ref: ODC Section 6.11.020)	X							A	A	
9. Sign Plans (Ref: ODC Section 4.03.020)	X							A	A	
10. Subdivisions										
a. Certificates of Compliance (Ref: ODC Section 4.03.025)		X						A	A	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
b. Final Tract and Parcel Maps, and Vesting Maps (Ref: ODC Section 4.03.030)									X	
c. Lot Line Adjustments (Ref: ODC Section 4.03.035)		X						A	A	
d. Map Corrections and Amendments (Ref: ODC Section 4.03.040)		X						A	A	
e. Street Address Numbering (Ref. ODC Section 6.06.010)			X					A	A	
f. Street Name Assignment (Ref. ODC Section 6.06.010)	X							A	A	
g. Subdivision Improvement Agreement (Ref: ODC Section 6.08.040.G)		X						A	A	
11. Tier 1 wireless telecommunications facility pursuant to ODC Section 5.03.415 (Wireless Telecommunications Facilities)	X							A	A	
12. Wall, Fence, and Obstructions Plans (Ref. ODC Section 6.02.005)	X							A	A	
D. ENVIRONMENTAL DETERMINATIONS AND ACTIONS										
1. Environmental Impact Reports (EIRs) (Ref: CCR Section 15080 et seq.)								X[3]	X[3]	
2. Exempt Projects (Ref: CCR Section 15300 et seq.)	X[3]			X[3]	X[3]	X[3]	X[3]	A	A	
3. Ministerial Projects (Ref: CCR Section 15268)	Ministerial projects are exempt from the requirements of CEQA [10]									
4. Negative Declarations (NDs) and Mitigated Negative Declarations (MNDs) (Ref: CCR Section 15070 et seq.)				X[3]	X[3]	X[3]	X[3]	X[3]	X[3]	
5. Addendums to previously certified EIRs and previously adopted NDs and MNDs (Ref: CCR Section 15164)				X[3]	X[3]	X[3]	X[3]	X[3]	X[3]	
6. Environmental review for projects located within the ONT zoning district [9]										X

Notes:

[1] A public hearing is required pursuant to the procedures set forth in Division 2.03 (Public Hearings) of this Development Code; however, public notification shall not be required for Development Advisory Board or Historic Preservation Subcommittee hearings when acting in the capacity of an Advisory Authority.

[2] The Approving Authority may refer any application subject to their review to the next higher authority (Appeal Authority).

- [3] *The Approving Authority for environmental determinations/actions shall be the same as the related legislative or discretionary actions. NDs and MNDs, and Addendums to previously certified EIRs, and previously adopted NDs or MNDs, which are not associated with, or are independent of, legislative or discretionary actions, shall be subject to Development Advisory Board review and adoption. EIRs that are not associated with, or are independent of, legislative or discretionary actions shall be subject to Planning Commission review and certification.*
- [4] *An application submitted for concurrent review and action with another application, action or decision requiring review and action by a higher Reviewing Authority shall be subject to concurrent review and action by that higher Reviewing Authority.*
- [5] *The Approving Authority responsible for issuing a “Stay of Permit Approval Time Limit” pursuant to Section 2.02.025 (Projects Involving Pending Litigation) of the Development Code, shall be the same as for the related application, action or decision.*
- [6] *An appeal of an Historic Preservation—Certificate of Appropriateness—Waiver shall be considered by the Historic Preservation Subcommittee, except that an Historic Preservation—Waiver for an Historic Landmark shall be considered by the Historic Preservation Commission*
- [7] *Refer to the ALUCP for procedures for application processing and administration, and appeals processing.*
- [8] *Appeal shall be subject to review by the Mediation Board established pursuant to ALUCP Section 4.*
- [9] *Pursuant to the Joint Powers Authority agreement between the City of Ontario and the County of San Bernardino, the Ontario International Airport Authority shall be the lead agency.*
- [10] *Ministerial projects are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15268 of the CEQA Guidelines. The following projects or actions shall be deemed ministerial:*
- *Administrative Use Permit issuance;*
 - *ALUCP inter agency reviews;*
 - *Building permit issuance;*
 - *Business license issuance;*
 - *Encroachment permit issuance;*
 - *Final subdivision map approval;*
 - *Individual utility service connection and disconnection approval;*
 - *Landscape and irrigation plan approval;*
 - *Lot Line Adjustment approval;*
 - *Public improvement plan approval;*
 - *Shopping cart retention plan approval;*
 - *Sign Plan approval;*
 - *Street address number issuance;*
 - *Subdivision Improvement Agreement approval;*
 - *Subdivision map corrections and amendments approval;*
 - *Temporary Use Permit issuance;*
 - *Tier 1 wireless telecommunications facility approval; and*
 - *Wall and/or fence plan approval.*
- [11] *Applications that do not require a public Hearing pursuant to Note 1, above, may be reviewed and acted upon under the “Consent Calendar” portion of the Approving Authority meeting agenda.*

2.02.010: Applications and Fees

A. Application filing.

1. An application for a permit, permit modification, amendment, or any other matters pertaining to this Development Code shall be filed with the City, on a City application form, together with any required fees, plans, maps, reports, special studies, exhibits, and any other information deemed necessary by the City to process the application.

2. An application may be initiated by the City, owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Development Code, or their agent(s).

3. A project requiring the filing of more than one land use or entitlement permit application shall, to the extent possible, be filed with all related applications for concurrent review

and action by the highest required Reviewing Authority, except that an Administrative Exception application filed in conjunction with a Development Plan shall require separate review and action by the appropriate Reviewing Authority.

B. Filing Fees.

1. The City Council may establish by resolution, a schedule of fees for permits, amendments, inspections, licenses, services, and other matters pertaining to this Development Code. The schedule of fees may be changed or modified only by resolution of the City Council.

2. Application review and action shall not commence until such time that all applicable filing fees and/or deposits have been paid in full. An application received without all applicable filing fees and/or deposits shall be deemed incomplete for filing and further processing, and shall be deemed just cause for denial of the application. In the case of time and materials projects, the payment of additional deposits may be required to fully cover all City processing costs.

C. Refunds and Withdrawals.

1. The refund of filing fees in response to the denial of an application shall be prohibited, recognizing that filing fees are utilized to cover City costs related to public hearings, mailings, postings, transcripts, and staff time involved in processing applications.

2. An applicant wishing to withdraw their application may do so by written request to the Planning Director at any time prior to action by the Approving Authority.

3. Upon receipt of a request for application withdrawal, the Planning Director may order the refund of all or part of the filing fees, based upon the prorated costs to date and determination of the status of the application at the time of withdrawal.

2.02.015: Application Processing Procedures

This section is intended to provide general procedures for the processing of applications for legislative actions, discretionary permits and actions, and ministerial permits and decisions filed pursuant Table 2.02-1 (Review Matrix) of this Division.

A. Legislative Actions. The Advisory and Approving Authorities for legislative actions are established by Table 2.02-1 (Review Matrix) of this Division. Unless otherwise stipulated by Division 4.01 (Legislative Actions) of this Development Code, the procedure for reviewing and acting upon an application resulting in a legislative action is as follows:

1. Initial Review for Application Completeness. Legislative actions shall be initially reviewed for application completeness and acceptance, as follows:

a. *Review for Application Completeness.*

(1) Following receipt of an application filed in compliance with this Division, the Planning Department shall determine, in writing, whether the application is complete for processing and shall transmit the determination to the applicant.

(2) If an application is determined to be incomplete for processing, the Planning Department shall specify those parts of the application that 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 City in response to the list and description, which shall be reviewed pursuant to Subparagraph A.1.a(1), above.

(3) If the application, together with the submitted materials, is determined to be incomplete for processing, the applicant may appeal that decision to the Planning Commission pursuant to the provisions of Division 2.04 (Appeals) of this Development Code.

(4) Failure of an applicant to submit complete or adequate information pursuant to the provisions of Subparagraphs A.1.a(1) and (2), above, shall constitute grounds for denial of the application.

b. *Application Acceptance.*

(1) Following acceptance of an application as complete for processing, no new or additional information may be requested of the applicant; however, in the course of processing the application, the Planning Department may request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application. This provision shall not be so construed as to require an applicant to submit with the initial application, the entirety of the information that the Planning Department may require in order to take final action on the application.

(2) Prior to accepting an application as complete for processing, the Planning Department shall inform the applicant of any information included in the list prepared pursuant to Subparagraph A.1.b(1), above, which will subsequently be required from the applicant in order to complete final action on the application.

(3) The provisions of this Section shall not be construed as limiting the ability of the Planning Department to request and obtain information that may be needed in order to comply with the provisions of PRC Division 13 (commencing with Section 21000).

2. Investigation and Report.

a. Following acceptance of an application as complete for processing pursuant to Subparagraph B.1 (Initial Review for Application Completeness), above, the Planning Department shall investigate the facts bearing on the application and shall prepare a written report, which shall be transmitted to the appropriate Reviewing Authority.

b. The Planning Department's report shall provide the information necessary for action on the application, consistent with the provisions of this Development Code and The Ontario Plan, and shall report all findings to the appropriate Reviewing Authority.

c. During the investigation of the facts bearing on the application, the Planning Department may consult with other City departments and public agencies.

3. Public Hearings.

a. The Advisory and Approving Authorities established by Table 2.02-1 (Review Matrix), shall each conduct at least one public hearing, which shall be duly noticed, heard, and acted upon pursuant to Division 2.03 (Public Hearings) of this Development Code.

b. The Planning Department's written report, prepared pursuant to Subparagraphs A.2.a through c, above, shall be made available to the property owner and applicant, if different from the property owner, at least 72 hours prior to the public hearing.

4. Advisory Authority Review and Recommendation. The procedure for review and recommendation on a legislative action by an Advisory Authority is as follows:

a. The Advisory Authority shall make recommendation to the Approving Authority whether to approve, approve in modified form, or deny an application, which shall be transmitted to the Approving Authority in such manner and form as specified by the Approving Authority.

b. The Advisory Authority shall forward its recommendation to the Approving Authority within 60 days following the date its decision was rendered.

5. Approving Authority Review and Action. The procedure for review and action on a legislative action by the Approving Authority is as follows:

a. Upon receipt of the Advisory Authority's recommendation, the Approving Authority shall approve, approve in modified form, or deny an application.

b. The action of the Approving Authority shall be by written decision, setting forth the basis for the action, and shall include any applicable findings prescribed by Division 4.01 (Legislative Actions) of this Development Code. There shall be no time limit within which the Approving Authority must act on a legislative action.

c. The Approving Authority's action shall be final and conclusive.

6. Effective Date of Approving Authority Action. A legislative approval granted by resolution is effective immediately upon adoption of the numbered resolution by the City Council. A legislative approval granted by ordinance is effective 30 days following the date of adoption of the ordinance by the Approving Authority.

B. Discretionary Permits and Actions. The Advisory, Approving, and Appeal Authorities for discretionary permits and actions are established by Table 2.02-1 (Review Matrix) of this Division. Unless otherwise stipulated by Division 4.02 (Discretionary Permits and Actions) of this Development Code, the procedure for reviewing and acting upon an application resulting in a discretionary permit or action is as follows:

1. Initial Review for Application Completeness. Applications requesting discretionary permits and/or actions shall be initially reviewed for application completeness and acceptance, as follows:

a. *Review for Application Completeness.*

(1) Within 30 days following receipt of an application filed in compliance with this Division, the Planning Department shall determine, in writing, whether the application is complete for processing and shall transmit the determination to the applicant. If the written determination is not made within the required period, the application shall be automatically deemed complete for processing. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which time completeness of the resubmitted application shall be determined.

(2) If an application is determined to be incomplete for processing, the Planning Department shall specify those parts of the application that 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 Planning Department in response to the list and description, which shall be reviewed pursuant to Subparagraph B.1.a(1), above.

(3) If the application, together with the submitted materials, is determined to be incomplete for processing, the applicant may appeal that decision to the Planning Commission pursuant to the provisions of Division 2.04 (Appeals) of this Development Code.

(4) Failure of an applicant to submit complete or adequate information pursuant to the provisions of Subparagraphs B.1.a(1) and (2), above, shall constitute grounds for denial of the application.

b. *Application Acceptance.*

(1) Following acceptance of an application as complete for processing, no new or additional information may be requested of the applicant; however, in the course of processing the application, the Planning Department may request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application. This provision shall not be so construed as to require an applicant to submit with the initial application, the entirety of the information that the City may require in order to facilitate final action on the application.

(2) Prior to accepting an application as complete for processing, the Planning Department shall inform the applicant of any information included in the list prepared pursuant to Subparagraph B.1.b(1), above, which will subsequently be required from the applicant in order to complete final action on the application.

(3) The provisions of this Subsection shall not be construed as limiting the ability of the Planning Department to request and obtain information that may be needed in order to comply with the provisions of PRC Division 13 (commencing with Section 21000).

2. Investigation and Report.

a. Following acceptance of an application as complete for processing pursuant to Subparagraph B.1 (Initial Review for Application Completeness), above, the Planning Department shall investigate the facts bearing on the application and shall prepare a written report, which shall be transmitted to the appropriate Reviewing Authority.

b. The Planning Department's report shall provide the information necessary for action on the application, consistent with the provisions of this Development Code and The Ontario Plan, and shall report all findings to the appropriate Reviewing Authority.

c. During the investigation of the facts bearing on the application, the Planning Department may consult with other City departments and public agencies.

3. Public Hearings.

a. The Advisory, Approving and Appeal Authorities established by Table 2.02-1 (Review Matrix), and which require a public hearing pursuant to the Review Matrix, shall each conduct at least one public hearing, which shall be duly noticed, heard, and acted upon pursuant to Division 2.03 (Public Hearings) of this Development Code.

b. The Planning Department's written report, prepared pursuant to Subparagraphs B.2.a through c, above, shall be made available to the property owner and applicant, if different from the property owner, at least 72 hours prior to the public hearing.

4. Advisory Authority Review and Recommendation. If required pursuant to Table 2.02-1 (Review Matrix), the procedure for review and recommendation on a discretionary permit or action by an Advisory Authority is as follows:

a. The Advisory Authority shall make recommendation to the Approving Authority whether to approve, approve in modified form, or deny an application, which shall be transmitted to the Approving Authority in such manner and form as specified by the Approving Authority.

b. The Advisory Authority shall forward its recommendation to the Approving Authority within 60 days following the date its decision was rendered.

c. In instances where review and recommendation by more than one Advisory Authority is required, the initial Advisory Authority shall forward its recommendation whether to approve, approve in modified form, or deny an application to the subsequent Advisory Authority within 30 days following the date its decision was rendered. The 30-day time limit may be extended by mutual agreement of the applicant and City.

5. Approving Authority Review and Action. The procedure for review and action on a discretionary permit or action by an Approving Authority is as follows:

a. Upon receipt of the Advisory Authority's recommendation, the Approving Authority shall approve, approve in modified form, or deny an application, and may impose reasonable conditions to the approval of an application.

b. The action of the Approving Authority shall be by written decision, setting forth the basis for the action, and shall include any applicable findings prescribed by Division 4.02 (Discretionary Permits and Actions) of this Development Code. A discretionary permit or action shall be acted upon within the timeframes specified by GC Section 65950, 65950.1, 65951, and 65952, except that Tentative Subdivision Maps shall be acted upon within the timeframes specified by GC Section 66452.1.

c. The decision of the Approving Authority shall be final and conclusive in the absence of an appeal filed pursuant to Division 2.04 (Appeals) of this Development Code.

6. Effective Date of Approving Authority Action. A discretionary permit or action shall become effective on the City business day following Approving Authority action, unless the discretionary permit is being processed concurrently with and dependent upon any legislative action; in which case, the effective date of the discretionary permit or action shall be governed by Paragraph A.6 (Effective Date of Approving Authority Action) of this Section. The Approving Authority's action to approve, approve in modified form, or deny a discretionary permit or action shall be immediately suspended upon the filing of an appeal pursuant to Division 2.04 (Appeals) of this Development Code.

C. Ministerial Permits and Decisions. The Advisory, Approving and Appeal Authorities for ministerial permits and decisions are established by Table 2.02-1 (Review Matrix) of this Division. Unless otherwise stipulated by Division 4.03 (Ministerial Permits and Decisions) of this Development Code, the procedure for reviewing and acting upon an application requiring a ministerial permit or decision is as follows:

1. Initial Review for Application Completeness. Applications requesting ministerial permits and/or decisions shall be initially reviewed for completeness and acceptance, as follows:

a. *Review for Application Completeness.*

(1) Within 30 days following receipt of an application filed in compliance with this Division, the City shall review the application and determine, in writing, whether the application is complete for further processing, and shall transmit the determination to the applicant. If the written determination is not made within the required period, the application shall automatically be deemed complete for further processing. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which time completeness of the resubmitted application shall be determined.

(2) If an application is determined to be incomplete for processing, the City shall specify those parts of the application that 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 responsible City department in response to the list and description, which shall be reviewed pursuant to Subparagraph C.1.a(1), above.

(3) If an application, together with the submitted materials, is determined to be incomplete for processing, the applicant may appeal that decision to the Planning Commission pursuant to the provisions of Division 2.04 (Appeals) of this Development Code.

(4) Failure of an applicant to submit complete or adequate information pursuant to the provisions of Subparagraphs C.1.a(1) and (2), above, shall constitute grounds for denial of the application.

b. *Application Acceptance.*

(1) Following acceptance of an application as complete for processing, no new or additional information may be requested of the applicant; however, in the course of processing the application, the responsible City department may request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application. This provision shall not be so construed as to require an applicant to submit with the initial

application, the entirety of the information that the responsible City department may require in order to facilitate final action on the application.

(2) Prior to accepting an application as complete for processing, the responsible City department shall inform the applicant of any information included in the list prepared pursuant to Subparagraph C.1.b(1), above, which will subsequently be required from the applicant in order to complete final action on the application.

(3) The provisions of this Subsection shall not be construed as limiting the ability of the responsible City department to request and obtain information that may be needed in order to comply with the provisions of PRC Division 13 (commencing with Section 21000).

2. Investigation. Following acceptance of an application as complete for processing, the responsible City department shall investigate the facts bearing on the application and provide the information necessary for action or determination, consistent with this Development Code and The Ontario Plan, which shall be reported to the Approving Authority.

3. Review and Action.

a. The Approving Authority shall review the application and shall then approve, approve in modified form, or deny the application. The decision of the Approving Authority shall be final and conclusive in the absence of an appeal filed pursuant to the provisions of Division 2.04 (Appeals) of this Development Code.

b. The Approving Authority shall act on a ministerial approval request within 60 days following acceptance of an application as complete for processing pursuant to Paragraph C.1 (Initial Review for Application Completeness), above. The 60-day time limit may be extended by mutual agreement of the applicant and City.

4. Effective Date of Approving Authority Action. A ministerial permit or action shall become effective immediately upon Approving Authority action. An Approving Authority action to approve or deny a ministerial permit or decision shall be immediately suspended upon the filing of an appeal pursuant to Division 2.04 (Appeals) of this Development Code.

2.02.020: Environmental Review

A. Purpose. The purpose of this Section is to assist the City in accomplishing the basic objectives of CEQA, as follows:

1. Enhance and provide long-term protection for the environment, while providing a decent home and satisfying living environment for every Californian;

2. Provide information to governmental decision-makers and the public regarding the potential significant environmental effects of the proposed project;

3. Provide an analysis of the environmental effects of future actions associated with a project in order to adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project;

4. Identify ways that environmental damage can be avoided or significantly reduced;

5. Prevent significant avoidable environmental damage through utilization of feasible project alternatives or mitigation measures; and

6. Provide full public disclosure of the City's basis for project approval in the manner chosen. Public participation is an essential part of the CEQA process. Each public agency should encourage wide public involvement, formal and informal, in order to receive and evaluate public reactions to environmental issues related to a public agency's activities. The involvement should include, whenever possible, making environmental information available in electronic format on the Internet, on a web site maintained or utilized by the public agency.

B. Applicability. The provisions of this division shall apply to any activity of the City that is determined to be a "project" pursuant CEQA (PRC Section 21000 through Section 21178) and the CEQA Guidelines (CCR Section 15000 through Section 15387).

C. CEQA Implementation. Local guidelines for the implementation of CEQA shall be adopted by Resolution of the City Council. The guidelines may be changed or modified only by resolution of the City Council.

D. Environmental Review. The City of Ontario shall conduct an environmental review of any activity within the City that constitutes a "project" pursuant CEQA, the CEQA Guidelines and the City's local guidelines for the implementation of CEQA. Depending upon the nature and scope of a "project," it may be found to be exempt from further environmental review, or a negative declaration, mitigated negative declaration or environmental impact report may be required to be completed. Negative declarations, mitigated negative declarations and environmental impact reports shall be prepared pursuant to the requirements of CEQA and the implementing guidelines, and City's local guidelines for the implementation of CEQA.

2.02.025: Time Limits and Extensions

A. Time Limits. Discretionary permits/actions granted pursuant to this Division shall become invalid if not exercised within the below-listed timeframes:

1. Generally. Unless otherwise stipulated by the conditions of approval, a discretionary permit/action shall become invalid if not exercised within 12 months following the effective date of application approval, except as specified in Paragraphs A.2 through A.6, below, unless extended by time extension pursuant to Subsection B (Time Extensions) of this Section.

2. Development Plan. Unless otherwise stipulated by the conditions of approval, a Development Plan shall become invalid if not exercised within 24 months following the effective date of application approval, unless extended by time extension pursuant to Subsection B (Time Extensions) of this Section.

3. Tentative Subdivision Map. A Tentative Tract or Parcel Map shall become invalid if not exercised within the time limits specified by GC Section 66452.6.

4. Vesting Tentative Maps.

a. A vesting tentative map shall become invalid if not exercised within the time limits specified by Paragraph A.3 (Tentative Subdivision Map), above.

b. If a final tract map is approved prior to the expiration of the vesting tentative map, the tentative map vesting rights for the final tract map area shall last for the periods listed below:

(1) An initial period of 12 months following recordation of the final tract map. Where several final tract maps are recorded on phases of a project covered by a single vesting tentative map, the 12-month period for each final tract map shall begin on the date of recordation of that final tract map;

(2) The initial period set forth in Subparagraph A.4.b.(1), above, shall be automatically extended by any time used by the City for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds 30 days; provided, that the extension shall only be for the number of days in excess of 30 days; and

(3) If during the 24-month period following approval of a final tract map or parcel map, the City receives a complete application for a building permit and the subdivider has satisfied all requirements for the issuance of a building permit, the right to proceed with development in accordance with the tentative map shall continue until the expiration of the building permit.

5. Expiration of Vesting Development Rights. Vesting development rights shall expire if a final map is not filed for approval prior to the expiration of the vesting tentative map, as provided in Paragraph A.6 (Vesting Tentative Maps) of this Section. If the final map is approved, these rights shall last for the following time periods, extending beyond the recording of the final map:

a. An initial period of 12 months, except that where several final maps are recorded for various project phases of a single vesting tentative tract map, this initial time period shall begin with each phase, when the final map for that phase is recorded;

b. The initial time period set forth in Subparagraph A.6.b(1) of this Section shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if the processing exceeds 30 days from the date a complete application is filed;

c. A subdivider may apply for a 12-month extension at any time before the initial expiration date for map approval; and

d. If the subdivider submits a complete application for a building permit during the time periods specified in Subparagraphs A.5.a through A.5.c, above, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

6. Certificate of Appropriateness. A Certificate of Appropriateness granted pursuant to this Division shall become invalid if not exercised within the time limit specified by the conditions of approval, or within 24 months if no time limit has been specified.

7. Phased Projects.

a. Wherein a project involves the construction of multiple phases over an extended period, and the conditions of approval do not specify a time limit differing from Paragraphs A.2 through A.5, above, the portion of entitlement applicable to a particular phase shall be deemed exercised through the issuance of a building permit for that phase. The remainder of the entitlement related to further construction shall expire 12 months following building permit expiration, final building inspection, or Certificate of Occupancy issuance for the previous construction phase, unless extended pursuant to Subsection B, below.

b. A building permit may be issued for a subsequent phase if no more than 12 months have lapsed since a Certificate of Occupancy was issued for the previous phase and the applicant is diligently pursuing the project toward completion. However, if more than 12 months have lapsed since Certificate of Occupancy issuance or final inspection has occurred for the previous phase, and the entitlement was not extended pursuant to Subsection B, below, the entitlement granting the construction of any subsequent phases shall be deemed invalid and no further building permits shall not be issued, unless a time extension is granted pursuant to Section 2.02.025 (Time Limits and Extensions) of this Division.

8. Projects Involving Pending Litigation. The time limits specified in Paragraphs A.1 through A.5, above, including any time extension granted pursuant to Subsection B, below, shall not include the period of time during which a lawsuit involving the approval or conditional approval of a discretionary permit is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the Approving Authority pursuant to this Division. After service of the initial petition or complaint in the lawsuit upon the City, the applicant, or property owner if different from the applicant, may apply to the local agency for a Stay of Permit Approval Time Limit. Within 40 days after receiving the application, the Review Authority may stay the time limit for up to 5 years.

9. Definition. For the purposes of this Section, the term “exercised” shall mean the following:

a. The applicant, or property owner if different from the applicant, has completed or fulfilled all conditions of approval imposed upon the permit or action by the Approving Authority; and

b. In the case of permits or actions pertaining to a development project approval, a Building Permit shall have been issued and construction shall have been diligently pursued toward project completion. In the case of permits or actions pertaining to a land use approval, the approved use shall have commenced. In the case of a Merger of Contiguous Parcels, Reversion to Acreage, or Tentative Subdivision Map, the Merger, Reversion, or Final Subdivision Map shall have been recorded at the office of the San Bernardino County Recorder.

B. Time Extensions. The time limits within which a discretionary permit or action must be exercised, may be extended as follows:

1. Project Applicant or Property Owner Requested Time Extension.

a. The project applicant, or property owner if different from the applicant, may file a Time Extension request, together with any required filing fees, with the City (Planning Department or Engineering Department, as applicable) prior to the expiration date of an approved discretionary permit or action.

b. Upon the submittal of a Time Extension request, the affected discretionary permit or action shall be granted an automatic 90-day time extension to allow sufficient time for application processing.

2. An extension of the expiration date for an approved discretionary permit or action shall be acted upon as follows:

a. The Approving Authority may grant a Time Extension upon determination of the following:

(1) Each of the findings and conditions of the original approval are still applicable to the project and there are no changed circumstances;

(2) The Time Extension will not adversely affect the public health, safety or welfare; and

(3) There has been diligent pursuit to exercise the permit or action for which an extension is being requested.

b. The burden of proof shall lie with the permittee to establish with substantial evidence that the approval for which the Time Extension is requested should not be allowed to expire. If the Approving Authority determines that the permittee has good-faith intent to commence with the proposed project, the Approving Authority may grant a Time Extension.

c. A discretionary permit or action may be granted Time Extensions for a period or periods not to exceed a total of 5 years, excepting tentative subdivision maps, which shall be subject to the provisions of GC Section 66452.6.

3. Blanket Time Extensions Granted by the City Council.

a. In addition to the Time Extensions allowed pursuant to Paragraph B.1 of this Section, the City Council may, by resolution, grant time extensions for discretionary permits and actions, as identified in Table 2.02-1 (Review Matrix) of this Division, to benefit homeowners, developers, landowners, and business owners within the City that may be negatively affected by economic slowdown/downturn or recession.

b. A blanket time extension shall be applicable only to those permits and actions that have not expired prior to the date that the Time Extension is granted.

2.02.030: Failure by Applicant to Complete Application Processing

A. Within 180 days following a written request by the City for plan changes, corrections, revisions, or the submittal of additional information, an application shall be deemed withdrawn if the Planning Director determines that the applicant has not made reasonable progress toward providing necessary plan changes or corrections, or additional information. Application processing shall not resume thereafter until a new application is filed, including fees, plans, exhibits, and other materials required for any project on the same site.

B. Upon written request of the applicant, the Planning Director may order the refund of all or a portion of filing fees pursuant to Section 2.02.010.C (Refunds and Withdrawals) of this Division.

2.02.035: Limitations on Application Refiling

A final action denying an application shall prohibit the further filing of the same or a substantially similar application for a period of not less than 12 months following the date of application denial, except that an application denied without prejudice may be resubmitted within the 12-month period following application denial.

2.02.040: Indemnification

It shall be a condition of any application approved pursuant to this Division, or any approval or certification required pursuant to CEQA or the CEQA Guidelines, that a property owner or applicant, if different from the property owner, shall defend, indemnify, and hold harmless the City and its agents, officers, attorneys, and employees:

A. From any claim, action, or proceeding brought against the City or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul the City's decision to approve any development, land use permit, and/or approvals and certifications under CEQA, but excluding any subdivision approval governed by GC Section 66474.9. This indemnification shall include, but not be limited to, damages, fees, and/or costs awarded against the City, if any, and the cost of any suit, attorney's fees, and/or other costs, liabilities, and expenses incurred in connection with a lawsuit, whether incurred by the applicant, the City, and/or the parties initiating or bringing a lawsuit;

B. For all costs incurred in additional investigation and/or study of, or for supplementing, preparing, redrafting, revising, or amending any document (such as, but not limited to, a negative declaration, mitigated negative declaration, environmental impact report, general plan amendment, specific plan, or specific plan amendment), if made necessary by a lawsuit and if the applicant desires to pursue securing approvals that are condition of application approval, after initiation of a lawsuit; and

C. For all costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in Subsections A and B of this Section.

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Division 3.01—Nonconforming Lots, Land Uses, and Structures

Sections:

- [3.01.000:](#) Purpose
- [3.01.005:](#) Applicability
- [3.01.010:](#) Nonconforming Lots
- [3.01.015:](#) Nonconforming Land Uses
- [3.01.020:](#) Nonconforming Structures and Improvements
- [3.01.025:](#) Abatement of Nonconforming Adult Businesses

3.01.000: Purpose

A. The City Council finds that nonconforming lots, land uses, structures, and improvements within the City, including those that are legally established and those that are illegal, are detrimental to the orderly development of the City, and the health, safety, peace, comfort and welfare of persons and property within the City.

B. The purpose of this Division is to provide for the orderly termination of nonconforming rights for lots, land uses, structures, and improvements that were previously legally established; however, due to revisions to the Development Code, the previously legally established provisions no longer comply with the Development Code. The orderly termination of legally established nonconforming lots, land uses, structures, and improvements is necessary to promote the public health, safety and welfare, and to bring nonconforming lots, land uses, and structures into conformity with current Development Code provisions, and the goals and policies of the Policy Plan (General Plan) component of The Ontario Plan.

C. This Division is intended to limit the expansion of nonconforming lots, land uses, structures and improvements, establish the circumstances under which they may be continued, and provide for their correction, maintenance, and removal.

D. This Division is intended to provide for the elimination of nonconforming lots, land uses, structures, and improvements as rapidly as possible, without infringing upon the constitutional rights of their owners.

3.01.005: Applicability

A. Nonconforming lots, land uses, structures, and improvements may be maintained, expanded, altered, and/or abated only in accordance with the provisions of this Division. It shall be the property owner's responsibility to provide evidence or information to justify the establishment of the nonconforming rights provided under this Division.

B. Any designated historic landmark, contributing structure within a designated historic district, or any property listed on the California Register of Historical Resources or National Register of Historic Places, shall be exempt from the provisions of this Division with respect to the restoration and maintenance of structures, provided that all construction plans are approved through a Certificate of Appropriateness by the Historic Preservation Commission.

C. A lot, land use, structure, or improvement that becomes nonconforming due to a change in zoning district boundary or Development Code regulation, the period prescribed for abatement of the use or improvement of the lot or structure shall begin on the effective date of the change in zoning district boundary or Development Code regulation.

3.01.010: Nonconforming Lots

A. A lot that is not in compliance with the development standards prescribed by this Development Code, as they pertain to minimum area, dimension, or configuration, shall be deemed a "legal nonconforming lot," provided the lot was lawfully created and existing at the time the ordinance codified in this Development Code that created the nonconformity became effective.

B. A legal nonconforming lot shall be granted all development rights and land uses of the zoning district in which it is located.

3.01.015: Nonconforming Land Uses

A use that lawfully occupied a building or land at the time an ordinance codified in this Development Code became effective and does not conform to the use regulations of the zoning district in which it is located, shall be deemed a "legal nonconforming use." A legal nonconforming use may continue, subject to the following:

A. Discontinuance and Abandonment of Use, and Loss of Legal Nonconforming Status.

1. Without further action by the City, a legal nonconforming use shall lose its legal nonconforming status and shall not be reestablished if the legal nonconforming use is abandoned for any reason.

a. *Residential Land Uses.* A legal nonconforming residential land use shall be deemed abandoned if the use is discontinued for a period of 180 or more consecutive days.

b. *Nonresidential Land Uses.* A legal nonconforming nonresidential land use shall be deemed abandoned if the use is discontinued for a single period of 180 or more consecutive days. Wherein special circumstances exist, the legal nonconforming status of a nonresidential land use may be extended pursuant to Section 4.02.030 (Extensions of Legal Nonconforming Status) of this Development Code.

2. Wherein the determination of abandonment of a land use is in question, the determination of abandonment shall be made by the Zoning Administrator, based upon satisfactory evidence. If there are no business receipts, records, or necessary licenses available to provide evidence that the land use in question has been in continual operation, the Zoning Administrator may make a determination of "abandonment of use" based upon consideration of [i] the removal, without replacement, of equipment, furniture, machinery, fixtures, structures, or other components necessary to business operation, and/or [ii] the shut-off or disconnect of utilities (water, electricity, and/or natural gas).

3. Following the discontinuance of a nonconforming land use, the use of a property shall comply with all current requirements of this Development Code and the applicable zoning district.

B. Change in Ownership, Tenancy or Management. A change in ownership, tenancy or management of a nonconforming use shall not affect its legal nonconforming status, provided the use is not discontinued pursuant to Subsection A (Discontinuation of Use and Loss of Legal Nonconforming Status), above, or the type of use and/or intensity of use does not change.

C. New Development. New development on any lot upon which a legal nonconforming use exists shall require that all uses on the property conform to the provisions of this Development Code.

D. Alterations and Expansion of Use. A nonconforming use shall not be enlarged or extended in such a way as to occupy any part of any structure or property that the use did not occupy prior to the creation of the nonconformity.

E. Intensification of Use. A nonconforming use shall not be intensified in such a way as to increase the discrepancy between existing conditions and the standards set forth in this Development Code

F. Replacement of a Nonconforming Use by Another Nonconforming Use. A legal nonconforming use may be replaced by another nonconforming use if the Zoning Administrator can clearly establish the following:

1. The nonconforming use is similar to the use(s) originally permitted in the structure/on the site;

2. The nonconforming use will not adversely affect, or be materially detrimental to, adjoining properties; and

3. The previous nonconforming use has not ceased for a period of 90 or more consecutive days.

G. Abatement of Nonconforming Uses. Nonconforming uses shall be abated as follows:

1. A use shall be discontinued upon the issuance of a cease and desist order by the City if [i] the use is nonconforming due to an operation or process that poses a threat to the public health, safety or welfare, as determined by the Planning Director or Building Official; and [ii] the owner fails to discontinue the operation or process, or to fully mitigate the hazard(s) involved.

2. A use that does not occupy a structure, or that occupies a structure having an assessed valuation of less than \$2,500 and causes a public or private nuisance, shall be discontinued within 5 years following the effective date of the ordinance codified in this Development Code.

3. The abatement of nonconforming adult businesses shall be governed by Section 3.01.025 (Abatement of Nonconforming Adult Businesses) of this Division.

4. A nonconforming use that has been discontinued or abandoned shall comply with Subsection A (Discontinuance and Abandonment of Use, and Loss of Legal Nonconforming Status) of this Section.

3.01.020: Nonconforming Structures and Improvements

A structure or improvement that was lawfully constructed or installed at a time an ordinance codified in this Development Code became effective, and does not conform to the development standards of the zoning district in which it is located, shall be deemed a “legal nonconforming structure” or “legal nonconforming improvement,” as applicable. A legal nonconforming structure or improvement may continue, subject to the following:

A. Damage or Destruction of a Legal Nonconforming Structure.

1. A legal nonconforming structure that is damaged or partially destroyed by fire or other calamity, or the public enemy, or other cause which is beyond the control of the property owner, and which could not otherwise have been prevented by reasonable care and maintenance of the structure, may be reconstructed, restored, or rebuilt up to the original size, placement and density, provided that total cost of the reconstruction, restoration, or rebuilding does not exceed more than 50 percent of the structure’s fair market value prior to said damage or destruction. Structure reconstruction, restoration, or rebuilding shall commence within 180 days following the occurrence of damage, unless extended by the Zoning Administrator, and shall be diligently pursued to completion.

2. In the event that the cost of reconstructing, restoring, or rebuilding a structure exceeds 50 percent of the fair market value of the structure prior to such damage occurring, the structure may be reconstructed, restored, or rebuilt up to its original size, placement, and density prior to such damage occurring, and the use of the structure resumed, subject to the following:

a. The Zoning Administrator, at a duly noticed public hearing, shall first find that the reconstruction, restoration, or rebuilding of the nonconforming structure: [i] will not be detrimental or injurious to the health, safety or general welfare of persons residing or working in the neighborhood, [ii] will not be detrimental or injurious to property and improvements in the neighborhood, and [iii] continuation of the nonconforming structure will not result in an annoyance to and/or reduction of any surrounding property.

b. The public hearing and findings prescribed in Subparagraph A.2.a, above, shall not be required for the reconstruction, restoration, or rebuilding of a legal nonconforming single-family dwelling located on a lot that is designated for single-family dwellings by the Land Use Plan (Exhibit LU-01) contained in the Policy Plan component of The Ontario Plan.

c. The reconstruction, restoration, or rebuilding shall be commenced within 180 days following the date that the damage or destruction occurred, unless extended pursuant to Section 4.02.030 (Extensions of Legal Nonconforming Status) of this Development Code, and diligently pursued to completion.

d. Nothing in this section shall be construed to permit the continuation of conditions that will endanger the health, safety, or welfare of building occupants, the residents of the area, or which constitute a public or private nuisance.

B. Reconstruction, Restoration or Rebuilding of Legal Nonconforming Multiple-Family Housing.

1. Pursuant to GC Section 65852.25, legal nonconforming multiple-family housing that has been involuntarily damaged or destroyed by fire or other catastrophic event, or the public enemy, and such involuntarily damage or destruction could not otherwise have been prevented by reasonable care and maintenance of the structure, may be reconstructed up to the original

size, placement and density, excepting multiple-family housing that conforms with one or more of the following:

a. The reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood;

b. The existing nonconforming use of the building or structure would be more appropriately moved to a zone in which the use is permitted, or that there no longer exists a zone in which the existing nonconforming use is permitted; or

c. The existing nonconforming use of the building or structure has ceased for a period of 180 or more consecutive days.

2. The reconstruction, restoration, or rebuilding of any legal nonconforming multiple-family housing pursuant shall conform to all of the following:

a. The California Building Standards Code, as that code was in effect at the time of reconstruction, restoration, or rebuilding;

b. Any more restrictive local building standards authorized pursuant to HSC Sections 13869.7, 17958.7, and 18941.5, as those standards were in effect at the time of reconstruction, restoration, or rebuilding;

c. The State Historical Building Code (Part 2.7 (commencing with Section 18950) of HSC Division 13) for work on qualified historical buildings or structures;

d. The provisions of this Development Code, so long as the predamage size and number of dwelling units are maintained;

e. Architectural regulations and standards, so long as the predamage size and number of dwelling units are maintained; and

f. A building permit shall be obtained within 2 years following the date that the damage or destruction occurred, and diligently pursued to completion.

3. The reconstruction, restoration, or rebuilding of multiple-family housing that is involuntarily damaged or destroyed by fire or other catastrophic event, or by the public enemy, shall be prohibited within any industrial zoning district.

C. Alterations and Expansions to Legal Nonconforming Structures.

A nonconforming structure shall not be moved, altered or enlarged so as to increase the discrepancy between existing conditions and the most current standard as prescribed by the zoning district in which the structure is located. Furthermore, reasonable repairs and alterations may be made to legal nonconforming nonresidential structures, provided that no structural alterations shall be made that would prolong the life of supporting members, such as bearing walls, columns, beams, or girders, of a structure. Structural elements may be modified only if the modification or repair is immediately necessary to protect the public health and safety, occupants of the legal nonconforming structure, or adjacent property, as determined by the Building Official, excepting alteration and/or enlargement of the following:

1. A nonconforming structure shall not be moved, altered or enlarged so as to increase the discrepancy between existing conditions and the most current standard as prescribed by the zoning district in which the structure is located, excepting alteration and/or enlargement of:

a. A single-family dwelling conducted pursuant to Subsection H (Nonconforming Single-Family Residential Structures) of this Section.

b. A multiple-family development conducted pursuant to Subsection I (Nonconforming Multiple-Family Residential Development) of this Section.

c. A nonresidential lot and/or structure conducted pursuant to Subsection J (Alteration and/or Expansion of a Nonconforming Nonresidential Structure) of this Section.

2. Within nonresidential zoning and land use districts, reasonable repairs and alterations may be made to legal nonconforming nonresidential structures, provided that no structural alterations shall be made that would prolong the life of supporting members, such as bearing walls, columns, beams, or girders, of a structure. Structural elements may be modified only if the modification or repair is immediately necessary to protect the public health and safety of occupants of the legal nonconforming structure or adjacent property, as determined by the Building Official, except as otherwise allowed by Subsection J (Alteration and/or Expansion of a Nonconforming Nonresidential Structure) of this Section. The total cost of the repairs or alterations may not exceed 50 percent of the replacement cost of the nonconforming structure; however, improvements required to reinforce an unreinforced masonry structure shall be permitted without replacement cost limitations, provided the retrofitting is strictly limited to compliance with current earthquake safety standards.

D. Interior Modifications to Legal Nonconforming Structures. Changes to interior partitions or other nonstructural improvements and repairs may be made to legal nonconforming structures provided that, over any consecutive 5-year period, the total cost of the desired improvements or repairs does not exceed 50 percent of the replacement cost of the structure. For the purpose of this provision, the replacement cost shall be determined by the Planning Director.

E. New Structures. Any new structure constructed on a lot with an existing legal nonconforming structure shall be constructed in conformance with all applicable provisions of this Development Code; however, in no case may a new nonresidential structure be constructed on the same lot as an existing legal nonconforming residential structure.

F. Abatement of Nonconforming Structures Posing a Threat to the Public Health, Safety and General Welfare. A structure that is nonconforming because of a violation or deficiency that poses a threat to the public health, safety, or general welfare, as determined by the Building Official, and that fails to provide necessary improvements to resolve the nonconformity or to fully mitigate the hazard involved, shall be abated, condemned or demolished upon the issuance of a nuisance abatement, condemnation, or demolition order by the City.

G. Conversion of Nonconforming Residential Structures Located Within Industrial Zoning Districts. A nonconforming residential structure located within an industrial zoning district shall not be converted to accommodate a commercial or industrial land use, excepting those single-family homes determined to meet the designation criteria for local historic landmarks set forth in Section 4.02.040 (Historic Preservation—Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservation Areas) of this Development Code.

H. Alteration and/or Expansion of a Nonconforming Single-Family Residential Structures. In addition to the requirements of Subsections A through G of this Section, a nonconforming single-family residential lot and/or structure that was lawfully established and maintained prior to the adoption of the ordinance codified in this Development Code, but which under the provisions of this Development Code does not conform with the regulations of the zoning district in which it is located with respect to use, design, and/or development standards, and which is continuously used and maintained for single-family residential purposes, shall be subject to the following:

1. Alterations and Expansions to Single-Family Structures in Nonresidential Zones.

a. Necessary repairs and desirable alterations, as deemed appropriate by the Planning Director, may be made to a legal nonconforming single-family residential structure that is nonconforming as to use.

b. A single-family dwelling that is nonconforming as to use may be enlarged by an additional 25 percent of the original enclosed floor area, provided the addition meets all other provisions of this Development Code.

c. A single-family dwelling that is nonconforming as to its location within a zoning district that does not permit single-family dwellings, and in which the residential use was lawfully established and continuously maintained, shall be subject to the development regulations of the LDR-5 (Low Density Residential – 5 Dwelling Units/Acre) zoning district.

d. The addition or enlargement of a garage for the purpose of providing off-street parking facilities in compliance with Division 6.03 (Off-Street Parking & Loading) of this Development Code shall be permitted and shall not be counted toward the additional floor area permitted by Subparagraph H.1.b, above.

2. Continuation of a Nonconforming Setback. A single-family dwelling having a nonconforming side yard setback, which is added to, extended or enlarged, may continue the nonconforming setback, provided the addition, extension or enlargement maintains a side yard setback equal to or greater than the existing side yard setback, and is no greater than 14 FT in height.

3. On-site Parking. A single-family residential dwelling that is nonconforming as to site development or design, which is expanded or enlarged to include more than 3 bedrooms, or wherein a second unit or guesthouse is constructed subject to the requirements of this chapter, off-street parking required pursuant to Division 6.03 (Off-Street Parking & Loading) of this Development Code shall be provided, unless physical constraints exist that would make it impractical to provide the required parking facility(ies), as determined by the Planning Director, given the existing site design and configuration. For the purpose of this provision, a bedroom shall be considered any room within the structure that is not a clearly established garage, kitchen, bathroom, hallway or open living area (e.g., dining, family, and living rooms).

4. Fences and Walls. A street side yard fence or wall that is nonconforming as to setback and was lawfully constructed prior to 1998, may be replaced with a block wall or other fence, keeping within the existing setback, provided visual evidence (such as a photograph) of the nonconforming setback is provide to the Planning Department prior to building permit issuance for the new fence or wall. If a fence or wall nonconforming as to setback is demolished or removed prior to obtaining a building permit for a new fence or wall, the new fence or wall must meet the setback requirements in effect at the time of building permit issuance.

5. Historic Structures. A nonconforming single-family structure shall comply with the applicable requirements of Division 8.01 (Historic Preservation) of this Development Code.

I. Alteration and/or Expansion of a Nonconforming Multiple-Family Residential Development. In addition to the applicable requirements of Subsections A through G of this Section, a nonconforming multiple-family residential structure that was lawfully established and maintained prior to the adoption of the ordinance codified in this Development Code, but which under the provisions of this Development Code does not conform with the regulations of the zoning district in which it is located with respect to use, design, and/or development standards, and which is continuously used and maintained for multiple-family residential purposes, shall be subject to the following:

1. An existing multiple-family residential development that is nonconforming as to base residential density, may be granted a one-time increase in residential density, not to exceed 25 percent of the residential density before the increase, subject to the granting of a Conditional Use Permit pursuant to the provisions of Section 4.02.015 (Conditional Use Permits) of this Development Code.

2. The increase in residential density shall be acted on based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and any comments and/or testimony provided by the public, only after considering and clearly establishing all of the below-listed findings, which shall be in addition to the findings for Conditional Use Permit approval contained in Section 4.02.015 (Conditional Use Permits) of this Development Code, and giving reasons in support of each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

- a. The density increase will protect a valuable property investment;
- b. The density increase will not adversely affect or be materially detrimental to surrounding properties;
- c. The expansion is architecturally compatible with the existing building;
- d. The density increase and building expansion is compatible with the character of the surrounding area; and
- e. The density increase will provide adequate parking pursuant to the City's off-street parking provisions (Division 6.3 (Off-Street Parking and Loading) of this Development Code).

3. Notwithstanding the density increase described in Paragraph 1, above, the City shall not preclude an existing multiple-family residential development that is nonconforming as to base residential, the addition of at least one dwelling unit.

J. Alteration and/or Expansion of a Nonconforming Nonresidential Structure. In addition to the requirements of Subsections A through G of this Section, a nonconforming nonresidential lot and/or structure that was lawfully established and maintained prior to the adoption of the ordinance codified in this Development Code, but which under the provisions of this Development Code does not conform with the regulations of the zoning district in which it is located with respect to use, design, and/or development standards, and which is continuously used and maintained for nonresidential purposes (excepting Nonconforming Adult Businesses, which shall comply with

Section 3.01.025 (Abatement of Nonconforming Adult Businesses) of this Division), shall be subject to the following:

1. A nonconforming nonresidential land use or structure may be granted a one-time, 25 percent expansion in area, subject to the granting of a Conditional Use Permit pursuant to the provisions of Section 4.02.015 (Conditional Use Permits) of this Development Code.

2. The alteration and/or expansion of a nonconforming nonresidential lot and/or structure shall be acted on based upon the information provided in the submitted application, evidence presented in the Planning Department’s written report, and any comments and/or testimony provided by the public, only after considering and clearly establishing all of the below-listed findings, which shall be in addition to the findings for Conditional Use Permit approval contained in Section 4.02.015 (Conditional Use Permits) of this Development Code, and giving reasons in support of each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

a. The alteration/expansion will protect a valuable property investment;

b. The alteration/expansion and the proposed use will not adversely affect or be materially detrimental to surrounding properties;

c. The alteration/expansion will allow for modernization in order to properly operate the use and protect valuable property rights;

d. The alteration/expansion is architecturally compatible with the existing building;

e. The alteration/expansion is compatible with the character of the surrounding area; and

f. The alteration/expansion will provide adequate parking pursuant to the City’s off-street parking provisions and will not displace existing parking facilities.

K. Nonconforming Improvements. Nonconforming improvements such as landscaping, screen walls, security fences, and enclosures for trash receptacles, shall be altered to comply with the district regulations covering the following standards as a condition of any discretionary land use or development entitlement approval required by this Development Code:

1. The landscaping of setback areas, insofar as a setback exists;

2. The landscaping of parking areas, provided fulfilling the requirement does not reduce off-street parking or loading spaces to fewer than prescribed by Division 6.03 (Off-Street Parking and Loading) of this Development Code;

3. The screening of outdoor storage and loading areas;

4. The design, height, and placement of security fences; and

5. The enclosure of trash receptacles.

3.01.025: Abatement of Nonconforming Adult Businesses

Nonconforming adult business uses shall be abated as follows:

A. An adult business that lawfully occupied a building or land at the time an ordinance codified in this Development Code became effective, and does not conform to the land use regulations of the zoning district in which it is located, is deemed a “legal nonconforming adult business,” and may not be increased, enlarged, or altered, except to change the use to a conforming use.

B. The below-listed amortization schedule for the abatement of legal nonconforming adult businesses be complied with, unless an extension is granted pursuant to Section 4.02.030 (Extensions of Legal Nonconforming Status) of this Development Code

1. A legal nonconforming adult business shall be terminated within one year following the adoption of this Section;

2. An adult business legally existing on real property that is subsequently annexed to the City shall be terminated within one year following the date of annexation;

3. Notwithstanding the amortization periods above, any discontinuance or abandonment of a nonconforming adult business for a period of 30 or more days shall result in the loss of nonconforming status.

C. Any adult business that becomes nonconforming by reason of the provisions established by this Development Code shall be notified by the Zoning Administrator by certified mail. Notice shall be given within 180 days of the date the use will become nonconforming and shall be provided to the property owner and business owner, if different from the property owner. In addition, the notice shall identify the applicable amortization period and the process for requesting an extension thereof.

D. The owner or operator of a legal nonconforming adult business may apply under the provisions of this Subsection, to the City Manager for an extension of time within which to terminate the nonconforming use, as follows:

1. An application for extension of time within which to terminate a use made nonconforming by the provisions of this Development Code may be filed by the owner of the real property upon which such use is operated, or by the operator of the use. The application shall be filed with the City Manager, at least 90 days, but not more than 180 days, prior to the time established in Subsection B of this Section, for termination of the use.

2. The application shall state the grounds for requesting an extension of time. The filing fee for the application shall be the same as that for Variance, as is set forth in the schedule of fees established by resolution of the City Council.

3. The City Manager shall appoint a hearing officer to hear the application. The hearing officer shall set the matter for hearing within 45 days following receipt of the application. All parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues; may be represented by counsel; and shall have the right to confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. The decision of the hearing officer shall be final and subject to judicial review pursuant to CCP Section

1094.6. If the Applicant fails to seek judicial review within the allotted time period, the decision of the hearing officer shall have res judicata and collateral estoppel effect in any other proceeding involving the same applicant.

4. An extension under the provisions of this Section shall be for a reasonable period of time commensurate with the investment involved, and shall be approved only if the hearing officer makes all the following findings or any other findings as required by law:

a. The applicant has made a substantial investment in the property or structure on or in which the nonconforming adult business is conducted, and the property or structure cannot be readily converted to another use and the investment was made prior to the date the adult business became nonconforming.

b. The applicant will be unable to recoup their investment as of the date established for termination of the use; and

c. The applicant has made a good faith effort to recoup the investment and to relocate the use in conformance with City requirements.

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Division 5.01—Zoning Districts and Boundaries

Sections:

- [5.01.000](#): Purpose
- [5.01.005](#): Establishment of Base Zoning Districts
- [5.01.010](#): Zoning Map Adoption
- [5.01.015](#): Zoning District Boundaries

5.01.000: Purpose

The purpose of this Division is to establish zoning districts to implement the goals of the community as stated in The Ontario Plan. The text and maps of the Policy Plan component of The Ontario Plan will provide additional guidance in the development and use of properties throughout the City.

5.01.005: Establishment of Base Zoning Districts

In order to carry out the purpose and provisions of this Development Code, the City is hereby divided into the following zoning districts:

A. Residential Zoning Districts.

1. AR-2 (Residential-Agricultural—0 to 2.0 DU/Acre) Zoning District. The AR-2 zoning district is hereby established to accommodate single-family residences on large lots, at a density range of 0 to 2.0 dwelling units per acre and allow for limited agricultural activities and animal keeping within a rural environment. The AR-2 zoning district is further intended to maintain a rural agricultural heritage and protect the area from suburban infringement, while maintaining a harmonious relationship between the rural and adjacent suburban land uses. The AR-2 zoning district is consistent with and implements the Rural Residential land use designation of the Policy Plan component of The Ontario Plan.

2. RE-2 Rural Estate—0 to 2.0 DU/Acre) Zoning District. The RE-2 zoning district is hereby established to accommodate single-family residences on larger lots, at a density range of 0 to 2.0 dwelling units per acre, in a semi-rural environment where limited animal keeping is permitted. The RE-2 zoning district is consistent with and implements the Rural Residential land use designation of the Policy Plan component of The Ontario Plan.

3. RE-4 Residential Estate—2.1 to 4.0 DU/Acre) Zoning District. The RE-4 zoning district is hereby established to accommodate single-family homes on estate-sized lots, in a suburban environment, at a density range of 2.1 to 4.0 dwelling units per acre. The RE-4 zoning district is consistent with and implements the Low Density Residential land use designation of the Policy Plan component of The Ontario Plan.

4. LDR-5 (Low Density Residential—2.1 to 5.0 DU/Acre) Zoning District. The LDR-5 zoning district is hereby established to accommodate single-family homes on individual lots, in a suburban environment, at a density range of 2.1 to 5.0 dwelling units per acre. The LDR-5 zoning district is consistent with and implements the Low Density Residential land use designation of the Policy Plan component of The Ontario Plan.

5. MDR-11 (Low-Medium Density Residential—5.1 to 11.0 DU/Acre) Zoning District. The MDR-11 zoning district is hereby established to accommodate a variety of attached and detached housing types, in a suburban environment, at a density range of 5.1 to 11.0 dwelling units per acre. The MDR-11 zoning district is consistent with and implements the Low-Medium Density Residential land use designation of the Policy Plan component of The Ontario Plan.

6. MDR-18 (Medium Density Residential—11.1 to 18.0 DU/Acre) Zoning District. The MDR-18 zoning district is hereby established to accommodate a variety of attached and detached housing types, in a suburban environment, at a density range of 11.1 to 18.0 dwelling units per acre. The MDR-18 zoning district is consistent with and implements the Medium Density Residential land use designation of the Policy Plan component of The Ontario Plan.

7. MDR-25 (Medium-High Density Residential—18.1 to 25.0 DU/Acre) Zoning District. The MDR-25 zoning district is hereby established to accommodate higher density residential developments, in a more urbanized environment, at a density range of 18.1 to 25.0 dwelling units per acre. The MDR-25 zoning district is consistent with and implements the Medium Density Residential land use designation of the Policy Plan component of The Ontario Plan.

8. HDR-45 (High Density Residential—25.1 to 45.0 DU/Acre) Zoning District. The HDR-45 zoning district is hereby established to accommodate high-density multiple-family developments in an urban environment, generally located within 1/2-mile of a transit corridor or station, at a density range of 25.1 to 45.0 dwelling units per acre. The HDR-45 zoning district is consistent with and implements the High Density Residential land use designation of the Policy Plan component of The Ontario Plan.

B. Commercial Zoning Districts.

1. CS (Corner Store) Zoning District. The CS zoning district is hereby established to accommodate pedestrian-oriented neighborhood retail and service establishments developed at a maximum intensity of 0.4 FAR, which would have few impacts to adjacent residential uses due to the types of uses allowed and their limited hours of operation. CS zoning district locations are within established or planned neighborhoods, generally along residential collector streets, and are intended to provide their goods and services within walking distance to most of their customers. This zoning district provides for a scale and character of development that tends to attract and promote a walk-in clientele. Development within the CS zoning district should maximize human scale design elements, while providing a sensitive transition between the allowed uses and neighboring residences, including the provision of adequate and properly sited parking (including allowances for on-street parking). Sites within this zoning district are typically small in size (less than 0.5-acre), are usually stand-alone land uses, and are intended to fit into and protect the residential pattern of development. The CS zoning district is consistent with and implements the Neighborhood Commercial land use designation of the Policy Plan component of The Ontario Plan.

2. CN (Neighborhood Commercial—0.4 Maximum FAR) Zoning District. The CN zoning district is hereby established to accommodate the development of convenience centers at a maximum intensity of 0.55 FAR and are intended to serve residents within a one to 2-mile radius, with some customers within walking distance. Intended uses are smaller scale, which support the local market rather than a citywide or regional market (i.e., the difference between a Best Buy and a Radio Shack). Given their proximity to residential uses, the hours and types of uses allowed within the CN zoning district may be limited either by ordinance or by conditions of approval. Uses may be standalone or within a center generally 10 to 15 acres in size. The CN zoning district is

consistent with and implements the Neighborhood Commercial land use designation of the Policy Plan component of The Ontario Plan.

3. CC (Community Commercial—0.4 Maximum FAR) Zoning District. The CC zoning district is hereby established to accommodate retail, office, and service uses developed at a maximum intensity of 0.4 FAR, which serve residents within a 5-mile radius. If located within close proximity to residential areas, the operation of the commercial land uses may be limited to protect the nearby sensitive uses. Commercial uses within the CC zoning district may be standalone or within centers generally 10 to 20 acres in size. The CC zoning district is consistent with and implements the General Commercial land use designation of the Policy Plan component of The Ontario Plan.

4. CR (Regional Commercial—0.4 Maximum FAR) Zoning District. The CR zoning district is hereby established to accommodate commercial and entertainment centers which are larger in size than would otherwise be accommodated in the CC zoning district, developed at a maximum intensity of 0.4 FAR. The zoning district is intended for intense, regional-serving commercial and entertainment uses, and is generally located adjacent to, or in close proximity to, freeways and arterial roadways that accommodate regional traffic. Uses may be standalone or within a center generally 15 or more acres in size. The CR zoning district is consistent with and implements the General Commercial and Office Commercial land use designations of the Policy Plan component of The Ontario Plan. Furthermore, the CR zoning district is consistent with and implements the Office Commercial land use designation of the Policy Plan component of The Ontario Plan; provided, (a) the property shall have a minimum of 350 lineal feet of freeway frontage along Interstate 10 or Interstate 15, and (b) the use of the property shall be restricted to automobile dealers (including new and used automobiles, light trucks and vans).

5. CCS (Convention Center Support Commercial) Zoning District. The CCS zoning district is intended to accommodate uses developed at a maximum intensity of 1.0 FAR, which predominantly serve the Ontario Convention Center, regional uses, and the special needs of leisure and business clientele who visit the City and surrounding region. The CCS zoning district is consistent with and implements the Hospitality land use designation of the Policy Plan component of The Ontario Plan.

6. OL (Low Intensity Office) Zoning District. The OL zoning district is hereby established to accommodate low-intensity office and support commercial uses developed at a maximum intensity of 0.75 FAR, which are typically located in close proximity to residential developments. Development within this zoning district is residential in scale and typically no more than 2 stories in height. Uses within this zoning district are generally limited in their hours of operation to limit their impact upon nearby residents, and include administrative and business support services, local branches of financial institutions, legal services, insurance services, real estate services, medical and dental services, and similar support services. The OL zoning district is consistent with and implements the Office/Commercial land use designation of the Policy Plan component of The Ontario Plan.

7. OH (High Intensity Office) Zoning District. The OH zoning district is hereby established to accommodate intense professional office and supporting uses developed at a maximum intensity of 0.75 FAR, and is intended to be applied in areas planned for more concentrated urban uses, or in key locations of potential mass transit, major intersections, or in close proximity to identified activity centers. The OH zoning district is consistent with and implements the Office/Commercial land use designation of the Policy Plan component of The Ontario Plan.

C. Mixed-Use Zoning Districts.

1. MU-1 (Downtown Mixed Use) Zoning District.

a. The MU-1 zoning district is hereby established to accommodate a fairly intensive mixture of vertical and horizontal retail, entertainment, and office uses at a development intensity of up to 2.0 FAR, and residential uses at a density of 25 to 75 DU/AC, with the most intensive uses envisioned along Euclid Avenue and Holt Boulevard. Development projects are intended to maintain a pedestrian friendly atmosphere, while at the same time enhancing the historic character of the area.

b. Furthermore, the MU-1 zoning district is established to: [i] recognize, protect, and enhance the visual character and quality of Ontario’s historic downtown area as a historic resource; [ii] establish and recognize Ontario’s historic downtown as the arts and entertainment mecca for the surrounding region, to include a wide range of allowed uses, such as shopping, restaurants, outdoor dining, cultural offerings, street fairs, artist festivals, galleries, work/live lofts, breweries, and artisan co-ops; [iii] recognize Holt Boulevard as a vital east-west link to Ontario’s historic downtown, offering opportunities for vertical and horizontal mixed use developments consisting of market rate and below market rate housing, retail and offices, and work/live uses; and [iv] recognize Ontario’s civic center for its significant outdoor spaces, amenities and services, which serve to enhance the historic downtown’s shopping, dining, and living experiences.

c. In order to carry out the purposes and provisions of the Land Use component of The Ontario Plan and this Development Code, the MU-1 zoning district is hereby divided into four Land Use Areas. The boundaries of each Land Use Area (LUA) is shown in Figure 5.01-1 (MU-1 (Downtown Mixed Use) Zoning District Land Use Areas Map) of this Division, and their purposes are described below.

(1) LUA-1 (Euclid Avenue Entertainment) District—The Euclid Avenue Entertainment District is a central urban location intended to provide the vitality, amenities, and a range of entertainment, shopping, restaurant, outdoor dining, and cultural offerings. The District is further intended to promote a variety of dense housing options; enhanced public and private rights-of-way to improve pedestrian, bicyclist, and vehicular connectivity; and grow employment opportunities.

(2) LUA-2 (Arts) District—

(a) The Arts District is intended as a dynamic destination for locals and tourists, while creating a fulfilling urban experience energized by artistic, educational, and commercial participants. The focus of the Area is to increase the number of collaborated events and programs within the Area, with the intent to attract visitors, promote economic vitality, and boost revenue. Street fairs, artist festivals, restaurants, galleries, work/live lofts, breweries, and artisan co-ops will contribute to the physical and cultural diversity of the Arts District.

(b) The Arts District is divided into two subareas: Arts District North and Arts District South.

(i) Arts District North is intended to accommodate a mix of work/live lofts, artisan co-ops, restaurants, galleries, breweries, and other commercial uses intended to strengthen the economic base of the area.

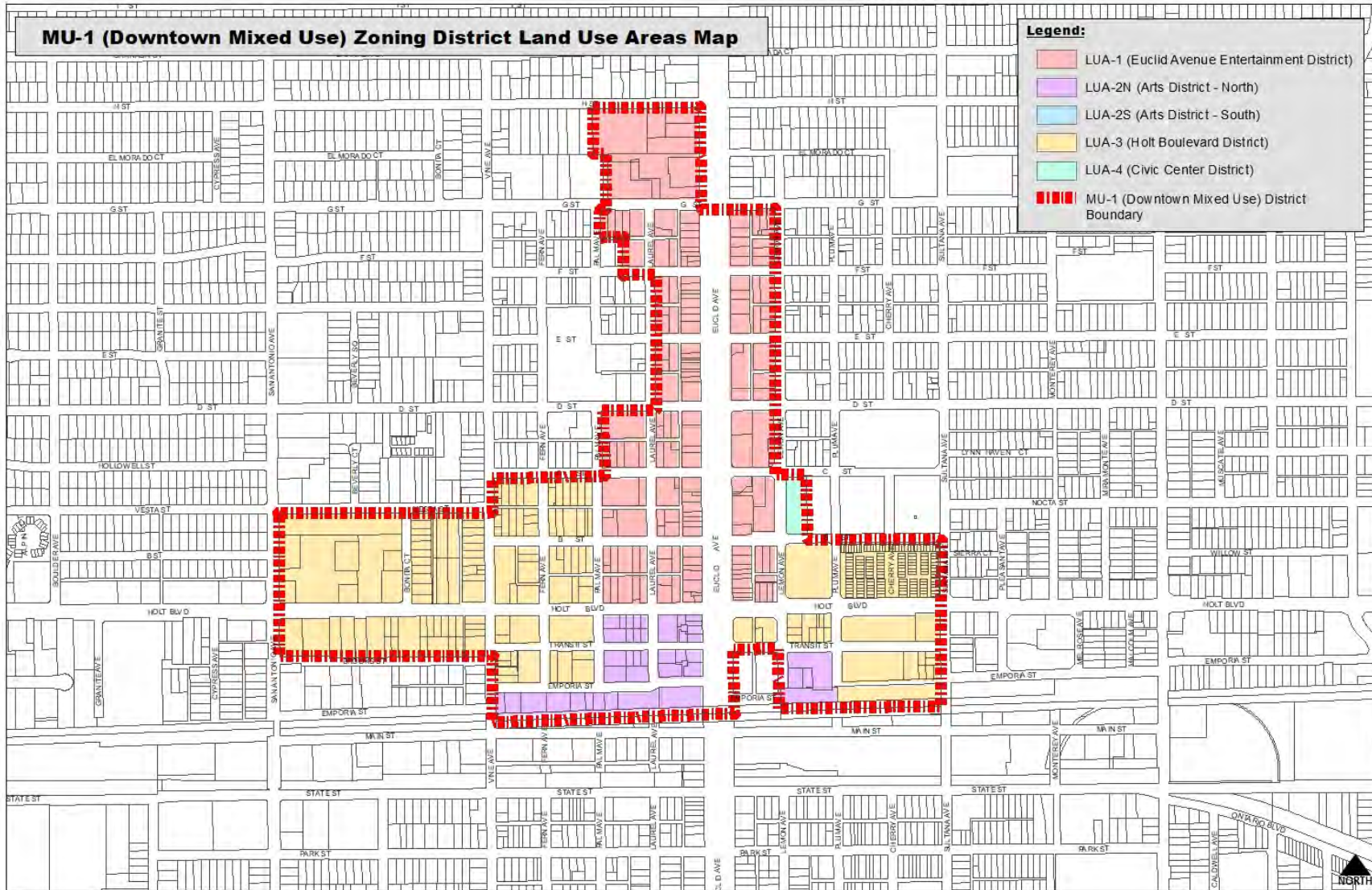


Figure 5.01-1: MU-1 (Downtown Mixed-Use) Zoning District Land Use Areas Map

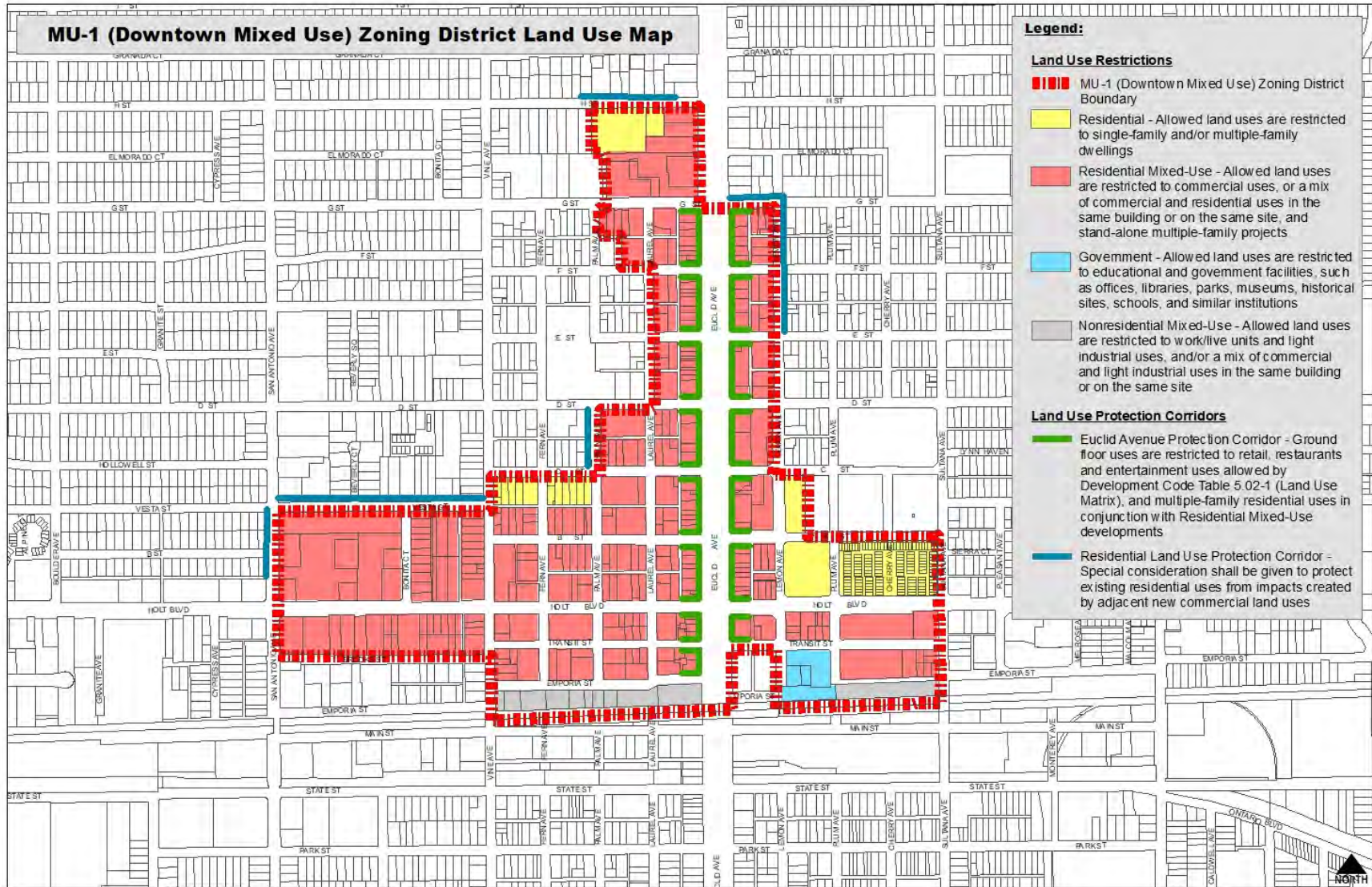


Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map

(ii) Arts District South is situated between Union Pacific and Southern Pacific Rail Lines, within an area not particularly suited to uses having a residential component (such as work/live lofts). Arts District South is envisioned to accommodate a mix of commercial, business park, and light industrial activities, which like Arts District North, will serve to stimulate the economic vitality of the area.

(3) LUA-3 (Holt Boulevard) District—Holt Boulevard is a vital east-west link to the downtown, particularly from Ontario International Airport, the Ontario Convention Center, and the nearby hospitality center. The Holt Boulevard District offers the most opportunity for development of market-rate and attainable housing. Mixed-use may be vertical or horizontal, with retail or live/work on the ground floor. Residents will have access to many downtown amenities, including shopping, public services, open space, and public transportation (Bus Rapid Transit or “BRT”). The District will be designed as a signature gateway to the City’s historic downtown.

(4) LUA-4 (Civic Center) District—The Civic Center District’s proximity to the Euclid Avenue Entertainment District will contribute to the community character and commercial vitality of Ontario’s historic downtown area. People in need of City services at City Hall, the Public Library, or the Community Center, are potential shoppers and diners at downtown stores and restaurants. Furthermore, the Civic Center’s significant outdoor spaces provide a link to downtown shopping, dining, streetscapes, and friendly pedestrian experiences.

d. To accomplish the objectives of the MU-1 (Downtown Mixed Use) zoning district, certain blocks have been imposed with use restrictions, as shown in Figure 5.01-2 (MU-1 (Downtown Mixed Use) Zoning District Land Use Map) of this Division.

e. The MU-1 zoning district, along with the Land Use Areas and Land Use Subdistricts established thereunder, is consistent with and implements the Downtown Mixed Use land use designation of the Policy Plan component of The Ontario Plan.

2. MU-2 (East Holt Mixed Use) Zoning District. The MU-2 zoning district is hereby established to accommodate the intensification of the Holt Boulevard Corridor with low-rise (up to 5 stories) buildings housing a mixture of retail and office uses at a development intensity of up to 1.0 FAR and 2.0 FAR, respectively, and residential uses at a density of 14 to 40 DU/AC. The intent of this zoning district is to create identity and place along the Holt Boulevard Corridor and provide a connection between the Downtown Mixed Use Area and the Ontario Airport Metro Center. The MU-2 zoning district is consistent with and implements the East Holt Mixed Use Area land use designation of the Policy Plan component of The Ontario Plan.

3. MU-11 (Euclid/Francis Mixed Use) Zoning District. The MU-11 zoning district is hereby established to accommodate a mixture of low-rise (up to 3 stories) retail uses at an intensity of up to 1.0 FAR, and residential uses at a density of 14 to 25 DU/AC, that will create identity and place along the Euclid Avenue corridor. The MU-11 zoning district is consistent with and implements the Euclid and Francis Mixed Use Area land use designation of the Policy Plan component of The Ontario Plan.

D. Industrial Zoning Districts.

1. BP (Business Park) Zoning District. The BP zoning district is hereby established to accommodate industrial-serving commercial and office uses, and very light industrial uses, which may be developed at a maximum intensity of 0.6 FAR. Development within this zoning district is

typically multi-tenant in nature; however, single-tenant buildings are not precluded. The BP zoning district is consistent with, and implements, the Business Park land use designation of the Policy Plan component of The Ontario Plan.

2. IP (Industrial Park) Zoning District. The IP zoning district is hereby established to accommodate a combination of commercial activity and light industrial uses, which may be developed at a maximum intensity of 0.6 FAR, and which support services to nearby industrial uses, technology centers, research and development, “clean” industry, and limited manufacturing activities. The IP zoning district is consistent with, and implements, the Business Park land use designation of the Policy Plan component of The Ontario Plan.

3. IL (Light Industrial) Zoning District. The IL zoning district is hereby established to accommodate lighter manufacturing and assembly activities, storage and warehousing activities, and other similar uses developed at a maximum intensity of 0.55 FAR. This zoning district is typically located within 500 feet of residentially zoned properties, public parks and schools, and mixed-use properties having a residential component. And is intended to serve as a buffer between residentially zoned areas and heavier industrial zoning districts. Allowed uses are expected to have little or no impacts on nearby residential uses with regard to noise, odor, or hazards. The IL zoning district is consistent with, and implements, the Business Park and Industrial land use designations of the Policy Plan component of The Ontario Plan.

4. IG (General Industrial) Zoning District. The IG zoning district is hereby established to accommodate a wide range of manufacturing and assembly activities, storage and warehousing activities, and other similar uses developed at a maximum intensity of 0.55 FAR, which desire to locate in larger buildings and on larger sites. This zoning district is generally located away from residentially zoned properties, public parks and schools, and mixed-use properties having a residential component. The IG zoning district is consistent with, and implements, the Industrial land use designation of the Policy Plan component of The Ontario Plan.

5. IH (Heavy Industrial) Zoning District. The IH zoning district is hereby established to accommodate heavier manufacturing, assembly, storage, warehousing, and other similar industrial activities, as well as adult uses, which may have negative impacts when located near residential or other sensitive land uses, and which may be developed at a maximum intensity of 0.55 FAR. This zoning district is intended to be located away from residentially zoned properties, public parks and schools, and mixed-use properties having a residential component. The IH zoning district is consistent with, and implements, the Industrial land use designation of the Policy Plan component of The Ontario Plan.

E. Specialized Use Zoning Districts.

1. CIV (Civic) Zoning District. The CIV zoning district is hereby established to accommodate permanent public facilities such as City Hall, public libraries, public schools, police and fire stations, and other similar facilities that require significant public investment and are utilized by the public. The CIV zoning district is consistent with, and implements, all land use designation of the Policy Plan component of The Ontario Plan.

2. MHP (Mobile Home Park) Zoning District. The MHP zoning district is hereby established to accommodate communities consisting of mobile homes and manufactured housing at a density range of 5.1 to 8.0 dwelling units per acre. The MHP zoning district is consistent with, and implements, the Low-Medium Density Residential land use designation of the Policy Plan component of The Ontario Plan.

3. ONT (Ontario International Airport) Zoning District. The ONT zoning district is hereby established to accommodate Ontario International Airport and surrounding properties directly impacted by airport operations. This zoning district includes uses such as airport terminals (including commercial and service uses related to the terminals), car rental agencies, and airport-related industrial, and delivery uses developed at a maximum intensity of 0.55 FAR. The ONT zoning district is consistent with, and implements, the Ontario International Airport land use designation of the Policy Plan component of The Ontario Plan.

4. OS-C (Open Space-Cemetery) Zoning District. The OS-C zoning district is hereby established to accommodate cemetery sites. Cemeteries provide visual open space, but not recreational opportunities, and have unique characteristics and activities that warrant a separate zoning designation to address their operational characteristics. The OS-C zoning district is consistent with, and implements, the Open Space-Nonrecreation land use designation of the Policy Plan component of The Ontario Plan.

5. OS-R (Open Space-Recreation) Zoning District. The OS-R zoning district is hereby established to accommodate open space uses such as public parks and recreation centers. The OS-R zoning district is consistent with, and implements, the Open Space-Parkland and Open Space-Water land use designation of the Policy Plan component of The Ontario Plan.

6. PUD (Planned Unit Development) Zoning District. The PUD zoning district is hereby established to accommodate projects that require master plan approval pursuant to The Ontario Plan Policy Plan, which focuses on the character of the development, relationship of uses, public and private access, parking, pedestrian facilities, building form, integration with the roadways and pedestrian ways, public spaces, landscaping, amenities, and unique product types. The PUD zoning district is consistent with, and implements, all land use designation of the Policy Plan component of The Ontario Plan.

7. RC (Rail Corridor) Zoning District. The RC zoning district is hereby established to accommodate permanent rail or fixed transit corridors through the City and includes stations and ancillary facilities. The RC zoning district is consistent with, and implements, the Railroad land use designation of the Policy Plan component of The Ontario Plan.

8. SP (Specific Plan) Zoning District. The SP zoning district is hereby established to accommodate the adoption of Specific Plans pursuant to this Development Code. The SP zoning district is consistent with, and implements, all land use designation of the Policy Plan component of The Ontario Plan.

9. UC (Utilities Corridor) Zoning District. The UC zoning district is hereby established to accommodate flood control channels, retention and detention basins, electrical transmission corridors and landfills, and may include ancillary recreational facilities, such as public trails in conjunction with the primary use of the site. The UC zoning district is consistent with, and implements, the Open Space-Nonrecreational land use designation of the Policy Plan component of The Ontario Plan.

F. Overlay Districts.

1. AG (Agriculture) Overlay Zoning District. The AG Overlay zoning district is hereby established to accommodate the continuation of agricultural uses within the City, on an interim basis, until such time that development is slated to occur consistent with the Policy Plan component of The Ontario Plan and the underlying zoning district. Furthermore, it is the intent of this overlay zoning district is to permit continued agricultural use of properties or to establish

general agricultural uses, including dairies, which are appropriate for areas of concentrated agricultural uses. The AG Overlay zoning district is consistent with, and implements, all land use designation of the Policy Plan component of The Ontario Plan.

2. EA (Euclid Avenue) Overlay Zoning District. The EA Overlay zoning district is intended to: [i] recognize, protect, and enhance the visual character and quality of Euclid Avenue as a major scenic and historic resource of the City; [ii] recognize and protect Euclid Avenue’s position on the National Register of Historic Places; and [iii] recognize Euclid Avenue as a major contributor to Ontario’s historic downtown area.

3. ES (Emergency Shelter) Overlay Zoning District. The ES Overlay zoning district is hereby established to accommodate Emergency Shelters, Supportive Housing, Transitional Housing, and Transitional Living Centers pursuant to the Housing Element of the Policy Plan component of The Ontario Plan, and GC Section 65583. The ES overlay district is consistent with, and implements, all land use designations of the Policy Plan component of The Ontario Plan.

4. MTC (Multimodal Transit Center) Overlay Zoning District. The MTC Overlay zoning district is hereby established to allow for the interim use of existing industrial buildings located in the Multimodal Mixed-Use land use designation, as shown on the Land Use Plan (Exhibit LU-01) of The Ontario Plan, with general industrial land uses allowed in the IG zoning district pursuant to Table 5.02-1 (Land Use Matrix) of this Division, while at the same time preserving the City’s vision for the development of a multi-modal transit center and supporting mixed-use development. The MTC Overlay zoning district is consistent with, and implements, the Multimodal Mixed-Use land use designation of the Policy Plan component of The Ontario Plan.

5. ICC (Interim Community Commercial) Overlay Zoning District. The ICC Overlay zoning district is hereby established to allow for the interim use of existing commercial buildings, which are nonconforming as to zoning and/or land use. Property in the ICC Overlay zoning district shall be subject to the land use requirements of the CN and CC zoning districts, as shown in Table 5.02-1 (Land Use Matrix) of this Division, while at the same time preserving the City’s long term vision for the development and use of property consistent with the underlying Policy Plan (general plan) land use designation. The ICC Overlay District is consistent with, and implements, all land use designations of the Policy Plan component of The Ontario Plan.

5.01.010: Zoning Map Adoption

The City Council hereby adopts the official zoning map of the City, entitled “City of Ontario Zoning Map” (hereafter referred to as “Zoning Map”). The Zoning Map is hereby incorporated into this Development Code by reference and shall be maintained on file in the office of the Planning Department. The boundaries of the zones as set forth on the Zoning Map are confirmed, adopted, and established, and may be amended pursuant to the requirements of Section 4.01.040 (Zone Changes) of this Development Code.

5.01.015: Zoning District Boundaries

When uncertainty exists as to the boundary of a district shown on the Zoning Map, the following regulations shall control:

A. Where a boundary line is indicated as following a street or alley, the boundary line shall be construed as following the centerline of the right-of-way;

- B. Where a boundary line follows or coincides approximately with a lot line or property ownership line, the boundary line shall be construed as following the lot line or boundary line;
- C. Where the boundary line is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property ownership line, unless specifically indicated by dimensions on the Zoning Map, the boundary line shall be determined based on the scale of the Zoning Map;
- D. Where uncertainty exists, the Zoning Administrator shall determine in writing, the location of the boundary in question, giving due consideration to the location indicated on the Zoning Map, the objectives of the Development Code, and the specific purposes for each district; and
- E. Where a street or alley is officially vacated or abandoned, the area within the area of vacated street or alley on each side of the centerline shall be classified in the same zoning district as the adjoining property.

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Division 5.02—General Land Use Provisions

Sections:

- [5.02.000](#): Purpose
- [5.02.005](#): Applicability
- [5.02.010](#): Allowed Land Uses, Activities and Facilities

5.02.000: Purpose

The purpose of this Division is to identify those land uses, activities and facilities that may be established in conjunction with any buildings, improvements, lots, or premises that are privately owned, leased, operated, or controlled within the zoning districts established by Section 5.01.005 (Establishment of Base Zoning Districts) of this Development Code, and is to serve as a guide for the establishment of publicly owned land uses, activities and facilities (see Subsection 1.01.015.F (City Properties) of this Development Code.

5.02.005: Applicability

A. Land Use Matrix.

1. Land and facilities thereon shall be developed, divided and/or used only for those activities and facilities listed in Table 5.02-1 (Land Use Matrix) of this Division. Table 5.02-1 (Land Use Matrix) establishes uses that are permitted, conditionally permitted, administratively permitted, or expressly prohibited, within the zoning districts established by Section 5.01.005 (Establishment of Base Zoning Districts) and identified on the Zoning Map established by Section 5.01.015 (Zoning Map Adoption) of this Chapter. A use that is not specifically allowed by Table 5.02-1 (Land Use Matrix) shall be deemed a prohibited use unless otherwise allowed by the Zoning Administrator pursuant to Subsection C (Land Uses, Activities and Facilities Not Addressed by the Land Use Matrix) of this Section. Notwithstanding any other provision of this Development Code, a medical marijuana dispensary, as defined in Division 9.01 (Definitions) of this Development Code shall be a prohibited use in all zoning districts of the City (see Section 5.03.295 (Medical Marijuana Dispensary) of this Chapter).

2. Table 5.02-1 (Land Use Matrix) further establishes a hierarchy of land uses, activities, and facilities, based upon the North American Industry Classification System (NAICS) — the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy — and identifies the NAICS code for each industry sector (2-number code), subsector (3-number code), group (4-number code), subgroup (5-number code), and use (6-number code), as they are applicable to the City, allowing the user to effectively reference the [NAICS Association web site](#) to obtain definitions for each industry, along with background information and access to various NAICS reference files and tools.

B. Land Use Regulations, Operating Conditions, and Development Standards. The “Additional Regulations” column of Table 5.02-1 (Land Use Matrix) references the location of regulations, operating conditions, and/or development standards that are applicable to the corresponding land uses, activities and facilities.

C. Land Uses, Activities and Facilities Not Addressed by the Land Use Matrix. Land uses, activities, or facilities not addressed by Table 5.02.1 (Land Use Matrix) may be considered by the Zoning Administrator upon the request for a land use determination pursuant to Section 1.02.010 (Interpretations and Land Use Determinations) of this Development Code.

D. Specialized Use and Overlay Zoning Districts. Land uses, activities, and facilities within Specialized Use and Overlay Zoning Districts, which are not addressed in Table 5.02-1 (Land Use Matrix), shall be applied as follows:

1. PUD (Planned Unit Development) Zoning District. The PUD zoning district is established to accommodate the development and use of properties that require Planned Unit Development approval pursuant to Exhibit LU-05 (Additional Plans Map) of the Policy Plan component of The Ontario Plan. Land uses, activities, and facilities within the PUD zoning district shall only be allowed pursuant to the applicable Planned Unit Development document.

2. SP (Specific Plan) Zoning District. The SP zoning district is established to accommodate the adoption of Specific Plans pursuant to Exhibit LU-05 (Additional Plans Map) of the Policy Plan component of The Ontario Plan. All land uses, activities, and facilities within the SP zoning district shall only be allowed pursuant to the applicable Specific Plan document.

3. EA (Euclid Avenue) Overlay District. The EA Overlay District is established to protect Euclid Avenue as a major scenic and historic resource of the City. All land uses, activities, and facilities within the EA Overlay district shall be allowed pursuant to the requirements of the applicable underlying base zoning district.

4. ES (Emergency Shelter) Overlay District. The ES Overlay District is established to accommodate Emergency Shelters, Supportive Housing, Transitional Housing, and Transitional Living Centers within areas of the City predetermined by the Housing Element (contained within the Policy Plan component of The Ontario Plan), pursuant to GC Section 65583. Within the ES Overlay District, Emergency Shelters, Supportive Housing, Transitional Housing, and Transitional Living Centers are permitted by right of being within the correct zoning district, and are subject to the land use standards contained within Section 5.03.400 (Temporary Shelters) of this Chapter and the development standards and guidelines contained within (Division 6.01 (District Standards and Guidelines) of this Development Code, as applicable to the underlying base zoning district.

5. MTC (Multimodal Transit Center) Overlay District. The MTC Overlay District is established to allow for the interim use of existing buildings located within the overly district boundary (established pursuant to Paragraph 5.01.010.F.4 (MTC (Multimodal Transit Center) Overlay District) of this Development Code), while at the same time preserving the City's vision for development of a multi-modal transit center and supporting mixed-use development. To this end, the below-listed land uses shall be permitted within existing buildings located within the MTC Overlay District:

- a. General warehousing, storage, and distribution trades;
- b. Wholesale trades;
- c. Retail trades, limited to 15 percent of the building GFA or 8,000 SF, whichever is less;
- d. Office administrative and business support services; and

e. Other uses approved by the Zoning Administrator that are similar in nature to those uses listed in Subparagraphs B.5.a through d, above, provided all activities are wholly contained within the building and do not have the potential to negatively impact properties in the vicinity, or are consistent with the Vision and Policy Plan components of The Ontario Plan.

E. Mobile Business Activities not addressed by Table 5.02-1 (Land Use Matrix). Any mobile business activity that is not otherwise allowed pursuant to Table 5.02-1 (Land Use Matrix) of this Division, or has been allowed by the Zoning Administrator following a request for a use determination pursuant to Section 1.02.010 (Interpretations and Land Use Determinations) of this Development Code, shall be expressly prohibited.

5.02.010: Allowed Land Uses, Activities and Facilities

A. Land Use Matrix (Table 5.02-1) Symbols. Land and facilities thereon shall only be developed, divided and/or used for those activities listed in Table 5.02-1 (Land Use Matrix) of this Division. The symbols shown in the Land Use Matrix shall have the following meanings:

1. "P" (permitted) shall mean the land use, activity, or facility within the specified zoning district is permitted by right of being in the proper zoning district, and is subject to the each Development Code provision applicable to the specified zoning district and the standards for specific uses, activities, and facilities contained in Division 5.03 (Supplemental Land Use Regulations) of this Development Code.

2. "C" (conditionally permitted) shall mean the land use, activity, or facility within the specified zoning district is subject to the granting of a Conditional Use Permit pursuant to Section 4.02.025 (Conditional Use Permits) of this Development Code, and is subject to each Development Code provision applicable to the specified zoning district and the standards for specific uses, activities, and facilities contained in Division 5.03 (Standards For Specific Uses, Activities and Facilities).

3. "A" (administratively permitted) shall mean the land use, activity, or facility within the specified zoning district is subject to the granting of an Administrative Use Permit pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code, and is subject to Development Code provisions applicable to the specified zoning district and the standards for specific uses, activities and facilities contained in Division 5.03 (Standards For Specific Uses, Activities and Facilities).

4. "---" (prohibited) shall mean the land use, activity, or facility within the specified zoning district is expressly prohibited and shall not be allowed within the specified zoning district unless changed by Development Code Amendment.

B. Consistency with the Policy Plan (General Plan) Component of The Ontario Plan. No land use, activity or facility shall be permitted that is inconsistent with the objectives, polices, general land uses and programs specified in Policy Plan (General Plan) component of The Ontario Plan. A land use is consistent with The Ontario Plan if considering all of its aspects, it is found to further the objectives and policies of The Ontario Plan.

C. Table 5.02-1 (Land Use Matrix) Organization. The land uses addressed in Table 5.02-1 (Land Use Matrix) are organized as follows:

<i>NAICS Codes</i>	<i>Land Uses, Activities and Facilities</i>
	Residential
	Mixed Use
11	Commercial Agriculture
21	Mining, Quarrying, and Oil and Gas Extraction
22	Utilities
23	Construction
31-33	Manufacturing
42	Wholesale Trade
44-45	Retail Trade
48-49	Transportation and Warehousing
51	Information
52	Finance and Insurance
53	Real Estate, Rental and Leasing
54	Professional, Scientific and Technical Services
55	Management of Companies and Enterprises
56	Administrative and Support, and Waste Management and Remediation Services
61	Education Services
62	Health Care and Social Assistance
71	Arts, Entertainment and Recreation
72	Accommodation and Food Services
81	Other Services (except Public Administration)
92	Public Administration
	Temporary and Interim Land Uses, Buildings and Structures

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations						
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					MU-2	MU-11	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT		OS-C	OS-R	RC	UC		
												LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4																			
	Residential Development Projects																																		
	Accessory Residential Structures (structures that are incidental to a primary single-family dwelling)																																		
	Accessory Dwelling Units	P	P	P	P	---	---	---	---	---	---	P	P	---	P	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	See Subsection A (Accessory Dwelling Units) of Section 5.03.010
	Accessory Residential Structures (includes guesthouses, pool houses, freestanding recreation rooms, garages, carports, garden and tool sheds, and other ancillary buildings and structures determined appropriate by the Planning Director)	P	P	P	P	---	---	---	---	---	---	P	P	---	P	---	P	P	---	---	---	---	P	---	P	---	---	---	---	---	---	---	---	See Subsection B (Accessory Residential Structures) of Section 5.03.010	
	Multiple-Family Dwellings	---	---	P	P	---	---	---	---	---	---	P	P	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Table 6.01-3 (Multiple-Family Residential Development Standards)	
	Single-Family Dwellings																																		
	<ul style="list-style-type: none"> Traditional Single-Family Residential Subdivisions 	P	P	P	P	---	---	---	---	---	---	P	---	---	P	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	See Section 5.03.365 (Single-Family Dwellings) ; See Table 6.01-1 (Traditional Single-Family Development Standards)	
	<ul style="list-style-type: none"> Small Lot Traditional Single-Family Residential Subdivisions 	---	P	P	P	---	---	---	---	---	---	P	---	---	P	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.365 (Single-Family Dwellings) ; See Table 6.01-2A (Small Lot Traditional Residential Development Standards)	
	<ul style="list-style-type: none"> Small Lot Alley-Loaded Single-Family Residential Subdivisions 	---	---	P	P	---	---	---	---	---	---	P	---	---	P	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.365 (Single-Family Dwellings) ; See Table 6.01-2B (Small Lot Alley-Loaded Residential Development Standards)	
	<ul style="list-style-type: none"> Cluster Single-Family Residential Subdivisions 	---	---	P	P	---	---	---	---	---	---	P	---	---	P	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.365 (Single-Family Dwellings) ; See Table 6.01-2C (Cluster Single-Family Residential Development Standards)	
	Small Lot Infill Subdivisions	---	---	P	P	---	---	---	---	---	---	P	P	---	P	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 6.01.010.F (Small Lot Infill Subdivisions)	
	Senior Citizen Housing Developments	---	---	P	P	---	---	C	---	---	---	P	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.360 (Senior Citizen Housing Developments)	
	Single Room Occupancy (SRO) Facilities	---	---	---	C	---	---	C	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.370 (Single Room Occupancy (SRO) Facilities)	
	Supportive Housing	P	P	P	---	---	---	C	---	---	---	C	---	---	C	---	---	---	---	P	C	---	---	C	---	---	---	---	---	---	---	---	---	See Section 5.03.405 (Transitional Shelters and Supportive Housing)	
	MIXED USES																																		
	Nonresidential Mixed-Use Developments (development projects containing a mix of commercial and light industrial uses in the same building or on the same site)	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.285 (Mixed-Use Developments)
	Residential Mixed-Use Developments (development projects containing a mix of commercial and residential uses in the same building or on the same site)	---	---	---	---	---	C	C	---	---	---	P	P	---	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.285 (Mixed-Use Developments)	
	Work/Live Units	---	---	---	---	---	---	---	---	---	---	C	C	C	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.425 (Work/Live Units)	

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations								
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1				MU-2	MU-11	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C		OS-R	RC	UC					
													LUA-1	LUA-2N	LUA-2S	LUA-3																	LUA-4				
11	COMMERCIAL AGRICULTURE																																				
111	Commercial Crop Production and Farming (except community gardens, urban farms, and marijuana cultivation)	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	P	P	P	P	P	P	P		See Section 5.03.410 (Urban Agriculture) ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.		
	• Community Gardens	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	---	---	---	A	A	A	---	A	A	A	A	A	A	A			
	• Urban Farms	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	---	---	A	A	A	A	A	A	A			
	• Marijuana Cultivation	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		See OMC Title 6, Chapter 18 for Marijuana Cultivation for Personal Use
112	Commercial Animal Production and Aquaculture																																				
1121	Cattle Ranching and Farming	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		See Commercial Animal Production Standards contained in Section 5.03.410 (Urban Agriculture)	
1122	Hog and Pig Farming	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---			
1123	Poultry and Egg Production	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---			
1124	Sheep and Goat Farming	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---			
1125	Aquaculture (includes the cultivation of freshwater and saltwater fish, crustaceans, mollusks, aquatic plants, algae, and other organisms)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---			
1129	Other Animal Production																																				
112910	Apiculture (beekeeping and production)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P		See Commercial Animal Production Standards contained in Section 5.03.410 (Urban Agriculture)	
112920	Horses and Other Equine Production	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
112930	Fur-Bearing Animal Production (limited to rabbits, chinchillas, and other similar small, fur-bearing animals)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---			
112990	All Other Animal Production, limited to the following:																																				
	• Kennels and Catteries (includes animals owned by the owner or occupant of the property, and those kept and/or boarded for remuneration)																																				
	[1] Fewer than 8 animals	P	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	P	P	---	P	---	---	---	---	---	---	---	---	---		See Commercial Animal Production Standards contained in Section 5.03.410 (Urban Agriculture) and OMC Section 6-1.224 through Section 6-1.228 regarding commercial kennel licensing.		
	[2] 8 or more animals	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	C	P	---	C	---	---	---	---	---	---	---	---	---	---			
	• Alpaca and Llama Farming	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		See Commercial Animal Production Standards contained in Section 5.03.410 (Urban Agriculture)	
	• Aviaries	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---			
	• Ostrich, Emu, and Rhea Farming	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---			
115	Support Activities for Agriculture																																				

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts						Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations			
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C		OS-R	RC	UC
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4														
115111 115112 115113 115114 115115 115116	Support Activities for Crop Production (includes cotton ginning; soil preparation, planting and cultivating; crop harvesting; postharvest crop activities; farm labor contractors and crew leaders; and farm management services)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---
115210	Support Activities for Animal Production	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	
21	MINING, QUARRYING, AND OIL AND GAS EXTRACTION																														
211	Oil and Gas Extraction	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
212	Mining (except oil and gas)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
213	Support Activities for Mining	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
22	UTILITIES																														
221	Utilities																														
2211	Electric Power Generation, Transmission and Distribution																														
221111	Hydroelectric Power Generation	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	
221112	Fossil Fuel Electric Power Generation	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	C	---	---	---	---	---	---	
221113	Nuclear Electric Power Generation	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
221114, 221115	Solar and Wind Electric Power Generation	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	C	
221116, 221117, 221118	Geothermal, Biomass, and All Other Electric Power Generation (excepting solar and wind electric power generation)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	
221121 221122	Electric Power Transmission, Control and Distribution (includes power transmission and control, and power distribution)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	---	C	C	P	C	C	C	C	C		
23	CONSTRUCTION																														
236, 237, 238	Contractors (limited to businesses whose primary activity is performing specific activities involved in building construction, engineering and capital improvement projects, or the preparation of sites for construction)																														
	• Completely within a Building	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---		
	• With Outdoor Storage (screened from public view)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	P	P	---	---	---	---	---	---	---		
																												See Section 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors)			
31-33	MANUFACTURING																														

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts						Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts					Additional Regulations								
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT		OS-C	OS-R	RC	UC				
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4															MU-2	MU-11		
***	Boutique/Artisan Small-Scale and Micro Manufacturing Facilities (includes all types of small-scale businesses that produce tangible goods, such as but not limited to: textiles, hardware and hardware prototyping, woodworking, metal working, 3D printing, consumer product design and prototyping, nonalcoholic beverage production, local food production and packaging, soaps, perfumes and lotions. Businesses may provide products directly to the consumer and/or to other businesses)	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	---	---	---	*** NAICS number shall be established based upon the primary manufacturing land use type See Section 5.03.037 (Artisan Small-Scale and Micro Manufacturing Facilities)
311	Food Manufacturing																																		
3111	Animal Food Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---		
3112	Grain and Oilseed Milling	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---		
3113	Sugar and Confectionery Product Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---		
3114	Fruit and Vegetable Preserving and Specialty Food Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---		
3115	Dairy Product Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---		
3116	Animal Slaughtering and Processing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
3117	Seafood Product Preparation and Packaging	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---		
3118	Bread and Tortilla Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	See Section 5.03.085 (Bread and Tortilla Manufacturing)	
3119	Other Food Manufacturing (including snack foods, roasted nuts and peanut butter, coffee and tea, flavoring syrup and concentrate, seasoning and dressing, spice and extract, and all other miscellaneous food manufacturing)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	See Section 5.03.190 (Food Manufacturing, Other)	
312	Beverage and Tobacco Product Manufacturing																																		
312111 312112 312113	Beverage Manufacturing (including soft drink, bottled water and ice manufacturing; however, excludes alcoholic beverage manufacturing)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---		
312120 312130 312140	Alcoholic Beverage Manufacturing (including breweries, wineries and distilleries, and related tasting rooms)																																		
	• GFA less than 10,000 SF	---	---	---	---	---	---	C	C	C	---	---	A	A	A	A	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	See Section 5.03.023 (Alcoholic Beverage Manufacturing)	
	• GFA 10,000 or More SF	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	
3122	Tobacco Products Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---		
313	Textile Mills (transforms basic fiber into fabric)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---		
314	Textile Product Mills (transforms fabric into product, except apparel)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---		
315	Apparel Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	See Section 5.03.035 (Apparel Manufacturing)	
316	Leather and Allied Product Manufacturing																																		
3161	Leather and Hide Tanning and Finishing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
3162	Footwear Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	See Section 5.03.195 (Footwear Manufacturing)	

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts						Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations									
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C		OS-R	RC	UC						
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4															MU-2	MU-11				
3169	Other Leather and Allied Product Manufacturing (limited to manufacturing of luggage, handbags, purses, personal leather goods and other leather products)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.255 (Leather and Allied Product Manufacturing, Other)		
321	Wood Product Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---		
322	Paper Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
3221	Pulp, Paper, and Paperboard Mills	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---		
3222	Converted Paper Product Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---		
323	Printing and Related Support Activities	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---		
324	Petroleum and Coal Products Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
325	Chemical Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
3251	Basic Chemical Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
3252	Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
3253	Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
325311	Fertilizer Manufacturing with on-site composting	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.187 (Fertilizer Manufacturing from Manure Operations (FMFO)) ; and Section 5.03.415 (Waste Treatment and Disposal—Composting and Anaerobic Digestion Facilities)		
325314	Fertilizer Manufacturing without on-site composting (limited to mixing of purchased materials)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
325320	Pesticide and Other Agricultural Chemical Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
3254	Pharmaceutical and Medicine Manufacturing (excludes biological product manufacturing—see NAICS 325414, below)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	C	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---	See Section 5.03.325 (Pharmaceutical and Medicine Manufacturing)	
325414	Biological Product (except diagnostic) manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
3255	Paint, Coating, and Adhesive Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
3256	Soap, Cleaning Compound, and Toilet Preparation Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.375 (Soap, Cleaning Compound, and Toilet Preparation Manufacturing)	
3259	Other Chemical Product and Preparation Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
325910	Printing Ink Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
325920	Explosives Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
325991	Custom Compounding of Purchased Resins	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
325992	Photographic Film, Paper, Plate, and Chemical Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts							Additional Regulations										
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					MU-2	MU-11	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C		OS-R	RC	UC							
325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing (such as: activated carbon and charcoal, antifreeze preparations, electronic cigarette vapor refills, industrial salt, lighter fluids (e.g., charcoal, cigarette), matches and matchbooks, pyrotechnics (e.g., flares, flashlight bombs, signals), sugar substitutes (i.e., synthetic sweeteners blended with other ingredients) made from purchased synthetic sweeteners, swimming pool chemical preparations, and writing inks)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
326	Plastics and Rubber Products Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
3261	Plastics Product Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.335 (Plastics Product Manufacturing)		
3262	Rubber Product Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
327	Nonmetallic Mineral Product Manufacturing (except glass and glass product manufacturing)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
327211 327212 327213 327215	Glass and Glass Product Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
331	Primary Metal Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
332	Fabricated Metal Product Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
3321	Forging and Stamping	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	
3322	Cutlery and Hand Tool Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	P	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	See Section 5.03.135 (Cutlery and Hand Tool Manufacturing)		
3323	Architectural and Structural Metals Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
3324	Boiler, Tank and Shipping Container Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
3325	Hardware Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.235 (Hardware Manufacturing)		
3326	Spring and Wire Product Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.385 (Spring and Wire Product Manufacturing)	
3327	Machine Shops, Turned Product, and Screw, Nut and Bolt Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.260 (Machine Shops, Turned Product, and Screw, Nut and Bolt Manufacturing)	
3328	Coating (e.g., anodizing, electroplating, etc.), Engraving, Heat Treating, and Allied Activities (except painting, powder coating, and polishing metal and metal products for the trade)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
332812	Painting, Powder Coating and Polishing Metal and Metal Products for the Trade	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---
3329	Other Fabricated Metal Product Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
332911 332912 329913 332919	Metal Valve Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities	Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts									Additional Regulations							
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC									
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4														MU-2		MU-11						
332991	Ball and Roller Bearing Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
332992	Small Arms Ammunition Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
332993	Ammunition (except Small Arms) Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
332994	Small Arms, Ordnance, and Ordnance Accessories Manufacturing, limited to the following:																																						
	<ul style="list-style-type: none"> Small Arms Manufacturing 	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
	<ul style="list-style-type: none"> Other Ordnance and Accessories Manufacturing 	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
332996	Fabricated Pipe and Pipe Fitting Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing (such as: foil containers (except bags), industrial patterns, metal hair curlers, metal ironing boards, metal pallets, metal pipe hangers and supports, metal safes, metal vaults (except burial), permanent metallic magnets, portable metal ladders, sanitary ware (e.g., bathtubs, lavatories, sinks), metal and enameled metal, and steel wool)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.185 (Fabricated Metal Product Manufacturing, All Other Miscellaneous)
333	Machinery Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
334	Computer and Electronic Product Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.115 (Computer and Electronic Product Manufacturing)	
335	Electrical Equipment, Appliance, and Component Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.165 (Electrical Equipment, Appliance, and Component Manufacturing)	
336	Transportation Equipment Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
337	Furniture and Related Product Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.215 (Furniture and Related Product Manufacturing)	
339	Miscellaneous Manufacturing																																						
3391, 3399	Medical Equipment and Supplies; Jewelry and Silverware; Sporting and Athletic Goods; Dolls, Toys and Games; Office Supplies; Signs; and All Other Miscellaneous Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.265 (Manufacturing, Miscellaneous)
42	WHOLESALE TRADE																																						
423	Merchant Wholesalers, Durable Goods																																						
4231	Motor Vehicles and Motor Vehicle Parts and Supplies	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
4232	Furniture and Home Furnishings	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
4233	Lumber and Other Construction Materials	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
4234	Professional and Commercial Equipment and Supplies	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---
4235	Metals and Minerals (except Petroleum)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
4236	Household Appliances, and Electrical and Electronic Goods	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
4237	Hardware and Plumbing, and Heating Equipment and Supplies	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts						Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations					
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C		OS-R	RC	UC		
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4															MU-2	MU-11
4238	Machinery, Equipment and Supplies	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	
4239	Miscellaneous Durable Goods	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	
423910	Sporting and Recreational Goods and Supplies	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	
423920	Toy and Hobby Goods and Supplies	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	
423930	Recyclable Materials (includes wholesale activity only; refer to NAICS 562920 (Material Recovery Facilities) for recovery/processing (recycling) activities)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	P	---	---	---	---	---	---	---	---	---	
423940	Jewelry, Watches, Precious Stones, and Precious Metals	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	
423990	Other Miscellaneous Durable Goods, excepting ordnance and accessories (includes uses such as: firearms (except sporting), musical instruments, prerecorded audio and video tapes and discs, phonograph records, prerecorded compact discs (CDs) and digital video discs (DVDs), and timber and timber products (except lumber))	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	
424	Merchant Wholesalers, Nondurable Goods (excludes industrial gases, petroleum bulk stations and terminals, and fireworks and explosives merchant wholesalers)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---		
424690	Fireworks and Explosives	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	
424690	Industrial Gases and Liquefied Gases (except petroleum gases)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	
424710	Petroleum Bulk Stations and Terminals	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	
424720	Petroleum and Petroleum Products (except bulk stations and terminals)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	
425	Wholesale Electronic Markets and Agents, and Brokers	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
425110	Business to Business Electronic Markets (via internet or other electronic means)	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.090 (Business to Business Electronic Markets)	
425120	Wholesale Trade Agents and Brokers, limited to the following:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
	• Automobile auctions (wholesale auctions only)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---		
	• Durable and Nondurable Goods Agents and Brokers (office only)	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.155 (Durable and Nondurable Goods Agents and Brokers)	
	• Petroleum Brokers (office only)	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---		

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations														
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R		RC	UC												
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4															MU-2	MU-11										
445310	Alcoholic Beverage Sales for Off-Premise Consumption (except beer, wine and liquor stores (see below); and business to consumer internet retail wine sales (Type 85 ABC license) (NAICS 454111))	---	---	---	---	C	C	C	C	C	---	C	C	C	C	C	C	C	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.025 (Alcoholic Beverage Sales)				
445310	Beer, Wine and Liquor Stores	---	---	---	---	---	C	C	C	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---			
446	Health and Personal Care Stores																																										
446110	Pharmacies and Drug Stores	---	---	---	---	---	P	P	P	---	P	P	P	---	---	P	---	P	P	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.330 (Pharmacies and Drug Stores)			
	Marijuana Dispensary	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.280 (Marijuana Dispensary)			
446120	Cosmetics, Beauty Supplies, and Perfume Stores	---	---	---	---	---	P	P	P	---	---	---	---	---	P	---	P	P	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
446130	Optical Goods Stores	---	---	---	---	---	P	P	P	---	---	P	P	---	P	---	P	P	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
446191	Food (Health) Supplement Stores	---	---	---	---	---	P	P	P	---	---	P	P	---	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
446199	All Other Health and Personal Care Stores (such as: hearing aids, medical equipment and supplies, personal mobility scooters, and prosthetics)	---	---	---	---	---	P	P	P	---	---	P	P	---	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
447	Gasoline and Fueling Stations																																										
447110	Gasoline Fueling with Convenience Stores	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
447190	Self-Serve and Full Service Fueling Stations	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	P	P	P	P	P	P	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.225 (Gasoline and Fueling Stations)	
447190	Automated Fueling Facilities ("card lock" facilities)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	P	P	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.225 (Gasoline and Fueling Stations)	
447190	Truck Stops	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
448	Clothing and Clothing Accessories Stores	---	---	---	---	---	P	P	P	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
451	Sporting Goods, Hobby, Book, and Music Stores (such as: sporting goods stores; hobby, toy and game stores; sewing, needlework and piece goods (fabric and upholstery materials) stores; musical instrument and supplies stores; bookstores; and news dealers and newsstands)	---	---	---	---	---	P	P	P	---	---	---	---	---	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
452	General Merchandise Stores																																										
4522	Department Stores	---	---	---	---	---	---	P	P	---	---	---	---	---	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
4523	General Merchandise Stores																																										
452311	Warehouse Clubs and Supercenters	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
452319	All Other General Merchandise Stores (includes dollar stores, general merchandise catalog showrooms (except catalog mail order), general stores, general merchandise trading posts, home and automobile supply stores, and variety stores)	---	---	---	---	---	P	P	P	---	---	---	---	---	P	---	P	P	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
453	Miscellaneous Store Retailers																																										

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts						Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations					
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C		OS-R	RC	UC		
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4															MU-2	MU-11
4531	Florists	---	---	---	---	P	P	P	P	P	---	P	P	P	P	P	---	P	P	---	---	---	---	---	---	---	---	P	---	---	---	---	
4532	Office Supplies, Stationery, and Gift Stores	---	---	---	---	---	P	P	P	P	---	P	P	P	---	P	---	P	---	---	---	---	---	---	---	---	P	---	---	---	---		
4533	Used Merchandise Stores (except motor vehicles), limited to the following (NAICS 453310):																																
453310	Antique, Vintage and Collectibles Shops	---	---	---	---	---	P	P	P	---	---	P	P	P	P	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
453310	Consignment Shops	---	---	---	---	---	P	P	P	---	---	---	P	P	P	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
453310	Flea Markets and Swap Meets (indoor only)	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
453310	Precious Metals, Gemstones, Jewelry, and Similar Merchandise (includes purchase of previously owned merchandise, such as "cash for gold" stores)	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---		
453310	Personal Property Donation Bins	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.320 (Personal Property Donation Bins)	
453310	Thrift and Secondhand Stores, and Used Goods Stores	---	---	---	---	---	---	P	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.400 (Thrift and Secondhand Stores, and Used Goods Stores)	
4539	Other Miscellaneous Store Retailers																																
453910	Pet and Pet Supplies Stores	---	---	---	---	---	P	P	P	---	---	---	P	---	---	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
453920	Art Dealers	---	---	---	---	---	P	P	P	---	---	P	P	P	P	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
453930	Manufactured (Mobile) Home Dealers, limited to the following:																																
	• Without Display of Homes	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
	• With Indoor Display of Homes (no outdoor display of homes permitted)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---		
453991	Smoking/Vaping Retailers (includes cigar stores, cigarette stands, electronic cigarette stores, hookah supplies stores, smoking / vaping supplies stores, tobacco stores, and other similar facilities — In-store smoking and/or vaping shall be prohibited)	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.245 (Hookah Establishments, Smoking / Vaping Lounges, and Smoking / Vaping Retailers)
453998	All Other Miscellaneous Store Retailers, limited to the following:																																
	• Art Supplies, Candles, Closet Organizers, Collectibles, Flowers, Home Security Equipment, Hot Tubs, Janitorial Supplies, Police Supplies, Religious Goods, Swimming Pool Supplies and Trophy Shops	---	---	---	---	---	P	P	P	---	---	---	P	---	---	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
	• Auction Houses	---	---	---	---	---	---	---	C	---	---	---	**C	---	---	C	---	---	---	C	C	C	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
	• Industrial Retail Sales (limited to the ancillary retail sales of goods and/or product either manufactured, warehoused, or wholesaled on-site)																																

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities	Residential Zoning Districts				Commercial Zoning Districts						Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations								
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C		OS-R	RC	UC					
Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.		P		P		P		P		P		LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-2											MU-11				P	P	P	P	P
	[1] ≤ 15% of Building GFA Area or 8,000 SF, whichever is less	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---	---	---	---	---		
	[2] > 8,000 SF or 15% of Building GFA	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	C	C	---	---	---	P	---	---	---	---	---	---	---		
454	Nonstore Retailers	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
4541	Electronic (internet) Shopping and Mail-Order Houses (includes direct business to consumer internet retail sales, internet auctions, and/or mail order retail sales)	---	---	---	---	P	P	P	---	P	P	---	---	---	---	---	P	P	P	P	P	P	---	---	---	P	---	---	---	---	---	---	---	---	See Section 5.03.170 (Electronic Shopping and Mail-Order Houses)	
4542	Vending Machine Operators	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
4543	Direct Selling Establishments	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
454312	Fuel Dealers (liquefied petroleum gas)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	---	---	---	---	---	---	---	---	---	---
454390	Other Direct Selling Establishments (such as: bottled water, coffee-break supplies, door-to-door retail sales, frozen food and meal plan providers, locker meat provisioners, newspaper home delivery, produce stands (temporary), and water softener service providers)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---
48-49	TRANSPORTATION AND WAREHOUSING																																			
481	Air Transportation, limited to the following:																																			
481111	Scheduled Passenger Air Transportation and Scheduled Freight Air Transportation (Airport Facilities)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	See Section 5.03.020 (Air Transportation)	
481211	Nonscheduled Chartered Passenger Air Transportation and Nonscheduled Chartered Freight Air Transportation	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	
481219	Other Nonscheduled Air Transportation (such as: aircraft charter services, aviation clubs, and privately-owned aircraft)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	
481219	Helipad/Heliport	---	---	---	---	---	---	P	C	---	C	---	---	---	---	---	---	---	---	---	P	P	---	P	---	P	---	---	---	---	---	---	---	---	---	
482	Rail Transportation																																			
482111	Line-Haul, Short-Line and Beltline Railroads	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	P	---	---	---	---	---	---
484	Truck Transportation (includes general and specialized freight trucking)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---
485	Transit and Ground Passenger Transportation																																			
4851	Urban Transit Systems (includes public mixed-mode, commuter rail and bus transit passenger terminals and stations)	---	---	---	---	---	---	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	C	C	C	C	C	C	---	
4853	Taxi and Limousine Services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---
4855	Charter Bus Services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---
4859	Other Transit and Ground Passenger Transportation																																			
485991	Special Needs Transportation (such as: handicapped passenger transportation, paratransit transportation, pet transportation, senior citizen transportation, and special needs passenger transportation)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---

Table 5.02-1: Land Use Matrix

Table with columns for 2012 NAICS Code, Land Uses, Activities, and Facilities, Residential Zoning Districts, Commercial Zoning Districts, Mixed Use Zoning Districts, Industrial Zoning Districts, Specialized Use and Overlay Zoning Districts, and Additional Regulations. Rows include categories like Other Transit and Ground Passenger Transportation, Support Activities for Transportation, Towing Services, and Warehousing and Storage.

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts						Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations									
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C		OS-R	RC	UC						
												LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-2	MU-11																			
51	INFORMATION																																				
511	Publishing Industries (except Internet—see Other Information Services)																																				
5111	Newspaper, Periodical, Book, and Directory Publishers	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---		
5112	Software Publishers	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
512	Motion Picture and Sound Recording Industries																																				
5121	Motion Picture and Video Industries																																				
512110 512120	Motion Picture and Video Production and Distribution	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	P	---	---	---	---	---	---	---		
512131	Motion Picture and Video Exhibition (movie theaters, except drive-in theaters)	---	---	---	---	---	---	C	P	P	P	---	**P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.	
512191	Teleproduction and Other Postproduction Services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
512199	Other Motion Picture and Video Industries (such as: booking agencies, film libraries, film laboratories and film restoration)	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
5122	Sound (Audio) Recording Facilities	---	---	---	---	---	---	P	P	---	P	**P	P	P	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.380 (Sound (Audio) Recording Facilities) ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.	
515	Broadcasting (except Internet—see Other Information Services)																																				
515111 515112	Radio Networks and Stations	---	---	---	---	---	C	P	P	---	---	P	**P	P	P	---	---	C	P	P	P	P	---	---	---	---	---	P	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.	
515120	Television Broadcast Studios	---	---	---	---	---	C	P	P	---	---	P	**P	P	P	---	---	C	P	P	P	P	---	---	---	---	---	P	---	---	---	---	---	---	---		
515120	Radio and Television Transmission/Antenna Facilities	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	
517	Telecommunications Facilities																																				
517311	Wired telecommunications Facilities	C	C	C	C	C	P	P	P	P	P	**P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	---	P	P	P	P	P	P	P			

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts						Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations								
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C		OS-R	RC	UC					
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4															MU-2	MU-11			
517312	Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	**P	P	P	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P	P	P	P	See Section 5.03.420 (Wireless Telecommunications Facilities) ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.	
5174	Satellite Facilities	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	C	---	---	---	P	---	---	---	---	---	---	---	---	---	---
5179	All Other Telecommunications (includes telecommunications resellers, radar station operations, and satellite telemetry operations and tracking stations)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---
518	Data Processing, Hosting and Related Services	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---	---	---	---	---	---	---	See Section 5.03.140 (Data Processing, Hosting and Related Services)
519	Other Information Services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
51911	News Syndicates (office only)	---	---	---	---	---	---	P	P	P	P	P	**P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
51912	Libraries and Archives	C	C	C	C	C	P	P	P	P	P	P	**P	P	P	P	P	P	C	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	
51913	Internet Publishing and Broadcasting	---	---	---	---	---	---	P	P	P	P	P	**P	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
52	FINANCE AND INSURANCE																																			
522	Credit Intermediation and Related Activities																																			
5221	Depository Credit Intermediation (limited to commercial banking, savings institutions, and credit unions)	---	---	---	---	---	P	P	P	P	P	P	**P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.145 (Depository Credit Intermediation) See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities. ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
5222	Nondepository Credit Intermediation (such as: credit card issuing, sales financing, consumer and real estate lending, and secondary market financing, excluding pawn shops and pawn brokers)	---	---	---	---	---	P	P	---	P	P	---	---	---	P	P	P	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
522298	Pawnshops and Pawnbrokers	---	---	---	---	---	---	C	C	---	---	---	**C	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
5223	Activities Related to Credit Intermediation																																			
522310	Mortgage and Nonmortgage Loan Brokers	---	---	---	---	---	P	P	P	P	P	P	**P	P	P	P	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts						Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations							
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C		OS-R	RC	UC				
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4															MU-2	MU-11		
522320	Financial Transactions Processing and Clearinghouse Activities	---	---	---	---	---	---	P	P	---	---	P	**P	P	P	P	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
522390	Other Activities Related to Credit Intermediation (limited to check cashing, money order issuance, money transmission and payday advance services)	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.130 (Credit Intermediation-Related Activities)	
523, 524, 525	Securities, Commodity Contracts, and Other Financial Investments; Insurance Carriers; and Related Activities, Funds, Trusts, and Other Financial Vehicles	---	---	---	---	---	P	P	P	---	P	P	**P	P	P	P	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.		
53	REAL ESTATE RENTAL AND LEASING																																		
531	Real Estate																																		
5311	Real Estate Rental or Leasing, except banquet halls	---	---	---	---	---	P	P	P	P	P	P	**P	P	---	P	---	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.		
531120	Banquet Halls (standalone facilities)	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.067 (Banquet Facilities - Historic Properties) for administratively permitted banquet facility uses located on historically designated properties		
5312	Real Estate Agents and Brokers	---	---	---	---	---	P	P	P	---	P	P	**P	---	---	P	---	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.		
5313	Activities Related to Real Estate (such as: escrow services, fiduciaries, listing services, property managers, and appraisers)	---	---	---	---	---	P	P	P	---	P	P	**P	---	---	P	---	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
532	Rental and Leasing Services																																		
5321	Automotive Equipment Rental and Leasing																																		
53211	Passenger Car Rental and Leasing	---	---	---	---	---	---	C/P	C/P	C/P	---	---	---	---	---	---	C	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.040 (Automobile Dealers—New Vehicle Sales and Leasing, and Automobile Rental)		
53212	Truck, Utility Trailer, and Recreational Vehicle Rental and Leasing	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	C	C	C	P	P	---	---	---	---	P	---	---	---	---	---	---	---	
5322	Consumer Goods Rental (limited to rental of consumer electronics and appliances, costumes, formal wear, furniture rental, home health equipment, musical instrument rental, party and banquet accessories, recreational goods, and video tapes and discs)	---	---	---	---	---	---	P	P	---	---	---	**P	---	---	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.120 (Consumer Goods Rental) ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.		
5323	General Rental Centers (limited to home and garden tool and equipment rental)	---	---	---	---	---	---	P	P	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.230 (General Rental Centers)		

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts						Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts					Additional Regulations								
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT		OS-C	OS-R	RC	UC				
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4															MU-2	MU-11		
5324	Commercial and Industrial Machinery and Equipment Rental and Leasing	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	C	C	C	P	---	---	---	---	---	---	---	---	---	---	---	---	
54	PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES																																		
541	Professional, Scientific, and Technical Services, except Scientific Research and Development Services, and Veterinary and Animal Hospital Services (such as legal, accounting, tax preparation, bookkeeping, payroll, architecture, engineering, and specialized design services; systems design; management, scientific, and technical consulting services; and advertising and public relations services)	---	---	---	---	---	---	P	P	P	P	P	**P	---	---	P	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.	
5417	Scientific Research and Development Services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---	---	---	---	---	---	
5419	Other Professional, Scientific, and Technical Services (except veterinary and animal hospital services)	---	---	---	---	---	P	P	---	P	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	
541940	Veterinary and Animal Hospital Services	---	---	---	---	---	P	P	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	
55	MANAGEMENT OF COMPANIES AND ENTERPRISES																																		
551	Management of Companies and Enterprises (limited to offices of holding companies, and corporate, subsidiary and regional managing offices)	---	---	---	---	---	P	P	P	P	P	P	**P	---	---	P	---	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.		
56	ADMINISTRATIVE AND SUPPORT, AND WASTE MANAGEMENT AND REMEDIATION SERVICES																																		
561	Administrative and Support Services																																		
5611, 5612	Office Administrative Services and Facilities Support Services (limited to services provided for others on a contract or fee basis)	---	---	---	---	---	P	P	P	P	P	P	**P	---	---	P	---	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.	
5613	Employment Services (limited to employment placement, executive search and temporary employment services)	---	---	---	---	---	P	P	P	P	P	P	**P	---	---	P	---	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
5614	Business Support Services																																		
561410	Document Preparation Services	---	---	---	---	---	P	P	P	P	P	P	**P	---	---	P	---	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.	
561421 561422	Telephone Answering Services and Call Centers	---	---	---	---	---	---	P	P	---	---	P	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
561431	Private Mail Centers, and Postal Services and Supplies	---	---	---	---	P	P	P	P	P	P	P	**P	---	---	P	---	P	P	P	---	---	---	---	---	---	---	P	---	---	---	---	---	---	
561439	Other Business Service Centers (limited to mailbox rental, photocopying, duplicating, blueprinting, mailing services, document copying services, facsimile services, word processing services, on-site PC rental services, and office product sales)	---	---	---	---	---	P	P	P	P	---	P	**P	---	---	P	---	P	P	P	---	---	---	---	---	---	---	P	---	---	---	---	---	---	
561440	Collection Agencies	---	---	---	---	---	---	P	P	---	---	P	**P	---	---	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
561450	Credit Bureaus	---	---	---	---	---	---	P	P	---	---	P	---	---	---	---	P	P	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
561491 561492 561499	Other Business Support Services (including repossession services, court reporting and stenotype services and all other business support services)	---	---	---	---	---	---	P	P	---	---	P	**P	---	---	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure	

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts						Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts							Additional Regulations				
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1				MU-2	MU-11	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C		OS-R	RC	UC	
													LUA-1	LUA-2N	LUA-2S	LUA-3																	LUA-4
5615	Travel Arrangement and Reservation Services	---	---	---	---	---	P	P	P	P	P	P	**P	---	---	P	---	P	P	---	---	---	---	---	---	---	---	P	---	---	---	---	5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
5616	Investigation and Security Services	---	---	---	---	---	---	P	P	---	---	P	**P	---	---	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
5617	Services to Buildings and Dwellings (limited to exterminating and pest control, janitorial, landscaping, carpet and upholstery cleaning, building exterior and chimney cleaning, power washing, gutter cleaning, light building maintenance, parking lot cleaning and swimming pool maintenance services)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	See Section 5.03.180 (Exterminating Services)	
5619	Other Support Services (limited to packaging and labeling services, convention and trade show organizers, and document shredding services)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---	---		
562	Waste Management and Remediation Services																																
5621	Waste Collection																																
562111	Solid Waste Collection, limited to the following																																
	• Waste, Refuse and Garbage Collection Services (service yards)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	G	---	---	---	---	---	---	---	---		
	• Waste Transfer Facilities	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---		
	• Recycling Facilities (implements the California Beverage Container Recycling and Litter Reduction Act (PRC Section 14500 et seq.))																																
	[1] Reverse Vending Machines	---	---	---	---	---	A	A	A	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.340 (Recycling Facilities)	
	[2] Small Collection Facilities (a facility 500 SF or less in area, including Mobile Recycling Units, Bulk Reverse Vending Machines, Kiosk Type Units, and Unattended Containers)	---	---	---	---	---	C	C	C	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---		
	[3] Large Collection Facilities (a facility greater than 500 SF in area)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	P	P	---	---	---	---	---	---	---	---		
	[4] Processing Facilities	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---		
	• Salvage Facilities (such as automobile dismantling and metal salvage/recycling. See NAICS 562920, Material Recovery Facilities, for the recovery/processing (recycling) of waste materials)																																
	[1] Within a Wholly Enclosed Building	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	See Section 5.03.350 (Salvage Facilities)	
	[2] With Outdoor Storage and/or Processing Activities	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---		
562112	Hazardous Waste Collection, limited to the following:																																
	• Hazardous Waste Collection and Storage Facilities (except household hazardous waste collection facilities)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---		
	• Hazardous Waste Collection Services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---		
	• Household Hazardous Waste Collection Facility	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---			
562119	Other Waste Collection Services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
5622	Waste Treatment and Disposal																																

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations									
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R		RC	UC							
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4															MU-2	MU-11					
562211	Hazardous Waste Treatment and Disposal	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
562212	Solid Waste Landfill	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
562213	Solid Waste Combustors and Incinerators	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
562219	Other Nonhazardous Waste Treatment and Disposal (limited to composting facilities and anaerobic digestion; excludes fertilizer manufacturing—see NAICS 325314)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.415 (Waste Treatment and Disposal—Composting and Anaerobic Digestion Facilities)	
5629	Remediation and Other Waste Management Services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
562910	Remediation Services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	---	---	---		
562920	Material Recovery Facilities (MRF) (consists of the removal of recyclable materials from a waste stream)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.275 (Material Recovery Facilities)	
562920	• Electronic Equipment Recycling	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.275 (Material Recovery Facilities)	
562920	• Salvage Facilities (includes facilities for the recovery/processing (recycling) of waste materials. See NAICS 562111 for automobile dismantling and metal salvage/recycling facilities. See NAICS 327999 for concrete and asphalt crushing or grinding)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
562920	[1] Within a Wholly Enclosed Building	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	See Sections 5.03.275 (Material Recovery Facilities) and 5.03.350 (Salvage Facilities)	
562920	[2] With Outdoor Storage and/or Processing Activities	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
562920	• Tires and Scrap Rubber Recycling	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.275 (Material Recovery Facilities)	
562991	Septic Tank and Related Services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---		
562998	All Other Miscellaneous Waste Management Services (includes but is not limited to storm and catch basin cleaning services, grease trap cleaning services, sewer cleaning and rodding services, and tank cleaning and disposal services)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---		
61	EDUCATION SERVICES																																					
611	Educational Services																																					
6111, 6112, 6113	Elementary and Secondary Schools, Junior Colleges, and Colleges, Universities and Professional Schools (includes activities and facilities ancillary to, and/or serving, an educational service, such as, but not limited to, administrative offices, student and educator housing, libraries and museums, performing arts and sports facilities, eating facilities, medical clinics, etc.)																																					
	• Public Schools	P	P	P	P	P	P	P	P	P	P	**P	P	P	P	P	P	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.		
	• Private Schools	C	C	C	C	C	C	C	C	---	---	**C	C	C	C	C	---	---	C	---	---	---	C	C	C	---	---	---	---	---	---	---	---	---	---			
6114	Business Schools and Computer and Management Training	---	---	---	---	---	---	C	C	---	---	---	---	---	C	---	---	C	C	C	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---		
6115	Technical and Trade Schools	---	---	---	---	---	---	C	C	---	---	C	---	---	C	C	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts						Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts					Additional Regulations														
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT		OS-C	OS-R	RC	UC										
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4															MU-2	MU-11								
621999	All Other Miscellaneous Ambulatory Health Care Services (limited to blood pressure screening, health screening, hearing testing, industrial clinics, pacemaker monitoring, physical fitness evaluation, and smoking cessation program services)	---	---	---	---	---	P	P	P	---	P	P	**P	---	---	P	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.030 (Ambulatory Health Care Services—All Other Miscellaneous) ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.		
622	Hospitals	---	---	---	---	---	---	C	C	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
623	Nursing and Residential Care Facilities																																								
6231	Nursing Care Facilities (includes State licensed facilities engaged in providing inpatient nursing and rehabilitative services by a permanent core staff of registered/licensed practical nurses who, along with other staff, provide nursing and continuous personal care services)	---	---	---	---	---	---	C	C	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
6232	Residential Intellectual and Developmental Disability, Mental Health, and Substance Abuse Facilities																																								
623210	Residential Intellectual and Developmental Disability Facilities (includes State licensed group homes, hospitals and intermediate care facilities primarily engaged in providing residential care services - room, board, protective supervision, and counseling services -- for persons diagnosed with intellectual and developmental disabilities)																																								
	• 6 or fewer persons	*P	*P	*P	*P	---	---	---	---	---	---	---	*P	*P	*P	*P	---	*P	*P	---	---	---	---	---	*P	---	---	---	---	---	---	---	---	---	---	---	---	---	* Allowed only in conjunction with an existing single-family residence.		
	• More than 6 persons	---	---	C	C	---	---	C	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---		
623220	Residential Mental Health and Substance Abuse Facilities (includes State licensed residential care and treatment - room, board, protective supervision, and counseling services -- for patients with mental health and/or substance abuse illnesses. Medical services may be provided incidental to counseling, mental rehabilitation, and support services offered)																																								
	• 6 or fewer persons	*P	*P	*P	*P	---	---	---	---	---	---	---	*P	*P	*P	*P	---	*P	*P	---	---	---	---	---	*P	---	---	---	---	---	---	---	---	---	---	---	---	---	* Allowed only in conjunction with an existing single-family residence.		
	• More than 6 persons	---	---	C	C	---	---	C	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---		
6233	Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly																																								
623311	Continuing Care Retirement Communities (includes State licensed facilities providing a range of residential personal care services with on-site nursing care facilities for: [1] the elderly and other persons that are unable to fully care for themselves, and/or [2] the elderly and other persons who do not desire to live independently)																																								
	• 6 or fewer persons	*P	*P	*P	*P	---	---	---	---	---	---	---	*P	*P	*P	*P	---	*P	*P	---	---	---	---	---	*P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	* Allowed only in conjunction with an existing single-family residence. See Section 5.03.110 (Community Care Facilities for the Elderly—6 or Fewer Persons)	
	• More than 6 persons	---	---	C	C	---	---	C	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.105 (Community Care Facilities for the Elderly—More Than 6 Persons)

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts						Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations								
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C		OS-R	RC	UC					
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4															MU-2	MU-11			
624229	Other Community Housing Services (agencies and organizations)	---	---	---	---	---	P	P	---	---	P	P	**P	---	---	P	P	P	P	P	---	---	---	---	---	P	---	---	---	---	---	---	---	---	**	Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
624230	Emergency and Other Relief Services (administrative services/activities only)	---	---	---	---	---	---	P	---	---	P	P	**P	---	---	P	P	P	P	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---		
6243	Vocational Rehabilitation Services (limited to vocational habilitation and rehabilitation, and workshops for persons with disabilities)	---	---	---	---	---	---	C	C	---	---	---	---	---	---	P	---	---	C	C	C	---	---	---	C	---	---	---	---	---	---	---	---	---		
6244	Child Daycare Services, limited to the following:																																			
624410	Child Daycare Centers (Commercial Facilities)	---	---	C	C	C	C	C	C	---	C	C	---	---	---	C	---	C	C	P	P	---	---	---	---	P	C	---	---	---	---	---	---	---	See Section 5.03.100 (Child Daycare Services)	
624410	Child Daycare Centers (Employer Provided Services)	---	---	---	---	---	---	---	P	---	---	P	---	---	---	P	---	---	P	P	P	P	P	---	P	---	---	---	---	---	---	---	---	---		
624410	Family Child Daycare Homes (up to 14 children)	*P	*P	*P	*P	---	---	---	---	---	---	---	*P	*P	---	*P	---	*P	*P	---	---	---	---	---	*P	---	*P	---	---	---	---	---	---	---	* Allowed only in conjunction with an existing residence, including a single-family dwelling, a townhouse dwelling, a dwelling unit within a single-family dwelling, a multiple-family dwelling, or a dwelling unit within a multiple-family dwelling. Furthermore, the dwelling may be rented, leased, or owned, and the child daycare provider shall reside in the dwelling. See Section 5.03.100 (Child Daycare Services)	
71	ARTS, ENTERTAINMENT AND RECREATION																																			
711	Performing Arts, Spectator Sports, and Related Industries																																			
7111	Performing Arts Companies	---	---	---	---	---	---	---	C	C	---	---	C	C	C	C	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---		
7112	Spectator Sports	---	---	---	---	---	---	---	C	C	---	---	C	C	C	C	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---		
7113	Promoters of Performing Arts, Sports, and Similar Events (offices only)	---	---	---	---	---	---	P	P	P	P	P	**P	P	P	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	**	Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
7114	Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures (offices only)	---	---	---	---	---	---	P	P	P	P	P	**P	P	P	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
7115	Independent Artists, Writers, and Performers (offices only)	---	---	---	---	---	---	P	P	P	P	P	**P	P	P	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
712	Museums, Historical Sites, and Similar Institutions																																			
7121	Museums, Historical Sites, and Similar Institutions																																			
712110	Museums	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	---	---	---	---	---	---	P	C	---	---	P	---	---	---	---	---			
712130	Zoos and Botanical Gardens	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
713	Amusement, Gambling, and Recreation Industries																																			
7131	Amusement Parks and Arcades																																			
713110	Amusement and Theme Parks	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
713120	Amusement Arcades (limited to video and electronic game arcades, cyber cafes, and on-line and internet gaming facilities)	---	---	---	---	---	---	C	C	---	---	---	C	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.220 (Game Arcades, Internet Cafes, On-Line Internet Gaming, and Similar Facilities)

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations						
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					MU-2	MU-11	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT		OS-C	OS-R	RC	UC		
7132	Gambling Industries (except Bingo conducted pursuant to Ontario Municipal Code Title 5, Chapter 18 (Bingo for Charity))	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
7139	Other Amusement and Recreation Industries																																		
713910	<i>Golf Courses and Country Clubs</i>	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	
713940	<i>Fitness and Recreational Sports Centers (limited to health clubs and gyms, fitness and sports training facilities, tennis clubs, swim clubs and other similar activities and facilities)</i>																																		
	<ul style="list-style-type: none"> GFA Less than 10,000 SF 	---	---	---	---	---	P	P	P	P	---	P	**P	---	---	P	---	P	P	P	P	---	---	---	---	---	---	---	P	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.	
	<ul style="list-style-type: none"> GFA 10,000 or More SF 	---	---	---	---	---	C	C	C	P	---	C	**C	---	---	C	---	C	C	C	C	C	---	---	---	---	C	---	---	---	---	---	---		
713950	<i>Bowling Centers</i>	---	---	---	---	---	---	P	P	---	---	---	P	P	P	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
713990	<i>Adult-Oriented Businesses</i>	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.015 (Adult-Oriented Businesses)
713990	<i>Batting Cages -- Indoor</i>	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
713990	<i>Batting Cages -- Outdoor</i>	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	---	---	---	---	---	---	---	---	---	C	---	---	---	---	
713990	<i>Billiard Parlors and Pool Halls</i>	---	---	---	---	---	---	C	C	---	---	---	C	---	---	C	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.075 (Billiard Parlors and Pool Halls)
713990	<i>Dancing, Dance Clubs, Dance Halls, Ballrooms, and Discotheques</i>																																		
	<ul style="list-style-type: none"> GFA Less than 5,000 SF 	---	---	---	---	---	---	C	C	---	---	---	*A	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	* In the MU-1 zoning district, dancing activities/facilities are administratively permitted only in conjunction with a bona fide full-service restaurant or alcoholic beverage manufacturer's tasting room.
	<ul style="list-style-type: none"> GFA 5,000 or More SF 	---	---	---	---	---	---	C	C	---	---	---	C	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
713990	<i>Escape, Exit, Mystery, and Puzzle Rooms</i>	---	---	---	---	---	---	C	C	---	---	---	C	C	C	---	---	---	C	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	
713990	<i>Golf Driving Ranges, Miniature and Pitch-N-Put Golf Courses, and Practice Ranges</i>	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	
713990	<i>Hookah Establishments and Facilities</i>	---	---	---	---	---	C	C	---	---	---	---	*A	*A	*A	*A	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	* In the MU-1 zoning district, hookah facilities are administratively permitted only in conjunction with a bona fide full-service restaurant. Standalone establishments and facilities shall not be allowed. See Section 5.03.245 (Hookah Establishments)
713990	<i>Live Entertainment (excludes adult-oriented establishments)</i>																																		

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts						Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations							
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1				MU-2	MU-11	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT		OS-C	OS-R	RC	UC			
													LUA-1	LUA-2N	LUA-2S	LUA-3																	LUA-4		
	<ul style="list-style-type: none"> GFA Less than 5,000 SF 	‡A	‡A	‡A	‡A	---	C	C	C	C	---	---	*A/ **C	*A/ **C	*A/ **C	*A/ **C	---	C	C	C	---	---	---	---	---	C	---	P	---	---	---	---	---	*	
	<ul style="list-style-type: none"> GFA 5,000 or More SF 	---	---	---	---	---	C	C	C	C	---	---	**C	---	---	**C	---	C	C	C	---	---	---	---	---	C	---	C	---	---	---	---	---	---	†
713990	Off-Road Vehicle Riding Facilities (recreational)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
713990	Open Space and Park Lands (publicly owned facilities)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
713990	Shooting and Archery Ranges and Galleries — Indoor Only	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	
713990	Simulated Racing (limited to go-carts, radio-controlled vehicles and other similar facilities)	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
713990	Simulated Shooting Games — Indoor Only (limited to laser tag and paint ball)	---	---	---	---	---	---	C	C	---	---	---	C	---	C	C	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
713990	Skating Rinks and Parks (indoor only)	---	---	---	---	---	---	C	C	---	---	---	---	---	C	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
713990	Smoking Lounges, Vape Lounges, and Other Similar Facilities (excluding hookah establishments)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
713990	Stables (commercial riding)	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---		
72	ACCOMMODATION AND FOOD SERVICES																																		
721	Accommodation (Lodging Facilities)																																		
7211	Traveler Accommodation																																		
721110	Hotels and Motels	---	---	---	---	---	---	C	C	---	C	**C	---	---	C	---	C	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	See Section 5.03.250 (Hotels, Motels, Residence Inns, and Other Similar Traveler Accommodation) ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.	

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations								
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R		RC	UC						
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4															MU-2	MU-11				
721191	Bed-and-Breakfast Inns	C	C	C	C	C	C	C	C	---	C	C	**C	---	---	C	---	C	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	See Section 5.03.070 (Bed-and-Breakfast Inns) ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
721199	All Other Traveler Accommodation																																				
	• Residence Inns	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.250 (Hotels, Motels, Residence Inns, and Other Similar Traveler Accommodation)
	• Cabins and Cottages	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
	• Hostels	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
7212	Recreational Vehicle (RV) Parks and Recreational Camps	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
7213	Boarding, Lodging and Rooming Houses	A	A	A	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	A	---	A	---	---	---	---	---	---	---	---	---	See Section 5.03.080 (Boarding, Lodging and Rooming Houses)
722	Food Services and Drinking Places																																				
7223	Special Food Services																																				
722310	Food Service Contractors	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
722320	Caterers	---	---	---	---	---	---	P	---	P	---	---	P	P	P	P	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
722330	Mobile Food Services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.290 (Mobile Food Services)
7224	Drinking Places (Alcoholic Beverage Sales for On-Premises Consumption)																																				
722410	Drinking Places Other Than Bars, Cocktail Lounges, and Taverns (and other similar facilities)																																				
	• GFA less than 10,000 SF	‡A	‡A	‡A	‡A	C	C	C	C	C	---	C	A	A	A	C	C	C	C	C	C	---	---	---	C	---	P	---	C	---	---	---	---	---	---	‡ Allowed in residential zoning districts only in conjunction with a banquet facility in association with a historic property or a not for profit homeowners association that maintains/operates a clubhouse or similar place of assembly for exclusive use by association members and their guests. See Section 5.03.025 (Alcoholic Beverage Sales)	
	• GFA 10,000 or More SF	---	---	---	---	C	C	C	C	C	---	C	C	C	C	---	C	C	C	C	C	---	---	---	C	---	P	---	C	---	---	---	---	---	---	---	
722410	Bars, Cocktail Lounges, Nightclubs and Taverns, and Other Similar Facilities																																				
	• GFA less than 5,000 SF	---	---	---	---	---	---	C	C	C	---	C	**A	**A	**A	C	---	C	C	---	---	---	---	---	---	---	---	P	---	C	---	---	---	---	---	** Standalone bars, taverns, and other similar facilities shall be prohibited on property located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations. See Section 5.03.025 (Alcoholic Beverage Sales)	
	• GFA 5,000 or More SF	---	---	---	---	---	---	C	C	C	---	C	C**	---	---	---	---	C	C	---	---	---	---	---	---	---	---	P	---	C	---	---	---	---	---	---	

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities	Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations										
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					MU-2	MU-11	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT		OS-C	OS-R	RC	UC						
	<ul style="list-style-type: none"> Mobile Washing and Detailing Services 	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.300 (Mobile Washing and Detailing Services)	
811198	All Other Automotive Repair and Maintenance	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
	<ul style="list-style-type: none"> Emissions Testing (test only facilities), and Diagnostic Centers and Safety Inspection Services (without repair) 	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
	<ul style="list-style-type: none"> Rustproofing and Undercoating Shops 	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
	<ul style="list-style-type: none"> Spray-On Bedliner Installation Shops 	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
	<ul style="list-style-type: none"> Tire Sales, Installation, and Repair (except retreading) Services 	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
	<ul style="list-style-type: none"> Plug-In Electric Vehicle (PEV) Charging Facilities (ancillary to an allowed land use) 	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
8112	Electronic and Precision Equipment Repair and Maintenance	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	
8114	Personal and Household Goods Repair and Maintenance	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
811411, 811412	Home and Garden Equipment and Appliance Repair and Maintenance	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
811420	Reupholsters and Furniture Repair	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
811430	Footwear and Leather Goods Repair	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	**P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.	
811490	Other Personal and Household Goods Repair and Maintenance -- Without Retail Sales (limited to garment alteration and repair, gun repair, jewelry repair, key duplicating, musical instrument repair and tailor shops)	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	**P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.	
811490	Boat Repair and Maintenance Services (no retail sales of new boats)	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	C	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
811490	Motorcycle Repair and Maintenance Services (no retail sales of new motorcycles)	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	C	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
812	Personal and Laundry Services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
8121	Personal Care Services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
812111 812112 812113	Barber Shops, Beauty Salons, Nail, and Skin Care Services	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	**P	---	---	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.	
812191	Diet and Weight Reducing Centers	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	**P	---	---	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
812199	Other Personal Care Services, limited to the following:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations								
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R		RC	UC						
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4															MU-2	MU-11				
	<ul style="list-style-type: none"> Chair Massage 	---	---	---	---	P	P	P	P	P	P	P	**P	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	See Section 5.03.270 (Massage Establishments and Services) ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.	
	<ul style="list-style-type: none"> Color Consulting Services 	---	---	---	---	---	P	P	P	---	---	---	**P	---	---	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
	<ul style="list-style-type: none"> Day Spas 	---	---	---	---	---	P	P	P	---	---	---	**P	---	---	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
	<ul style="list-style-type: none"> Hair Removal Services 	---	---	---	---	---	P	P	P	---	---	---	**P	---	---	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
	<ul style="list-style-type: none"> Hair Replacement Services 	---	---	---	---	---	P	P	P	---	---	---	**P	---	---	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
	<ul style="list-style-type: none"> Make-Up Salons (includes the application of permanent cosmetics) 	---	---	---	---	---	P	P	P	---	---	---	**P	---	---	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.390 (Tattoo, Body Piercing, Branding, and Permanent Cosmetics Application) ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
	<ul style="list-style-type: none"> Massage Establishments 	---	---	---	---	---	---	A	---	A	---	---	**A	---	---	A	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.270 (Massage Establishments and Services) ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.	
	<ul style="list-style-type: none"> Tanning Salons 	---	---	---	---	---	P	P	P	---	---	---	**P	---	---	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
	<ul style="list-style-type: none"> Body Art Services (includes tattooing, body piercing, and branding) 	---	---	---	---	---	---	C	---	C	---	---	**P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.390 (Tattoo, Body Piercing, Branding, and Permanent Cosmetics Application) ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.	
8122	Death Care Services																																				

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations										
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R		RC	UC								
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4															MU-2	MU-11						
812210	Funeral Director Services (limited to office/retail only)	---	---	---	---	---	P	P	P	---	---	P	**P	P	P	P	---	P	P	P	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	See Section 5.03.205 (Funeral Director Services) ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.	
812210	Funeral Parlors and Mortuary Services (excludes funeral establishments)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	
812210	Funeral Establishments	---	---	---	---	---	C	C	C	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	
812220	Cemeteries restrictions	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	
812220	Crematories	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	
8123	Drycleaning and Laundry Services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
812310	Coin-Operated Laundries and Drycleaners	---	---	---	---	---	P	P	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
812320	Drycleaning and Laundry Services (except Coin-Operated)	---	---	---	---	---	P	P	P	P	---	---	**P	---	---	P	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities. ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.	
812331	Linen Supply	---	---	---	---	---	---	P	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	
812332	Industrial Launderers	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---
8129	Other Personal Services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
812910	Pet Grooming and Training Services	---	---	---	---	---	P	P	P	---	---	---	**P	P	P	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.	
812910	Pet Boarding and Sitting (animal daycare) Services, and Shelters	---	---	---	---	---	C	C	C	---	---	---	---	---	---	C	C	C	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---
812921	Photofinishing	---	---	---	---	---	P	P	P	---	---	---	**P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.	
812930	Parking Lots and Parking Garages	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
	• Commercial Facilities (pay to park)	---	---	---	---	---	---	C	C	C	---	C	C	C	C	C	C	C	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
	• Publicly-Owned Facilities	---	---	---	---	---	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	---	---	---	P	---	P	---	P	---	---	---	---	---	---	---	
	• Facilities Required in Conjunction with Allowed Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts						Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations							
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C		OS-R	RC	UC				
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4															MU-2	MU-11		
812990	<i>Astrology, Fortunetelling, Numerology, Palmistry, Phrenology and Psychic Reading Services</i>	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---		
812990	<i>Funeral Planning Services (office only—excludes preparation of the dead for burial or interment, and the conducting of funeral services)</i>	---	---	---	---	---	P	P	P	---	P	P	**P	---	---	P	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
812990	<i>Party Planning Services</i>	---	---	---	---	---	P	P	P	P	P	P	**P	P	P	P	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
812990	<i>Personal Fitness Trainer</i>	---	---	---	---	---	P	P	P	P	P	P	**P	P	P	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.315 (Personal Fitness Trainer) ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
812990	<i>Wedding and Funerary Chapels (excludes religious assembly)</i>	---	---	---	---	---	C	C	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
813	Religious, Grantmaking, Civic, Professional and Similar Organizations																																		
8131	Religious Organizations																																		
813110	<i>Religious Assembly</i>	C	C	C	C	C	C	C	---	C	---	---	---	C	C	C	---	C	C	C	C	---	---	---	---	C	C	---	---	---	---	---	---	---	
813110	<i>Monasteries, Convents and Other Similar Facilities</i>	---	---	C	C	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---		
8132, 8133, 8134, 8139	Grant-Making and Giving Services; Social Advocacy Organizations; Civic and Social Organizations; and Business, Professional, Labor, Political and Similar Organizations																																		
	• <i>Offices Only</i>	---	---	---	---	---	---	P	P	---	P	P	**P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
	• <i>Assembly Facilities</i>	---	---	---	---	---	---	C	C	---	C	C	---	C	C	C	---	---	C	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	
92	PUBLIC ADMINISTRATION																																		
921	<i>Executive, Legislative, and Other General Government Support</i>	---	---	---	---	---	---	P	P	---	P	P	**P	P	P	P	P	---	P	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
922	<i>Justice, Public Order, and Safety Activities</i>																																		
922110	<i>Courts</i>	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---		
922120	<i>Police Protection (stations, substations, and storefront facilities)</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts						Mixed Use Zoning Districts					Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts						Additional Regulations						
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1					BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C		OS-R	RC	UC			
													LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4															MU-2	MU-11	
922130	Legal Counsel and Prosecution	---	---	---	---	---	---	P	P	P	P	P	**P	P	P	P	P	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.	
922140	Correctional Institutions	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
922150	Parole Offices and Probation Offices	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	
922160	Fire Protection	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
923	Administration of Human Resource Programs (limited to administrative offices for education, public health and veterans' affairs, and other similar facilities)	---	---	---	---	---	---	P	P	---	P	P	**P	P	P	P	P	---	---	---	---	---	---	P	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.		
TEMPORARY AND INTERIM LAND USES, BUILDINGS, AND STRUCTURES																																		
	Temporary and Interim Land Uses	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	See Section 5.03.395 (Temporary and Interim Land Uses, Buildings, and Structures)		
	Temporary and Interim Buildings, Structures, and Facilities																																	
	• Fewer than 5 years	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	See Section 5.03.395 (Temporary and Interim Land Uses, Buildings, and Structures)		
	• 5 to 10 years	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			
	• More than 10 years	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	

Division 5.03—Supplemental Land Use Regulations

Sections:

- [5.03.000:](#) Purpose
- [5.03.005:](#) Applicability
- [5.03.010:](#) Accessory Dwelling Units
- [5.03.011:](#) Accessory Residential Structures
- [5.03.015:](#) Adult-Oriented Businesses
- [5.03.020:](#) Air Transportation
- [5.03.023:](#) Alcoholic Beverage Manufacturing
- [5.03.025:](#) Alcoholic Beverage Sales
- [5.03.030:](#) Ambulatory Health Care Services—All Other Miscellaneous Services
- [5.03.035:](#) Apparel Manufacturing
- [5.03.037:](#) Artisan Small-Scale and Micro Manufacturing Facilities
- [5.03.040:](#) Automobile Dealers—New Vehicles Sales and Leasing, and Automobile Rental
- [5.03.045:](#) Automotive Body, Paint, and Interior Repair and Customization—Minor Customization Work
- [5.03.050:](#) Automotive Body and Paint—Mobile Repair Services
- [5.03.055:](#) Automotive Glass Replacement Shops
- [5.03.060:](#) Automotive Repair and Maintenance—General Repair Facilities
- [5.03.065:](#) Automotive Repair and Maintenance—Servicing Facilities
- [5.03.067:](#) Banquet Facilities - Historic Properties
- [5.03.070:](#) Bed-and-Breakfast Inns
- [5.03.075:](#) Billiard Parlors and Pool Halls
- [5.03.080:](#) Boarding, Lodging, and Rooming Houses
- [5.03.085:](#) Bread and Tortilla Manufacturing
- [5.03.090:](#) Business to Business Electronic Markets
- [5.03.095:](#) Caretaker Quarters
- [5.03.100:](#) Child Daycare Services
- [5.03.105:](#) Community Care Facilities for the Elderly—More Than 6 Persons
- [5.03.110:](#) Community Care Facilities for the Elderly—6 or Fewer Persons
- [5.03.115:](#) Computer and Electronic Product Manufacturing
- [5.03.120:](#) Consumer Goods Rental
- [5.03.125:](#) Convenience Markets and Specialty Food Stores
- [5.03.130:](#) Credit Intermediation-Related Activities
- [5.03.135:](#) Cutlery and Hand Tool Manufacturing
- [5.03.140:](#) Data Processing, Hosting, and Related Services
- [5.03.145:](#) Depository Credit Intermediation
- [5.03.150:](#) Drive-Thru Facilities
- [5.03.155:](#) Durable and Nondurable Goods Agents and Brokers
- [5.03.160:](#) Electric Power Generation, Solar and Wind
- [5.03.165:](#) Electrical Equipment, Appliance, and Component Manufacturing
- [5.03.170:](#) Electronic Shopping and Mail Order Houses
- [5.03.175:](#) Electronics and Appliance Stores
- [5.03.177:](#) Employee (Farmworker) Housing
- [5.03.180:](#) Exterminating Services
- [5.03.185:](#) Fabricated Metal Product Manufacturing, All Other Miscellaneous
- [5.03.187:](#) Fertilizer Manufacturing from Manure Operations (FMMO)
- [5.03.190:](#) Food Manufacturing, Other
- [5.03.195:](#) Footwear Manufacturing
- [5.03.200:](#) Freight Transportation Arrangement

- [5.03.205:](#) Funeral Director Services
- [5.03.210:](#) Furniture and Home Furnishings Stores
- [5.03.215:](#) Furniture and Related Product Manufacturing
- [5.03.220:](#) Game Arcades, Internet Cafes, On-Line Internet Gaming, and Similar Facilities
- [5.03.225:](#) Gasoline and Fueling Stations
- [5.03.230:](#) General Rental Centers
- [5.03.235:](#) Hardware Manufacturing
- [5.03.240:](#) Home Occupations
- [5.03.245:](#) Hookah Establishments and Facilities, Smoking/Vaping Lounges, and Smoking/Vaping Retailers
- [5.03.250:](#) Hotels, Motels, Residence Inns, and Other Similar Traveler Accommodation
- [5.03.255:](#) Leather and Allied Product Manufacturing, Other
- [5.03.260:](#) Machine Shops, and Turned Product, Screw, Nut, and Bolt Manufacturing
- [5.03.265:](#) Manufacturing, Miscellaneous
- [5.03.270:](#) Massage Services
- [5.03.275:](#) Material Recovery Facilities (MRF)
- [5.03.280:](#) Marijuana Dispensary
- [5.03.285:](#) Mixed-Use Developments
- [5.03.290:](#) Mobile Food Services
- [5.03.295:](#) Mobilehome Parks
- [5.03.300:](#) Mobile Washing and Detailing Services
- [5.03.305:](#) Motor Vehicle Dealers
- [5.03.310:](#) Motor Vehicle Storage Facilities
- [5.03.315:](#) Personal Fitness Trainer
- [5.03.320:](#) Personal Property Donation Bins
- [5.03.325:](#) Pharmaceutical and Medicine Manufacturing
- [5.03.330:](#) Pharmacies and Drug Stores
- [5.03.335:](#) Plastics Product Manufacturing
- [5.03.340:](#) Recycling Facilities
- [5.03.345:](#) Residential Care Facilities, Other—6 or Fewer Persons
- [5.03.350:](#) Salvage Facilities
- [5.03.355:](#) Self-Storage Facilities
- [5.03.360:](#) Senior Citizen Housing Developments
- [5.03.365:](#) Single-Family Dwellings
- [5.03.370:](#) Single Room Occupancy (SRO) Facilities
- [5.03.375:](#) Soap, Cleaning Compound, and Toilet Preparation Manufacturing
- [5.03.380:](#) Sound (Audio) Recording Facilities
- [5.03.385:](#) Spring and Wire Product Manufacturing
- [5.03.390:](#) Tattooing, Body Piercing, Branding, and the Application of Permanent Cosmetics
- [5.03.395:](#) Temporary and Interim Land Uses, Buildings, and Structures
- [5.03.400:](#) Thrift and Secondhand Stores, and Used Goods Stores
- [5.03.405:](#) Temporary Shelters and Supportive Housing
- [5.03.410:](#) Urban Agriculture
- [5.03.415:](#) Waste Treatment and Disposal—Composting and Anaerobic Digestion Facilities
- [5.03.420:](#) Wireless Telecommunications Facilities
- [5.03.425:](#) Work/Live Units

5.03.000: Purpose

The purpose of this Division is to provide operating, site planning and/or development standards for certain land uses allowed by Division 5.02 (Land Use) of this Development Code, and for

activities and facilities that require special standards to mitigate their potential adverse impacts, thereby assuring a land use, activity, and/or facility of stable and desirable character, which is compatible with existing and future development and land uses in the vicinity, and protects the use and enjoyment of neighboring properties consistent with goals and policies of The Ontario Plan.

5.03.005: Applicability

- A. The land uses, activities and facilities addressed by this Division shall be located in compliance with Division 5.02 (Land Use) of this Development Code.
- B. The standards for specific uses, activities and facilities established by this Division shall supplement, and are required in addition to, the applicable development and subdivision regulations contained in Chapter 6.0 (Development and Subdivision Regulations) of this Development Code.
- C. Each and every physical improvement required to be installed or constructed in conjunction with the establishment of a land use, activity or facility addressed by this Division, shall be completed prior to the commencement of the land use.

5.03.010: Accessory Dwelling Units

- A. **Purpose.** The purpose of this Section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code Sections 65852.2 and 65852.22.
- B. **Effect of Conforming.** An ADU or JADU that conforms to the standards in this Section will not be:
 - 1. Deemed to be inconsistent with the City’s general plan and zoning designation for the lot on which the ADU or JADU is located.
 - 2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
 - 3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
 - 4. Required to correct a nonconforming zoning condition, as defined in Subsection C.7, below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.
- C. **Definitions.** As used in this Section, the words or phrases listed below shall have the meanings thereafter specified:
 - 1. Accessory Dwelling Unit (ADU). An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:

- a. An efficiency unit, as defined by HSC Section 17958.1; and
 - b. A manufactured home, as defined by HSC Section 18007.
2. Accessory Structure. A structure that is accessory and incidental to a dwelling located on the same lot.
3. Complete Independent Living Facilities. Permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multiple-family dwelling is or will be situated.
4. Efficiency Kitchen. A kitchen that includes each of the following:
 - a. A cooking facility with appliances.
 - b. A food preparation counter or counters that total at least 15 square feet in area.
 - c. Food storage cabinets that total at least 30 square feet of shelf space.
5. Junior Accessory Dwelling Unit (JADU). A residential unit that:
 - a. Is no more than 500 square feet in size;
 - b. Is contained entirely within an existing or proposed single-family structure;
 - c. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure; and
 - d. Includes an efficiency kitchen, as defined in Subsection C.4, above.
6. Living Area. The interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
7. Nonconforming Zoning Condition. A physical improvement on a property that does not conform with current zoning standards.
8. Passageway. A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
9. Proposed Dwelling. A dwelling that is the subject of a permit application and that meets the requirements for permitting.
10. Public Transit. A location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
11. Tandem Parking. Two or more automobiles parked on a driveway or on any other location on a lot, lined up one behind the other.

D. Approvals. The following approvals apply to ADUs and JADUs under this Section:

1. Building Permit Only. If an ADU or JADU complies with each of the general requirements in subsection E below, it is allowed with only a building permit in the following scenarios:

a. *Converted on Single-family Lot*. One ADU as described in this Subsection D.1.a and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

(1) Is either: (a) within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (b) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and

(2) Has exterior access that is independent of that for the single-family dwelling; and

(3) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

b. *Limited Detached on Single-family Lot*. One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under Subsection D.1.a, above), if the detached ADU satisfies each of the following limitations:

(1) The side- and rear-yard setbacks are at least four-feet;

(2) The total floor area is 800 square feet or smaller; and

(3) The peak height above grade is 16 feet or less.

c. *Converted on Multiple-Family Lot*. One or more ADUs within portions of existing multiple-family dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this Subsection D.1.c, at least one converted ADU is allowed within an existing multiple-family dwelling, up to a quantity equal to 25 percent of the existing multiple-family dwelling units.

d. *Limited Detached on Multiple-Family Lot*. No more than two detached ADUs on a lot that has an existing multiple-family dwelling if each detached ADU satisfies both of the following limitations:

(1) The side- and rear-yard setbacks are at least four-feet; and

(2) The peak height above grade is 16 feet or less.

2. ADU Permit.

a. Except as allowed under Subsection D.1 above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in Subsections E and F, below.

b. The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City’s ADU ordinance. The fee for processing an ADU is established by resolution of the City Council.

3. Process and Timing.

a. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.

b. The City must act on an application to create an ADU or JADU within 60 days from the date that the City receives a completed application, unless either:

(1) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or

(2) When an application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU will still be considered ministerially, without discretionary review or a hearing.

E. **General ADU and JADU Requirements.** The following requirements apply to all ADUs and JADUs that are approved under Subsections D.1D.1 or D.2, above:

1. Zoning.

a. An ADU or JADU subject only to a building permit under Subsection D.1, above, may be created on a lot in a residential or mixed-use zoning district.

b. An ADU or JADU subject to an ADU permit under Subsection D.2, above, may be created on a lot that is zoned to allow single-family dwelling residential use or multiple-family dwelling residential use.

2. Fire Sprinklers. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.

3. Rental Term. No ADU or JADU may be rented for a term that is shorter than 30 days.

4. No Separate Conveyance. An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multiple-family lot).

5. Septic System. If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last 5 years or, if the percolation test has been recertified, within the last 10 years.

6. Owner Occupancy.

a. All ADUs permitted before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was created.

b. An ADU that is permitted after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.

c. All ADUs that are permitted on or after January 1, 2025 are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.

d. All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement in this Subsection E.6.d does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

7. Deed Restriction. Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Planning Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:

a. The ADU or JADU may not be sold separately from the primary dwelling.

b. The ADU or JADU is restricted to the approved size and to other attributes allowed by this Section.

c. The deed restriction runs with the land and may be enforced against future property owners.

d. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Planning Director, providing evidence that the ADU or JADU has in fact been eliminated. The Planning Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Planning Director's determination, consistent with other provisions of this Development Code. If the ADU or JADU is not entirely physically removed but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Development Code.

e. The deed restriction is enforceable by the Planning Director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

8. Income Reporting. In order to facilitate the City's obligation to identify adequate sites for housing in accordance with Government Code Sections 65583.1 and 65852.2, the following requirements must be satisfied:

a. With the building-permit application, the applicant must provide the City with an estimate of the projected annualized rent that will be charged for the ADU or JADU.

b. Within 90 days after each yearly anniversary of the issuance of the building permit, the owner must report the actual rent charged for the ADU or JADU during the prior year.

If the City does not receive the report within the 90-day period, the owner is in violation of this Code, and the City may send the owner a notice of violation and allow the owner another 30 days to submit the report. If the owner fails to submit the report within the 30-day period, the City may enforce this provision in accordance with applicable law.

F. Specific ADU Requirements. The following requirements apply only to ADUs that require an ADU permit under Subsection D.2, above.

1. Maximum Size.

a. The maximum size of a detached or attached ADU subject to this Subsection F is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two or more bedrooms.

b. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.

c. Application of other development standards in this Subsection F, such as lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in Subsection F.1.b, above, or lot coverage limit or open-space requirement may require the ADU to be less than 800 square feet.

2. Building Setbacks.

a. An ADU that is subject to this Subsection F must conform to the front yard setback of the zoning district in which it is located.

b. An ADU that is subject to this Subsection F must conform to 4-foot side yard and rear yard setbacks.

c. No setback is required for an ADU that is subject to this Subsection F if the ADU is constructed in the same location and to the same dimensions as an existing structure.

3. Lot Coverage. No ADU subject to this Subsection F may cause the total lot coverage of the lot to exceed the maximum lot coverage of the zoning district in which it is located, subject to Subsection F.1.c, above.

4. Minimum Open Space. No ADU subject to this Subsection F may cause the total percentage of open space of the lot to fall below the requirements specified in Section 6.01.010 (Residential Zoning Districts) of this Development Code, subject to Subsection F.1.c, above.

5. Height. An ADU subject to this Subsection F, which exceeds 16 feet in height above grade, measured to the peak of the structure, shall first obtain Conditional Use Permit approval pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code, prior to the issuance of a building permit.

6. Passageway. No passageway, as defined by Subsection C.8, above, is required for an ADU.

7. Off-Street Parking.

a. *Generally.* One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by Subsection C.11, above.

b. *Exceptions.* No parking under Subsection F.7.a, above, is required in the following situations:

(1) The ADU is located within one-half mile walking distance of public transit, as defined in Subsection C.10, above.

(2) The ADU is located within an architecturally and historically significant historic district.

(3) The ADU is part of the proposed or existing primary residence, or an accessory structure under Subsection D.1.a, above.

(4) When on-street parking permits are required but not offered to the occupant of the ADU.

(5) When there is an established car share vehicle stop located within one block of the ADU.

c. *No Replacement.* When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

8. Architectural Requirements.

a. The materials and colors of the exterior walls, roof, and windows and doors must match the appearance and architectural design of those of the primary dwelling.

b. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.

c. The exterior lighting must be limited to down-lights or as otherwise required by the City's Building or Fire Code.

d. The ADU must have an independent exterior entrance, apart from that of the primary dwelling. The ADU entrance must be located on the side or rear building façade, not facing a public-right-of-way.

e. The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of 7 feet.

f. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line-of-sight.

g. All windows and doors in an ADU are less than 30 feet from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the

glass at least 6 feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

9. **Landscape Requirements.** A Landscape Plan shall be submitted to the City, which provides for evergreen landscape screening, to include trees, shrubs, and groundcovers that shall be planted, permanently irrigated, and fully maintained, and which is located between an ADU and adjacent parcels, and where an ADU impacts a front yard and/or is subject to public views from a public or private street. Evergreen landscape screening shall be provided as follows:

a. A 15-gallon size screening shrubs shall be provided for every 5 linear feet of exterior building wall. Alternatively, a solid fence or wall of at least 6 feet in height may be installed, which constructed pursuant to City standards (refer to Division 6.02 (Walls, Fences, and Obstructions) of this Development Code).

b. Tree specimens must meet the minimum size specifications stipulated in Table 6.05-3 (Minimum Tree Size Specifications) of this Development Code, when installed.

c. ADUs created by garage conversion, which results in the removal of the garage door, shall provide a minimum 3-FT wide foundation landscape planter for the full length of the wall wherein the garage door was removed, which shall be fully landscaped and irrigated, and permanently maintained.

d. All landscaping must be drought tolerant and California friendly.

e. Landscape plans shall be prepared and submitted to the City as prescribed by Section 6.05.015.B (Landscape and Irrigation Construction Documentation Plans) of this Development Code.

10. **Historical Protections.** An ADU that is on or within 600 feet of real property that is listed in the California Register of Historic Resources shall comply with the Secretary of the Interior's objective Standards for Preservation, Rehabilitation, Restoration, or Reconstruction (refer online to "Four Approaches to the Treatment of Historic Properties," <https://www.nps.gov/tps/standards/four-treatments.htm>), as applicable.

G. **Fees.** The following requirements apply to all ADUs and JADUs that are approved under Subsections D.1 or D.2, above.

1. **Impact Fees.**

a. No impact fee is required for an ADU or JADU that is less than 750 square feet in area. For the purposes of this Subsection G.1, the term "impact fee" means a "fee" under the Mitigation Fee Act (GC Section 66000(b)) and a fee under the Quimby Act (GC Section 66477). "Impact fee" as used in this Section, does not include any connection fee or capacity charge for water or sewer service.

b. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit (e.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

2. Utility Fees.

a. If an ADU or JADU is constructed with a new single-family home, a separate utility connection directly between the ADU or JADU and the utility, and payment of the normal connection fee and capacity charge for a new dwelling, are required.

b. Except as described in Subsection G.2.a, above, converted ADUs and JADUs in conjunction with single-family dwellings that are created under Subsection D.1.a, above, are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required.

c. Except as described in Subsection G.2.a, above, all ADUs and JADUs that are not covered by Subsection G.2.b, above, require a new, separate utility connection directly between the ADU or JADU and the utility.

(1) The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU or JADU, based on either the floor area or the number of drainage fixture unit (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.

(2) The portion of the fee or charge that is charged by the City shall not exceed the reasonable cost of providing this service.

5.03.011: Accessory Residential Structures

A. Purpose. The purpose of this Section is to establish standards for the construction and use of Accessory Residential Structures (other than Accessory Dwelling Units allowed pursuant to Subsection A of this Section) in conjunction with existing single-family dwellings located within single-family or multiple-family zoning districts. (Note: The construction and use of Accessory Residential Structures in conjunction with existing multiple-family dwellings shall be subject to the development standards applicable to the primary multiple-family dwellings.)

B. Applicability. For purposes of this Section, the herein established development standards shall apply to Accessory Residential Structures such as garages, carports, guesthouses, storage sheds, pool houses, recreation rooms, etc., which are incidental or subordinate to the primary dwelling.

C. Definitions. As used in this Section, the words or phrases listed below shall have the meanings thereafter specified:

1. *Accessory Residential Structure.* A structure that is incidental or subordinate to the primary dwelling on the same site, or the use of which is incidental or subordinate to the use of the primary dwelling of the site.

2. *Attached Accessory Residential Structure.* An Accessory Residential Structure that is joined to the primary dwelling by means of a shared common wall or is joined by a roof that extends the full width of the smaller of two connecting structures, creating a covered breezeway. An Attached Accessory Residential Structure is deemed to be attached to, and a part of, the primary dwelling.

3. *Breezeway*. A fully roofed, open passage that connects two buildings, such as a house and garage.

D. *General Requirements*. Accessory detached residential structures shall be developed pursuant to the following standards:

1. Accessory Residential Structures shall only be allowed on a lot containing a single-family dwelling, and may be attached to the primary dwelling, or may be an independent structure that is detached from the primary dwelling.

2. An Accessory Residential Structure that is attached to the primary residential structure shall contain no more than 50 percent of the gross floor area of the primary residential structure and shall be subject to the development standards applicable to the primary residential structure (refer to Section 6.01.010 (Residential Zoning Districts) of this Development Code).

3. An Accessory Residential Structure that is detached from the primary residential structure shall comply with the development standards contained in Table 5.03-2 (Development Standards for Accessory Residential Structures), below:

Table 5.03-2: Development Standards for Detached Accessory Residential Structures

Requirements	Residential Zoning Districts				Additional Regulations
	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	
A. Maximum Height					
1. Conditional Use Permit Required	35 FT				Note 1
2. Permitted by Right	14-16 FT				
B. Maximum Area					
1. Conditional Use Permit Required	As deemed appropriate by the Approving Authority				Note 2
2. Permitted by Right	650 SF/1,100 SF				Note 2
3. Guesthouses	650 SF				
C. Minimum Setbacks					
1. From Street Side Property Line	10 FT				Notes 3 and 4
2. From Interior Side Property Line	10 FT	0 FT/5 FT			Notes 3 and 5
3. From Rear Property Line					
a. Width of Structure ≤25 FT	5 FT				Note 3
b. Width of Structure >25 FT	10 FT				Note 3
4. From Alley Property Line (alley-facing garages only)	6 FT				Note 6
D. Minimum Separation Between Structures	6 FT				Note 3
E. Minimum Separation from Major Pipelines	50 FT				Note 7

Notes:

1. *Detached Accessory Residential Structures in excess of ~~44~~ 16 FT in height shall require Conditional Use Permit (or Certificate of Appropriateness for structures on the Ontario Register of Historic Places) approval.*
2. *Detached accessory structures in excess of 650 SF in area shall require Conditional Use Permit or Certificate of Appropriateness approval, as applicable, except that the maximum area allowed without benefit of Conditional Use Permit or Certificate of Appropriateness approval may be increased to 1,100 SF to accommodate garage parking required for uses on the affected property pursuant to Table 6.03-1 (Off-Street Parking Requirements) of this Development Code.*
3. *For child play structures, doghouses, and other similar accessory structures, there shall be no minimum required setback or separation between buildings/structures; provided, the accessory structure is located within a side or rear yard area and is screened from public view.*
4. *Garages with vehicle doors facing a public street shall be setback a minimum of 20 FT behind the street property line (minimum 18 FT behind the street property line if an overhead rollup garage door is provided).*
5. *Within the MDR-11, MDR-18, MDR-25, and HDR-45 zoning districts, the interior side setback shall be 5 FT for structures located 75 FT or less from the front property line, and 0 FT for structures located more than 75 FT from the front property line. For a setback less than 3 FT, the Zoning Administrator may require that an easement be provided on the contiguous lot to ensure access to all sides of the structure for the purpose of building maintenance.*
6. *A detached garage that takes access from a public alley shall be setback a minimum of 6 FT from the property line that is common to the public alley, measured from the wall containing the vehicle access door.*
7. *Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:*
 - a. *Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and*
 - b. *Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.*

4. An Accessory Residential Structure that is detached from the primary residential structure shall be located on the rear one-half of the lot on which it is constructed.

5. The sum total of the area of all Accessory Residential Structures on a lot, excepting ADUs conforming to Subsection A (Accessory Dwelling Units) of this Section, shall be equal to no more than 50 percent of the gross floor area of the primary residential structure.

6. An Accessory Residential Structure shall not contain a kitchen or cooking facilities (excluding outdoor kitchens and cooking facilities).

7. The size, footprint, height, bulk, and scale of an Accessory Residential Structure shall be compatible with the primary residential structure, and other Accessory Residential Structures in the surrounding neighborhood.

8. The area of an Accessory Residential Structure shall be the minimum necessary to house, shelter, or secure the use proposed within the structure; however, in no case shall the total gross floor area of all Accessory Detached Residential Structures on a lot exceed the floor area of the primary residential structure, excepting those accessory structures used for animal keeping purposes. In calculating the area of all Accessory Residential Structures on a lot, required parking within a garage shall be excluded from the calculation, up to a maximum of 3 covered parking stalls (maximum 651 SF).

9. Accessory Residential Structures shall match the primary residential structure with respect to architectural design and detailing, roof material and design, exterior color, exterior finish materials, window and door design, and design and placement of attic vents, excepting those Accessory Detached Residential Structures less than 120 SF in area, and those used solely for animal keeping purposes within the AR-2 and RE-2 zoning districts, and the AG Overlay district. For the purposes of this Section, Accessory Residential Structures intended solely for animal keeping purposes may also be used for the storage of vehicles, machinery, and equipment used in animal keeping.

10. No shipping container or other similar container shall be located on any residentially zoned property to accommodate the on-site storage of tools, vehicles, equipment, and other materials. This provision is not intended to prohibit the conversion of shipping containers into legally established buildings for habitable or non-habitable purposes.

11. Accessory Residential Structures shall not be located within front yards, street side yards of corner lots, or in front of the main dwelling.

12. An Accessory Residential Structure containing mechanical or other fixed equipment capable of creating a noise that is audible beyond the property line shall be placed a minimum of 5 FT from an interior side or rear property line.

13. An Accessory Residential Structure shall only be placed within the interior side or rear yard area of a lot.

14. A lot developed with an Accessory Residential Structure shall maintain a useable rear yard that is equal to a minimum of 10 percent of the net lot area. In addition, a traditional single-family dwelling shall maintain a useable rear yard area having minimum dimension of 20 FT in any direction, and a small lot single-family dwelling shall maintain a useable rear yard having a minimum dimension of 10 FT in any direction.

15. On a reversed corner lot, an Accessory Residential Structure shall comply with the following:

a. The Accessory Residential Structure located within the rear yard area shall not project beyond the minimum required front yard setback of the adjoining key lot, and shall be located no closer than 5 FT from the side property line of the key lot (rear property line of the reverse corner lot); and

b. The Accessory Structure shall be no closer to the rear property line than the minimum required side yard setback on the adjoining key lot.

E. Guesthouses. In addition to the standards applicable to Other Accessory Residential Structures contained in Subsection B of this Section, guesthouses shall comply with the following additional standards:

1. Not more than one Guesthouse shall be permitted per lot containing a primary single-family dwelling, and a Guesthouse shall not be constructed if an Accessory Dwelling Unit exists on the lot.

2. A Guesthouse shall be for the sole use of the family of the occupants of the main dwelling and persons employed on the premises, or for temporary use by non-paying guests for a

period not to exceed 90 days within any 120-day period. In addition, Guesthouses shall not be rented or otherwise used as a separate, independent residence.

F. Carports. No Carport shall be allowed within a front or street side yard setback area. Carports shall not be permitted in lieu of a garage required pursuant to the provisions of Table 6.03-1 (Off-Street Parking Requirements) of this Development Code, unless otherwise permitted by this Section.

G. Restrictive Covenant. Prior to the issuance of a building permit for an Accessory Residential Structures, the Planning Director may require that a restrictive covenant running with the land, which is binding on the property owner and their successors in interest, be recorded with the office of the San Bernardino County Recorder, which specifies that the Accessory Residential Structure shall not be used as an independent dwelling unit. Furthermore, restrictions may be included that are intended to ensure on-going compliance with the provisions of this Subsection B.

5.03.015: Adult-Oriented Businesses

The following regulations shall govern the establishment and operation of adult-oriented businesses within the City:

A. Purpose. It is the intent of these Adult-Oriented Business regulations to prevent community-wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods, which can be brought about by locating Adult-Oriented Businesses in close proximity to each other or proximity to other incompatible uses such as schools, churches, and residentially zoned districts or uses. The City Council finds that it has been demonstrated in various communities that the concentration of Adult-Oriented Businesses causes an increase in the number of transients in the area, and an increase in crime, and in addition to the effects described above, can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of these Adult-Oriented Business regulations to establish reasonable and uniform regulations to ameliorate the harmful effects of Adult-Oriented Businesses or their close proximity to incompatible uses, while providing reasonable alternative avenues of communication.

Moreover, it is also the purpose of these Adult-Oriented Business regulations to facilitate regulation of Adult-Oriented Businesses and the performers that may be employed by such establishments pending resolution of the prior permitting issues raised in *Baby Tam & Co., Inc. v. City of Las Vegas*, 154 F.3d 1097 (9th Cir. 1998). The intent of the registration requirements contained in these Adult-Oriented Business regulations is to provide enforcement agencies with sufficient information to assist them in ensuring that criminal elements do not infiltrate Adult-Oriented Businesses, that minors are not employed by such establishments, and that the establishments will comply with the zoning and operational standards imposed by these Adult-Oriented Business regulations.

B. Findings. The City Council of the City of Ontario, California, hereby, finds as follows:

1. The City Council finds that various studies and court decisions presented to the City Council have determined that the establishment of Adult-Oriented Businesses is linked to increases in crime and other adverse effects. The City, in enacting this ordinance, more specifically finds that these studies provide convincing evidence that:

a. Adult-Oriented Businesses are linked to, and associated with, increases in crime rates in those areas in which they are located and in surrounding areas;

b. Both the proximity of Adult-Oriented Businesses to sensitive land uses and the concentration of Adult-Oriented Businesses tend to result in the blighting and deterioration of the areas next to which, and near which, they are located;

c. There is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by Adult-Oriented Businesses, including but not limited to an increase in the crimes of narcotics distribution and use, prostitution, pandering, and violence against persons and property. The studies from other cities establish convincing evidence that Adult-Oriented Businesses that are not regulated as to permissible locations often have a deleterious effect on nearby businesses and residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values;

d. Studies concerning increases in crime surrounding Adult-Oriented Businesses are further supported by the City's own experiences confirming an inordinate amount of police response calls to the City's two existing Adult-Oriented Businesses, "the Reel One" and "the Villa Theater." The police response statistics from the Ontario Police Department for the period from 1996 to 1998 indicate that City police have been called out to these locations over 70 times to investigate solicitation and prostitution activities, lewd conduct, indecent exposure, illegal drug use and possession, use of counterfeit money, thefts, burglaries, and other disturbances;

2. Based on the forgoing, the City Council finds and determines that special regulation of Adult-Oriented Businesses is necessary to ensure that their adverse secondary effects will not cause or contribute to an increase in crime rates or the blighting or deterioration of the areas in which they are located or surrounding areas. The need for such special regulations is based upon the recognition that Adult-Oriented Businesses not only cause adverse secondary effects, but also have seriously objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or located in direct proximity to sensitive uses, thereby having a deleterious effect upon an adjacent area. It is the purpose and intent of these regulations to prevent or mitigate such adverse secondary effects;

3. The protection and preservation of the public health, safety and welfare require that certain distances be maintained between Adult-Oriented Businesses and other sensitive uses, including residential, religious and educational uses, as well as to minimize the adverse secondary effects between the proximity of Adult-Oriented Businesses and other Adult-Oriented Businesses and truck stops. Moreover, the locational requirements established by this Section do not unreasonably restrict the establishment or operation of constitutionally protected Adult-Oriented Businesses in the City. A sufficient and reasonable number of appropriate locations for the operation of Adult-Oriented Businesses will remain available after the enactment of these Adult-Oriented Business regulations.

4. The City Council also finds that locational criteria alone do not adequately protect the health, safety, and general welfare of the citizens of the City, and thus, certain requirements with respect to the ownership and operation of Adult-Oriented Businesses are in the public interest. In addition to the findings and studies conducted in other cities regarding increases in crime rates, decreases in property values, and the blighting of areas in which Adult-Oriented Business are located, the city Council also takes legislative notice of the facts recited in the case of *Kev, Inc., v. Kitsap County* (9th Cir. 1986) 793 F.2d 1053, and *Colacurcio v. City of Kent*, 1998 WL 848036 (9th Cir.), regarding how live adult entertainment results in adverse secondary effects such as prostitution, drug dealing, and other law enforcement problems;

5. Zoning, permitting, licensing, and other police power regulations are legitimate, reasonable means of accountability to help protect the quality of life in the City and to help assure that owners, operators and performers of Adult-Oriented Businesses comply with reasonable regulations and are located in places that minimize the adverse secondary effects that naturally accompany the operation of Adult-Oriented Businesses;

6. The City Council recognizes that possible harmful effects on children and minors exposed to the secondary effects of Adult-Oriented Businesses, the deterioration of respect for family values, and the need and desire of children and minors to stay away from, and avoid, Adult-Oriented Businesses, which causes children to be fearful and cautious when walking through or visiting the immediate neighborhood of these businesses. The City Council desires to: minimize and control the adverse secondary effects associated with the operation of Adult-Oriented Businesses and thereby protect the health, safety, and welfare of the citizens of Ontario, and in particular, the health, safety, and welfare of children and minors in the City; protect the citizens from increased crime; preserve their quality of life; preserve property values and the character of surrounding neighborhoods and businesses; deter the spread of urban blight and protect against the threat to health from the spread of communicable and sexually transmitted diseases;

7. Nothing in these Adult-Oriented Business regulations is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use that violates any applicable City ordinance or any statute of the State of California relating to public nuisances, unlawful or indecent exposure, sexual conduct, lewdness, obscene or harmful matter, or the exhibition or public display thereof;

8. The City Council further finds the following, in part, based upon its understanding of the judicial decisions and the reports, studies and other documents in the public record:

a. Evidence indicates that the existence of Adult-Oriented Businesses that permit nudity have been shown in some cities to increase the secondary effects of crime and decrease property values;

b. Evidence has demonstrated that Performers employed by Adult-Oriented Businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;

c. Evidence indicates that performers at Adult-Oriented Businesses have been found to engage in acts of prostitution with patrons of the establishment;

d. Evidence indicates that fully enclosed booths, individual viewing areas, and other small rooms whose interiors cannot be seen from public areas of the Adult-Oriented Business regularly have been found to be used as locations for engaging in unlawful sexual activity; and

e. As a result of Subparagraphs B.8.a through d, above, and the increase in the incidence of AIDS and Hepatitis B, which are both sexually transmitted diseases, the City Council has a substantial interest in adopting regulations that will reduce to the greatest extent possible, the possibility for the occurrence of casual sex acts at Adult-Oriented Businesses;

9. In regulating nudity and semi-nudity in Adult-Oriented Businesses, the City Council does not intend to proscribe the communication of erotic messages or any other communicative element or activity, but rather only to regulate nudity and semi-nudity in Adult-Oriented Businesses

due to the adverse secondary effects associated therewith, including prostitution, sexual assault, and associated crimes;

10. The City Council further finds, as a wholly independent basis, that it has a substantial public interest in preserving societal order and morality, and that such interest is furthered by the regulation of nudity and semi-nudity in Adult-Oriented Businesses;

11. While the City Council desires to protect the rights conferred by the United States and California Constitutions on Adult-Oriented Businesses, it does so in a manner that ensures the continued and orderly development of property within the City and diminishes, to the greatest extent feasible, those undesirable secondary adverse effects which the Studies have shown to be associated with the development and operation of Adult-Oriented Businesses; and

12. In enacting nudity and semi-nudity regulations pursuant to these Adult-Oriented Business regulations, the City Council declares that the regulations do not create or regulate a criminal offense, and the City Council has not provided a criminal penalty for a violation of these regulations;

13. The City Council finds that preventing the direct exchange of money between Performers and Patrons also reduces the likelihood of drug and sexual transactions occurring in Adult-Oriented Businesses;

14. Requiring a 10-FT separation between performers and patrons reduces the likelihood that these persons will negotiate narcotics sales, or negotiate for the purpose of engaging in sexual activities or obtaining sexual favors within the Adult-Oriented Businesses; and

15. Enclosed or concealed booths and dimly lit areas within Adult-Oriented Businesses greatly increase the potential for misuse of the premises, including unlawful conduct of a type that facilitates transmission of disease. Requirements that all indoor areas be open to view by management at all times and that adequate lighting be provided are necessary in order to reduce the opportunity for, and, therefore, the incidence of illegal conduct within Adult-Oriented Businesses, and to facilitate the inspection of the interior of the premises thereof by law enforcement personnel.

C. Definitions. As used in these Adult-Oriented Business regulations, the following words, terms, and phrases are defined as follows:

1. Applicant. A person who is required to file an application for a registration certificate under these Adult-Oriented Business regulations, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of an Adult-Oriented Business.

2. Bar. Any commercial establishment licensed by the State Department of Alcoholic Beverage Control to serve any alcoholic beverages on the premises.

3. Chief of Police. The Chief of Police of the City of Ontario or his or her designee.

4. City Council. The City Council of the City of Ontario.

5. Day. A calendar day and not business day. Whenever "day" is used to identify requirements of these Adult-Oriented Business regulations to be performed on a particular day, which day falls upon a holiday, Saturday or Sunday, the day for performance of the requirements

of these Adult-Oriented Business regulations will be the next business day after the holiday, Saturday or Sunday.

6. Distinguished or Characterized by an Emphasis Upon. The dominant or essential theme of the object described by the phrase. For example, when the phrase refers to films “which are distinguished or characterized by an emphasis upon “the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas.

7. Establishment of an Adult-Oriented Business. Means and includes any of the following:

a. The opening or commencement of any Adult-Oriented Business as a new business;

b. The conversion of an existing business, whether or not an Adult-Oriented Business, to any Adult-Oriented Business defined herein;

c. The addition of any of the Adult-Oriented Businesses defined herein to any other existing Adult-Oriented Business; or

d. The relocation of any Adult-Oriented Business.

8. Figure Model. Any person who, for pecuniary compensation, consideration, hire or reward, poses in a modeling studio to be observed, sketched, painted, drawn, sculptured, photographed or otherwise depicted.

9. Health Officer. The Health Officer of the County of San Bernardino, or his or her duly authorized representative.

10. Nudity or State of Nudity. The showing of the human male or female genitals, pubic area, buttocks or anus with less than a full opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.

11. Patron. A customer of an Adult-Oriented Business.

12. Permit. Any permit or registration certificate issued pursuant to these Adult-Oriented Business regulations.

13. Permittee. Any person to whom an Adult-Oriented Business registration certificate is issued.

14. Person. Any individual, partnership, copartnership, firm, association, joint stock company, corporation, or combination thereof, in whatever form or character.

15. Regularly Features. With respect to an adult theater, adult cabaret, adult arcade or adult motion picture theater, a regular and substantial course of conduct. Performances that are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities, occur on 2 or more occasions within a 30 day period; 3 or more

occasions within a 60 day period; or 4 or more occasions within a 180 day period shall, to the extent permitted by law, be deemed to be a regular and substantial course of conduct.

16. Religious Institution. A structure that is used primarily for religious worship and related religious activities.

17. School. Any child or daycare facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

18. Semi Nude or Semi-Nudity. State of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices.

19. Adult-Oriented Businesses. Any one of the following:

a. *Adult Arcade*. An establishment that, for any form of consideration, provides one or more still or motion picture projectors, or similar machines, for viewing by patrons and which shows films, computer generated images, motion pictures, video cassettes, slides, or similar photographic reproductions, more than 30 percent of which showings are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

b. *Adult Bookstore*. An establishment having a substantial and a significant portion of its business derived from the sale or rental of books, magazines, periodicals or other printed matter, or of photographs, films, motion pictures, video cassettes, slides, tapes, or other form of visual or audio representations that are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, or sexually oriented merchandise. The fact that more than 30 percent of the establishment inventory is composed of such materials, 30 percent of its floor area is devoted to such materials, or that 30 percent of its gross income is derived from such materials, or that the establishment advertises itself as "adult" in nature, shall, to the extent permitted by law, be evidence that the establishment is an "Adult Bookstore."

c. *Adult-Oriented Business*. Any business establishment or concern which operates as an Adult Bookstore, Adult Video Store, Adult Arcade, Adult Cabaret, Adult Theater, Adult Motion Picture Theater, Adult Motel, Escort Agency, Massage Establishment, Modeling Studio, Sexual Encounter/Rap Studio, Sexual Novelty Store or any other business or concern that regularly features or offers to its patrons as a substantial significant portion of its business, products, merchandise, services, or entertainment that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, but not including those uses or activities the regulation of which is preempted by State law. "Adult-Oriented Business" also includes any establishments, which as a regular and substantial course of conduct, provides or allows performers, models, or employees to appear in any public place dressed only in lingerie. "Adult-Oriented Business" does not include those uses, businesses or activities of licensed professionals who are otherwise exempt from classification as a "Massage Establishment" pursuant to this Development Code.

d. *Adult Cabaret or Adult Theater.* A nightclub, restaurant, or business establishment that regularly features live performances that are distinguished or characterized by an emphasis upon the display of specified sexual activities; regularly featured persons who appear semi-nude; or that shows films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

e. *Adult Hotel or Motel.* A hotel, motel, or similar business establishment offering public accommodations for any form of consideration, which provides patrons with closed circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for less than a 6-hour period, or rents, leases, or lets any single room more than twice in a 24-hour period.

f. *Adult Motion Picture Theater.* A business establishment where, for any form of consideration, films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

g. *Escort Agency.* A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

h. *Massage Establishment.* An establishment having a fixed place of business where any person association, firm, or corporation engages in, conducts, or carries on or permits to be engaged in, conducted, or carried on, any business of giving Turkish, Russian, Swedish vapor, sweat, electric, salt, or any other kind of character of baths and where alcohol rubs, fomentations, baths, or manipulations of the body, or similar procedures, are given including acupuncture clinics or establishments.

i. *Modeling Studio.* A business that regularly features, for pecuniary compensation, monetary, or other consideration, hire or reward figure models who, for the purposes of sexual stimulation of patrons, display specified anatomical areas to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. "Modeling Studio" does not include schools maintained pursuant to standards set by the State Board of Education, or a studio or similar facility owned, operated or maintained by an individual artist or group of artists, that does not provide, permit, or make available "specified sexual activities."

20. Adult-Oriented Business Operator or Operator. A person who supervises, manages, inspects, directs, organizes, controls, or in any other way is responsible for or in charge of the premises of an Adult-Oriented Business, or the conduct or activities occurring on the premises thereof.

21. Adult-Oriented Business Performer or Performer. Any person who is an employee or independent contractor of the Adult-Oriented Business, and any person who, with or without any compensation or other form of consideration, performs live entertainment dressed in no more than a state of semi-nudity for patrons of an Adult-Oriented Business.

22. Sexually Oriented Merchandise. Sexually oriented implements and paraphernalia, including, but not limited to: dildos, auto-sucks, sexually oriented vibrators, edible underwear, ben-wah balls, inflatable orifices, anatomical balloons with orifices, simulated and battery-operated vaginas, and similar sexually oriented devices, or any other merchandise characterized by an emphasis on sexual activities or specified anatomical parts.

23. Sexually Oriented Merchandise. Sexually oriented implements and paraphernalia, including, but not limited to: dildos, auto-sucks, sexually oriented vibrators, edible underwear, ben-wah balls, inflatable orifices, anatomical balloons with orifices, simulated and battery-operated vaginas and similar sexually oriented devices, or other merchandise characterized by an emphasis on sexual activities or specified anatomical parts.

24. Specified Anatomical Areas. Means and includes any of the following less than completely and opaquely covered human:

- a. genitals or public region;
- b. buttocks;
- c. female breast below a point immediately above the top of the areola;
- d. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- e. Any device, costume or covering that simulates any of the body parts included in Subparagraphs B.24.a or b, above.

25. Specified Sexual Activities. Means and include any of the following, whether performed directly or indirectly through clothing or other covering:

- a. The fondling or other erotic touching of human genitals, public region, buttocks, anus, or female breast;
- b. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
- c. Masturbation, actual or simulated; or
- d. Excretory functions as part of or in connection with any of the other activities described in Subparagraphs B.25.a through c, above.

26. Studies. The studies and reports prepared by other cities and judicial rulings referred to in Paragraph B.1 herein of these Adult-Oriented Business regulations, including studies and reports prepared by the City relating to the adverse secondary impacts of existing Adult-Oriented Businesses.

D. Minimum separation and locational requirements.

1. No Adult-Oriented Business shall be located within 1,500 FT of any property located within a residential or mixed-use zoning district, or any property located within a residential or mixed-use land use district of an adopted Specific Plan.

2. No Adult-Oriented Business shall be located within 1,000 FT of the following:
 - a. Any church, chapel, or similar place of worship, whether inside or outside of Ontario city limits;
 - b. Any school or daycare establishment, or public or private park or playground, whether inside or outside of Ontario city Limits;
 - c. Any retirement or convalescent hospital, whether inside or outside of Ontario city limits;
 - d. Any recreational facility, such as game arcade, bowling alley, skateboard rink, skating rink, or similar area where minors regularly congregate, whether inside or outside Ontario city limits;
 - e. City Hall, City offices, and other government buildings normally open to the public;
 - f. Libraries, whether inside or outside Ontario city limits;
 - g. Any truck stops, whether inside or outside Ontario city limits.

3. No Adult-Oriented Business shall be located within 300 FT of another Adult-Oriented Business, whether inside or outside Ontario city limits;

4. For purposes of the regulations contained herein, all distances shall be measured in a straight line, without regard for intervening structures, from the nearest property line for which the Adult-Oriented Business is proposed to be located to the nearest property line of a use or district identified in these Adult-Oriented Business regulations.

E. Adult-Oriented Business Development and Performance Standards. The following development and performance standards shall be applicable to Adult-Oriented Businesses in the City:

1. No Adult-Oriented Business shall be operated in any manner that permits the observation of any materials or activities depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas from any public way or from any location outside the building or area of such establishment. No Adult-Oriented Business shall be operated in any manner that permits the observation of any live performance depicting, describing or relating to specified sexual activities or semi-nudity from any public way, or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.

2. All off-street parking area and premise entries of the Adult-Oriented Business shall be illuminated from dusk to closing hours of operation with a lighting system that provides an average maintained horizontal illumination of one footcandle of light, measured on the parking surface or walkway. The required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the Adult-Oriented Business for the personal safety of patrons and employees, and to reduce the incidence of vandalism and criminal conduct.

3. The premises within which the Adult-Oriented Business is located shall provide sufficient sound-absorbing insulation so that noise generated inside the premises shall not be audible anywhere on any adjacent property or public right-of-way, or within any other building or other separate unit within the same building.

4. Except for those businesses also regulated by the California Department of Alcoholic Beverage Control, an Adult-Oriented Business shall be open for business only between the hours of 8:00AM and 12:00PM (midnight) on any particular day.

5. The building entrance to an Adult-Oriented Business shall be clearly and legibly posted with a notice indicating that persons under 18 years of age are precluded from entering the premises. The notice shall be constructed and posted to the satisfaction of the Chief of Police. No person under the age of 18 years shall be permitted within the premises at any time.

6. All indoor areas of the Adult-Oriented Business within which patrons are permitted, except restrooms, shall be open to view by the management at all times.

7. Any Adult-Oriented Business that is also an Adult Arcade that provides viewing area(s), shall comply with the following additional requirements:

a. Each Adult Arcade shall have at least one manager's station. It shall be the duty of the operator(s) to ensure that at least one employee is on duty and situated at each manager's station at all times that any patron is present inside the Adult Arcade.

b. The interior of the Adult Arcade shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the Adult Arcade to which any patron is permitted access for any purpose, excluding restrooms. If the Adult Arcade has two or more manager's stations designated, then the interior of the Adult Arcade shall be configured in such a manner that there is an unobstructed view of each area of the Adult Arcade to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the manager's stations. The view required by this Subparagraph shall be by direct line of sight from the manager's station. There shall be a security system that visually records each viewing booth at all times that the business is open or occupied for business.

c. It shall be the duty of the operator(s) and also the duty of all employees present in the Adult Arcade to ensure that the individual viewing areas remain unobstructed by any doors, walls, persons, merchandise, display rack or other materials at all times and to ensure that no patron is permitted access to any area of the Adult Arcade that has been designated as an area in which patrons will not be permitted.

d. No individual viewing area may be occupied by more than one person at any one time. "Individual viewing area" shall mean a viewing area designed for occupancy by one person. Individual viewing areas of the Adult Arcade shall be operated and maintained without any hole or other opening, or means of direct communication, or visual or physical access between the interior spaces of two or more Individual viewing areas.

e. No individual viewing area shall contain booths, stalls, or partitioned portions of individual viewing area used for the viewing of sexually oriented material or other forms of entertainment having doors, curtains, or portal partitions, unless the individual viewing areas containing booths, stalls, or partitioned portions have at least one side open to the manager's station and is visible to the manager's station. Any booth, stall, or partitioned portion of an

individual viewing area authorized under this subparagraph shall be constructed to allow 12 inches of open space between the bottom of the stall or partition and the floor. The open space shall remain unobstructed at all times.

f. The Adult Arcade shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, but such lighting shall not be of an intensity as to prevent the viewing of the sexually oriented material.

g. It shall be the duty of the operator(s) and all employees present at the Adult Arcade to ensure that the illumination described in Subparagraph E.7.f, above, is maintained at all times that any patron is present in the Adult Arcade.

h. The floors, seats, walls, and other interior portions of all booths shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen or saliva in any such booths shall be evidence of improper maintenance and inadequate sanitary controls.

8. All areas of the Adult-Oriented Business that are accessible to the public shall be illuminated at the following minimum footcandles, which shall be minimally maintained and evenly distributed at ground level, pursuant to Table 5.03-3 (Minimum Lighting Requirements for Adult-Oriented Businesses), below.

Table 5.03-3: Minimum Lighting Requirements for Adult-Oriented Businesses

<i>Area</i>	<i>Minimum Foot-Candles</i>
Bookstores and other retail establishments:	20
Theaters and cabarets (except during performances, at which time lighting shall be at least 1.25 foot-candles):	5
Arcades:	10
Motels/Hotels (in public areas):	20
Modeling Studios:	20

9. Patrons and employees shall not use the same restrooms. The Adult-Oriented Business shall provide and maintain separate restroom facilities for male patrons and employees, on the one hand, and female patrons and employees, on the other. Male patrons and employees shall be prohibited from entering any restroom for females, and female patrons and employees shall be prohibited from entering any restroom for males, except when an employee carries out duties of repair, maintenance, or cleaning of the restroom facilities. All restrooms shall be free from any sexually oriented materials. No restrooms shall contain television monitors or other motion picture or video projection, computers, recording, or reproduction equipment. The foregoing provisions of this Paragraph shall not apply to an Adult-Oriented Business that deals exclusively with sale or rental of sexually oriented materials that are not used or consumed on the premises, such as an Adult Bookstore or Adult Video Store, and which does not provide restroom facilities to its patrons or the public.

10. The following additional requirements shall pertain to Adult-Oriented Businesses that provide live performances in Adult Cabarets or Adult Theaters:

a. No person shall perform live entertainment for patrons of an Adult-Oriented Business except upon a stage at least 2 FT above the level of the floor, which is separated by a distance of at least 10 FT from the nearest area occupied by patrons, and no Patron shall be

permitted within 10 FT of the stage while the stage is occupied by an Adult-Oriented Business performer.

b. The Adult-Oriented Business shall provide separate dressing room facilities for performers that are exclusively dedicated to the performers' use. No public access shall be permitted to any dressing room facility.

c. The Adult-Oriented Business shall provide an entrance and exit for performers that is separate from the entrance and exit used by patrons.

d. The Adult-Oriented Business shall provide access for performers between the stage and dressing rooms, which are completely separated from the patrons. If separate access is not physically feasible, the Adult-Oriented Business shall provide a minimum 3-FT wide walk aisle for performers between the dressing room area and the stage, with a railing, fence, or other barrier separating the patrons and the performers capable of, and which actually results in, preventing any physical contact on the premises of the Adult-Oriented Business.

e. No performer, either before, during, or after performances, shall have any physical contact with any Patron, and no patron shall have physical contact with any performer before, during, or after performances by a performer. This Subparagraph shall only apply to physical contact on the premises of the Adult-Oriented Business.

f. Fixed guardrails at least 30 inches in height shall be maintained establishing the separations between performers and patrons required by the herein-stated Adult-Oriented Business Development and Performance Standards.

g. No patron shall directly pay or give any gratuity to any performer, and no performer shall solicit any pay or gratuity from any patron.

11. No operator, owner, or other person with managerial control over an Adult-Oriented Business shall permit any person on the premises of an Adult-Oriented Business to engage in a live showing of any specified anatomical areas. This provision may not be complied with by applying an opaque covering simulating the appearance of the specified anatomical areas required to be covered. Notwithstanding any other penalties that may be provided in this Development Code or the Ontario Municipal Code, a violation of this Subparagraph shall be grounds for revocation of an Adult-Oriented Business registration certificate.

12. No Adult-Oriented Business performer on the premises of an Adult-Oriented Business shall engage in a live showing of any specified anatomical areas. This provision may not be complied with by applying an opaque covering simulating the appearance of the specified anatomical areas required to be covered. Notwithstanding any other penalties that may be provided in this Development Code or the Ontario Municipal Code, a violation of this Subparagraph shall be grounds for revocation of an Adult-Oriented Business registration certificate.

13. Adult-Oriented Businesses shall employ security guards in order to maintain the public peace and safety, and to prevent any illegal activity from occurring on the premises, based upon the following standards:

a. Adult-Oriented Businesses featuring live entertainment shall provide at least one security guard at all times while the business is open. If the occupancy limit of the premises is

greater than 35 persons, an additional security guard shall also be on duty at all times while the business is open.

b. Security guards for other Adult-Oriented Businesses may be required if it is determined by the Chief of Police that their presence is necessary in order to maintain public peace and safety, and to prevent any illegal activity from occurring on the premises.

c. Security guards shall be charged with preventing violations of law and enforcing compliance by patrons of the requirements of these regulations. Each security guard shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state law. No security guard required pursuant to this Subparagraph shall act as a door person, ticket seller, ticket taker, admittance person, or sole occupant of the manager's station while acting as a security guard.

14. The Adult-Oriented Business shall provide a security system that visually records and monitors all parking lot areas at all times that the business is open or occupied for business.

15. Views of parking areas and doorways of Adult-Oriented Businesses shall be unobstructed so as to allow visibility of these areas from public rights-of-way.

16. The Adult-Oriented Business shall comply with the City's sign regulations.

17. The Adult-Oriented Business shall comply with the development, parking, and design requirements of the underlying zone for the specific underlying use. All exterior areas of an Adult-Oriented Business, including buildings, landscaping, and parking areas shall be maintained in a clean and orderly manner.

F. Employment of and Services Rendered to Persons Under the Age of 18 Years Prohibited.

1. It shall be unlawful for any operator or other person in charge of any Adult-Oriented Business to employ any person who is not at least 18 years of age.

2. It shall be unlawful for any operator or other person in charge of any Adult-Oriented Business to permit to enter, or remain within the Adult-Oriented Business, any person who is under the age of 18.

G. Inspection and Operators. All operators shall permit the Chief of Police, representatives of the San Bernardino County Health Department, and the City of Ontario Fire Department to conduct unscheduled inspections of the premises of the Adult-Oriented Business for the purpose of insuring compliance with the laws, and the development and performance standards applicable to Adult-Oriented Businesses at any time it is occupied or opened for business.

H. Regulations Nonexclusive. The provisions of this Development Code regulating Adult-Oriented Businesses are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of businesses as adopted by the City Council.

5.03.020: Air Transportation

A. ONT (Ontario International Airport).

1. Development Standards. The following standards are established to accommodate further development of Ontario International Airport and surrounding properties directly impacted by airport operations. All development within the ONT zoning district shall be designed and constructed pursuant to the standards contained in Table 5.03-4 (ONT Development Standards), below.

Table 5.03-4: ONT Development Standards

<i>Requirements</i>	<i>Standards</i>	<i>Additional Regulations</i>
A. SITE DEVELOPMENT STANDARDS		
1. Minimum Lot Size	10,000 SF	Note 1
2. Maximum Floor Area Ratio (FAR)	0.55	Notes 2 and 3
3. Minimum Landscape Coverage	Interior Lots: 10 percent; Corner Lots: 15 percent for	
4. Minimum Parking Space and Drive Aisle Separations		
a. Parking Space or Drive Aisle to Street Property Line	10 FT	
b. Parking Space or Drive Aisle to Interior Property Line	0 FT	
c. Parking Space to Buildings, Walls and Fences	5 FT	
<u>Exceptions</u> : Within enclosed loading and storage yard areas	0 FT	
d. Drive Aisle to Buildings, Walls, and Fences	10 FT to office elements; 5 FT to all other building walls	
<u>Exceptions</u> : Within enclosed loading and storage yard areas	0 FT	
e. Enclosed Loading and Storage Yards to Buildings, Walls, and Fences	0 FT	
5. Walls, Fences, and Obstructions	Refer to Section 6.02.020 (Design Standards for Industrial Zoning Districts).	
6. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading).	
7. Landscaping	Refer to Division 6.05 (Landscaping).	
8. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance).	
9. Signs	Refer to Division 8.1 (Sign Regulations).	
10. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).	

Table 5.03-4: ONT Development Standards

Requirements	Standards	Additional Regulations
11. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).	
12. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.	
B. BUILDING DEVELOPMENT STANDARDS		
1. Minimum Building Setbacks		
a. From Front Property Line	10 FT, plus one additional FT for each FT in excess of 35 FT	
b. From Street Side Property Line	10 FT	
c. From Interior Side Property Line	0 FT	
d. From Rear Property Line	0 FT	
2. Minimum Building Separations	0 FT	
3. Maximum Building Height	55 FT	Note 3

Notes:

- [1] An existing lot of record that is substandard as to minimum "lot" area and/or dimension(s) shall be granted all development rights of the zoning district in which it is located (refer to Subsection 3.01.010.B of this Development Code).
- [2] Reviewing Authority approval is required for an FAR exceeding 0.45.
- [3] The maximum building/structure height and FAR may be restricted pursuant to the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP). Refer to the ALUCP for properties affected by airport safety zones.

2. **Exceptions to Development Standards.** The following exceptions from the industrial zoning district development standards stipulated in Table 5.03.-4 (ONT Development Standards) shall be permitted:

- a. **Popouts and Other Horizontal Architectural Projections.** Popouts and other horizontal architectural projections may extend into a required street or interior property line setback area a maximum of 25 percent of the required setback, not to exceed 2.5 FT.
- b. **Signs.** Signs and advertising structures may encroach into a required front street setback area pursuant to Division 8.1 (Sign Regulations) of this Development Code.
- c. **Towers and Other Vertical Architectural Projections.** Towers and other vertical architectural projections may be erected to a height of up to 25 percent above the prescribed height limit of the base zoning district, provided said projections do not extend over more than 10 percent of the horizontal building area.
- d. **Walls, Fences, and Obstructions.** Walls, fences, and obstructions may be permitted within required setback areas pursuant to the provisions of Division 6.02 (Fences, Walls and Obstructions) of this Development Code.

3. Other Development Requirements. The following regulations are applicable to all uses and structures within the ONT zoning district:

a. Except as otherwise provided herein, required setback areas adjoining streets may only be used for landscaping, access drives, walkways, and lighting standards (poles).

b. The outdoor storage of materials and equipment is permitted only within an area surrounded by a wall or fence at least 8 FT in height, with gates capable of being locked. Within such areas, except for trucks or other vehicles necessary for the operation or use, no such materials are to be stored to a height greater than 8 FT. Where the storage area is visible by the public, or from adjoining properties developed with residential, mobilehome park, office, public, or institutional land uses, the storage area is to be screened by a minimum 8-FT high decorative masonry block wall, with view-obstructing gates, along each side of the storage area that is visible to the public or applicable land use.

c. Any use employing toxic or hazardous substances as a part of processes or uses, a security fence or wall at least 8 FT in height, with gates capable of being locked, shall be provided at the perimeter of the area within which the process or activity is conducted. The gate(s) shall be kept closed and locked when not in use or under direct supervision.

(1) All processes and activities shall be conducted within a completely enclosed building or structure, excepting the outdoor storage of materials and finished products, subject to required screening and location requirements, and outdoor dining areas. The outdoor display of building materials and similar large equipment is prohibited.

d. Exterior mechanical equipment, heating and ventilating equipment, air conditioning equipment, tanks, and other mechanical devices, shall be fully screened, and shall be treated with a neutral color when visible to the public or adjoining properties developed with residential, mobilehome park, office, public, or institutional land uses.

B. Helipads/Heliports. Within the CR, IG, and IH zoning districts, helipad/heliport facilities shall only be allowed in conjunction with a permitted or conditionally permitted land use. Standalone helipad/heliport facilities shall be prohibited within these zoning districts.

5.03.023: Alcoholic Beverage Manufacturing

The following regulations shall govern the establishment and operation of alcoholic beverage manufacturing uses and activities, as follows:

A. Alcoholic Beverage Manufacturing in the MU-1 (Downtown Mixed Use) Zoning District. Alcoholic beverage manufacturing facilities established within LUA-1, LUA-2 North, and LUA-2 South areas of the MU-1 zoning district shall comply with the following:

1. Land use approval shall be subject to the approval of an Administrative Use Permit pursuant to the requirements of Section 4.03.015 (Administrative Use Permits) of this Development Code;

2. The GFA of an alcoholic beverage manufacturing facility shall be less than 10,000 SF;

3. An alcoholic beverage manufacturer shall not be permitted unless the licensed alcoholic beverage manufacturer also sells alcoholic beverages to consumers for consumption on the premises, within a tasting room that complies with Subsection D of this Section, or in a bona fide restaurant that is located on the licensed premises, or at a bona fide restaurant that is contiguous to the licensed premises;

4. No video, electronic or other amusement devices or games shall be permitted;

5. Outdoor storage in conjunction with an alcoholic beverage manufacturer shall be prohibited.

B. Sewer Study May Be Required for Alcoholic Beverage Manufacturers in the MU-1 (Downtown Mixed Use) Zoning District. Alcoholic beverage manufacturing facilities established within the CC, CR and CCS zoning districts shall comply with the following:

1. Land use approval shall be subject to the approval of a Conditional Use Permit pursuant to the requirements of Section 4.02.015 (Conditional Use Permits) of this Development Code;

2. The GFA of an alcoholic beverage manufacturer shall be less than 10,000 SF;

3. An alcoholic beverage manufacturer shall not be permitted unless the licensed alcoholic beverage manufacturer also sells alcoholic beverages to consumers for consumption on the premises, within a tasting room that complies with Subsection D of this Section, or in a bona fide restaurant that is located on the licensed premises, or at a bona fide restaurant that is contiguous to the licensed premises.

4. No video, electronic or other amusement devices or games shall be permitted.

5. Outdoor storage in conjunction with an alcoholic beverage manufacturer shall be prohibited.

C. Conditional Use Permit Required for Tasting Rooms in the IL (Light Industrial), IG (General Industrial) and IH (Heavy Industrial) Zoning Districts. Within the IL, IG and IH zoning districts, the establishment of a tasting room in conjunction with an alcoholic beverage manufacturer shall require the approval of a Conditional Use Permit pursuant to the requirements of Section 4.02.015 (Conditional Use Permits) of this Development Code. Tasting rooms shall be designed in compliance with the requirements of Subsection D of this Section.

D. Tasting Rooms Not to Exceed 1,000 SF Unless Otherwise Permitted by a Conditional Use Permit. A tasting room shall not exceed 1,000 SF in area, except that within the MU-1 zoning district, tasting rooms in excess of 1,000 SF may be permitted by Conditional Use Permit approval. The tasting room floor area shall include any indoor area within the alcoholic beverage manufacturing licensed premises where alcoholic beverages are consumed, including any bar and seating areas, but shall exclude restrooms serving the tasting room and any outdoor patio areas. Outdoor patio areas may be permitted, provided they are not located in any required parking space or access way, and do not exceed 1,000 SF in total area.

E. Use of Grain Silos. A grain silo may be located outside of a building occupied by an alcoholic beverage manufacturing use, which shall comply with the following:

1. The grain silo shall not be located in any required parking space, driveway or drive aisle, or situated so as to adversely affect the pedestrian path of travel.

2. One sign identifying the alcoholic beverage manufacturing use may be placed on the grain silo, having a maximum area of 9 SF. The silo sign is permitted in addition to any wall signs or monument signs allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Development Code.

F. **Outdoor Utility Equipment Shall Be Completely Screened.** Outdoor utility equipment associated with an alcoholic beverage manufacturing use shall be completely screened from public view.

G. **Property Shall Be Permanently Maintained.** The real property upon which an alcoholic beverage manufacturing use is operated shall be permanently maintained in an orderly fashion by the provision of regular landscape maintenance, removal of trash and debris, and removal of graffiti within 24 hours from the time of occurrence.

H. **Roof-Mounted or Ground-Mounted Mechanical Equipment Shall Be Completely Screened.** Any proposed roof-mounted or ground-mounted mechanical equipment shall be completely screened from public view. Equipment screening information shall be specifically shown on the plans submitted for building permit issuance.

I. **Security Plan Required.** A security plan, in a form satisfactory to the Ontario Police Department, shall be submitted to and approved by the Police Chief prior to building permit issuance. The security plan shall be formulated to deter unlawful conduct of employees and patrons, to promote the safe and orderly assembly and movement of persons and vehicles, and to prevent disturbances to surrounding land uses and the neighborhood in general, by excessive noise created by patrons entering or leaving the alcoholic beverage manufacturer's licensed premises.

J. **On-Site Lighting Required to Provide a Safe and Secure Environment.** Parking lots, driveways, circulation areas, aisles, passageways, recesses, and grounds contiguous to buildings occupied by an alcoholic beverage manufacturing use shall be provided with enough lighting to illuminate and make clearly visible, the presence of any person on or about the alcoholic beverage manufacturer's licensed premises during the hours of darkness, and shall provide a safe and secure environment for all persons, property, and vehicles on and around the premises.

K. **Admission Fee, Cover Charge, and Minimum Purchase Requirements.** It shall be unlawful to require the payment of an admission fee or cover charge or require a minimum purchase.

L. **Alcoholic Beverage Signs Required.** Signs shall be posted inside the business, near the exit door, which states "NO ALCOHOLIC BEVERAGE ALLOWED BEYOND THIS POINT."

M. **Maximum Occupancy Load Shall Not Be Exceeded.** The number of persons shall not exceed the maximum occupancy load as determined by the Ontario Fire Department. Signs indicating the maximum occupant load shall be posted in a conspicuous place on an approved sign near the main exit from the room.

N. **No Live Entertainment or Dancing Permitted without First Obtaining Land Use Approval.** There shall be no live entertainment or dancing permitted on the alcoholic beverage manufacturer's licensed premises at any time, without first obtaining land use approval for the activities pursuant to the requirements of this Development Code.

O. **Display of Alcoholic Beverages.** The display of alcoholic beverages shall not be located outside of a building or within 5 FT of any public entrance to the building.

P. **Alcoholic Beverages Distributed By Competing Alcoholic Beverage Manufacturers Shall Not Be Served.** An alcoholic beverage manufacturer shall not serve brands of alcoholic beverages distributed by a competing alcoholic beverage manufacturer. The alcoholic beverages served shall be limited to the products that are authorized to be sold by the alcoholic beverage manufacturer under its license issued by the California Department of Alcoholic Beverage Control.

5.03.025: Alcoholic Beverage Sales

A. **Purpose.** The purpose of this Section is to establish standards governing the establishment and operation of alcoholic beverage sales within the City.

B. **Applicability.**

1. Conditional Use Permit and/or Administrative Use Permit Required.

a. The retail sales of alcoholic beverages, whether intended for consumption on or off the premises wherein the beverage is sold, shall require the approval of a Conditional Use Permit pursuant to Development Code Section 4.02.015 (Conditional Use Permit), or the approval of an Administrative Use Permit pursuant to Development Code Section 4.03.015 (Administrative Use Permits), as applicable, prior to the establishment of the use, excepting temporary alcoholic beverage sales allowed by Paragraph B.2, of this Section.

b. The violation of any provision of this Section shall be grounds for, and may result in, the modification or revocation of such Conditional Use Permit by the City, pursuant to Division 2.05 (City Initiated Modification or Revocation) of this Development Code.

c. A Conditional Use Permit and/or Administrative Use Permit for alcoholic beverage sales may be granted only in conjunction with, and shall be ancillary to, those legally established land uses identified in Subsections D (Alcoholic Beverage Sales for Consumption on the Premises) and E (Alcoholic Beverage Sales for Consumption off the Premises) of this Section.

2. Alcoholic Beverage Sales and/or Tasting in Conjunction with a Temporary Activity. Temporary alcoholic beverage sales and/or tasting may be allowed, provided an Administrative Use Permit issued pursuant to Section 4.03.015 (Administrative Use Permit) of this Development Code is first obtained prior to the establishment of the temporary activity, and the temporary activity is in full compliance with Subsection D (Temporary Alcoholic Beverage Sales) of Section 5.03.395 (Temporary and Interim Land Uses, Buildings, and Structures) of this Division.

3. Undue Concentration of Alcoholic Beverage Licenses within a Census Tract. A Conditional Use Permit for the retail sale of alcoholic beverages shall not be issued for a business located within a census tract that has been determined to contain an undue concentration of alcoholic beverage licenses, as defined in BPC Section 23958.4, unless a determination of public convenience or necessity is made by the Reviewing Authority pursuant to Subsection F (Public Convenience or Necessity Determination) of this Section.

C. Compliance with State of California Department of Alcoholic Beverage Control (ABC) Regulations. Any business engaging in the retail sales of alcoholic beverages shall first obtain the appropriate retail license from ABC and shall operate such business in strict compliance with the Alcoholic Beverage Control Act (commencing with BPC Section 23000 et seq.), and all applicable ABC rules, regulations, and orders.

D. Alcoholic Beverage Sales for Consumption on the Premises (On-Sale Alcoholic Beverage Sales). On-sale alcoholic beverage sales comprises establishments properly licensed by the Department of Alcoholic Beverage Control of the State of California (ABC), which sell alcoholic beverages of varying types, as allowed by the type of ABC license held by the establishment, for consumption on the premises in which they are sold. Typical uses include, but are not limited to, bars, brew pubs, nightclubs, wine bars, and restaurants that serve alcoholic beverages.

Establishments engaged in on-sale alcoholic beverage sales shall comply with the following:

1. Conditional Use Permit approval shall be required for an on-sale alcoholic beverage sales activity, and/or for the on premise tasting of any alcoholic beverage in conjunction with a legally established and ABC-licensed wine grower, beer manufacturer, brandy manufacturer, or distilled spirits manufacturer, except that within the MU-1 (Historic Downtown Mixed Use) zoning district, Administrative Use Permit approval shall be obtained from the City prior to establishing an on-sale alcoholic beverage sales use or activity.

2. Any business engaged in on-sale alcoholic beverage sales or on-premises tasting of any alcoholic beverage in conjunction with a legally established and ABC-licensed wine grower, beer manufacturer, brandy manufacturer, or distilled spirits manufacturer, shall not allow any alcoholic beverage to be consumed outside of the enclosed building, except within an outdoor area that has been designed to be separated from direct public contact/access by a wall, fence or other barrier acceptable to the City. The design of said outdoor area and required wall, fence or other barrier shall be subject to review and approval by the Planning Director and Police Chief.

E. Alcoholic Beverage Sales for Consumption off the Premises (Off-Sale Alcoholic Beverage Sales). Off-sale alcoholic beverage sales comprises establishments properly licensed by the Department of Alcoholic Beverage Control of the State of California (ABC), which sell alcoholic beverages of varying types, as allowed by the type of ABC license held by the establishment for consumption off the premises in which they are sold. Typical uses include, but are not limited to, convenience stores, grocery stores, and liquor stores.

Establishments engaged in off-sale alcoholic beverage sales shall comply with the following:

1. Conditional Use Permit approval shall be required for off-sale alcoholic beverage sales.

2. Establishments engaged in the concurrent sale of motor vehicle fuel with alcoholic beverage sales shall comply with all of the following conditions pursuant to BPC Section 23790.5:

a. No beer or wine shall be displayed within 5 FT of the cash register or the front door unless it is in a permanently affixed cooler.

- b. No advertisement of alcoholic beverages shall be displayed at motor fuel islands;
- c. No sale of alcoholic beverages shall be made from a drive-up window;
- d. No display or sale of beer or wine shall be made from an ice tub;
- e. No beer or wine advertising shall be located on motor fuel islands and no self-illuminated advertising for beer or wine shall be located on buildings or windows; and
- f. Employees on duty between the hours of 10 p.m. and 2 a.m. who sell beer or wine shall be at least 21 years of age.

3. The on-premises consumption of an alcoholic beverage shall be prohibited.

F. **Public Convenience or Necessity Determination.** BPC Section 23958.4 provides that the City shall have authority to review a retail alcoholic beverage license application proposed within an area having an “undue concentration” (high density of alcoholic beverage sales locations) of licenses; determine whether public convenience or necessity would be served by license issuance; and inform ABC of the determination.

1. **Purpose.** The purpose of this Subsection is to establish a procedure by which the public convenience or necessity may be determined, as provided by State law, and establish the criteria by which the determination shall be made.

2. **Applicability.** In considering a Conditional Use Permit or Administrative Use Permit (as applicable) application for alcoholic beverage sales, it shall be the responsibility of the Reviewing Authority prescribed by Table 2.02-1 (Review Matrix) of this Development Code, to make a determination of public convenience or necessity, if required pursuant to this Subsection.

3. **Determining Public Convenience or Necessity for On-Sale Alcoholic Beverage Sales Licenses.** Within a census tract having an undue concentration of on-sale ABC licenses, whether the public convenience or necessity would be served by an ABC license issuance shall be determined as follows:

a. *Alcoholic Beverage License Issuance in Conjunction with a Bona Fide Restaurant.* The issuance of an alcoholic beverage license in conjunction with a bona fide restaurant is hereby deemed to be provided as convenience to business patrons. The Reviewing Authority shall, therefore, establish that the public convenience would be served by the issuance of an ABC license in such cases;

b. *All Other On-Sale Alcoholic Beverage Licenses.* For all other on-sale alcoholic beverage licenses, the Approving Authority shall determine whether public convenience or necessity would be served by ABC license issuance on a case-by-case basis, upon a thorough review of the facts pertaining to the proposed use.

4. **Criteria for Determining Public Convenience or Necessity for Off-Sale Alcoholic Beverage Sales Licenses.** Within a census tract having an undue concentration of off-sale ABC licenses, the City desires to strike a balance between the number of off-sale ABC licenses and the convenience of business patrons. Consequently, the Approving Authority is hereby granted authority to make determinations of public convenience and necessity, and shall rely upon the following factors in making such determinations:

a. The proposed retail alcohol license is not located within a high crime area, which is defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole), including, but not limited to, disturbing the peace, public intoxication, assault and battery, prostitution, vandalism, graffiti, loitering, pan-handling, all BPC violations, drug violations, and driving while intoxicated or under the influence;

b. The proposed retail alcohol license is not located within close proximity (600 FT or less, as measured in a straight line from any point along the outer boundaries of the building GFA containing the business) of an existing or proposed sensitive land use (as provided in BPC Section 23789), including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate;

c. The anticipated amount (percentage) of retail sales to be derived from alcoholic beverages is clearly incidental to the primary land use, making-up no more than one-third of anticipated gross retail sales;

d. If the business for which the retail alcoholic beverage license application is proposed is a grocery store, it shall contain at least 12,000 SF of GFA;

e. No more than 10 percent of the retail business' GFA shall be devoted to alcoholic beverage display and sale;

f. At least 10 percent of the retail business' GFA shall be devoted to food display and sales. (Note: Food preparation areas shall not be counted toward the food sales floor area calculation); and

g. The building or property wherein the proposed business is located has no outstanding building or health code violations, is not an active Code Enforcement Department case, and complies with applicable Development Code regulations, including, but not limited to, property maintenance, building improvements, off-street parking (design and number of spaces provided), and landscape and lighting improvements.

5. Criteria for Determining Public Convenience or Necessity for Off-Sale Alcoholic Beverage Sales in Conjunction with Alcoholic Beverage Manufacturing Uses. Within a census tract having an undue concentration of off-sale ABC licenses, the Reviewing Authority is hereby granted authority to make determinations of public convenience and necessity for off-sale alcoholic beverage sales in conjunction with an alcoholic beverage manufacturing uses, and shall rely upon the following factors in making such determinations:

a. The proposed alcoholic beverage manufacturing use is not located within a high crime area, which is defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole), including, but not limited to, disturbing the peace, public intoxication, assault and battery, prostitution, vandalism, graffiti, loitering, pan-handling, all BPC violations, drug violations, and driving while intoxicated or under the influence;

b. The proposed retail alcohol license is not located within close proximity (600 FT or less, as measured in a straight line from any point along the outer boundaries of the building GFA containing the business) of an existing or proposed residential or sensitive land use (as provided in BPC Section 23789), including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate;

c. The retail sales of alcoholic beverages is ancillary to the primary alcoholic beverage manufacturing use; and

d. The building or property wherein the proposed business is located has no outstanding building or health code violations, is not an active Code Enforcement Department case, and complies with applicable Development Code regulations, including, but not limited to, property maintenance, building improvements, off-street parking (design and number of spaces provided), and landscape and lighting improvements.

G. Deemed Approved Alcoholic Beverage Sales Regulations. The provisions of this Subsection shall be known as the Ontario Deemed Approved Alcoholic Beverage Sales Regulations.

1. Purpose. The general purposes of the Deemed Approved Alcoholic Beverage Sale Regulations are to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of the citizens of the City by requiring that alcoholic beverage sales commercial activities that were legal nonconforming Activities immediately prior to the effective date of the Deemed Approved Alcoholic Beverage Sale Regulations are operated to achieve the following objectives:

a. Protect residential, commercial, industrial, and civic areas from nuisance, and minimize the adverse impacts of nonconforming and incompatible uses;

b. Provide opportunities for Alcoholic Beverage Sale Activities to operate in a mutually beneficial relationship to each other, and to other commercial and civic services;

c. Provide mechanisms to address problems often associated with the public consumption of alcoholic beverages, such as litter, loitering, graffiti, unruly behavior, and escalated noise levels;

d. Assure that Alcoholic Beverage Sale Commercial Activities are not the source of undue public nuisances in the community;

e. Encourage properly maintained alcoholic beverage sale establishments so that negative impacts generated by these activities are not harmful to the surrounding environment in any way; and

f. Monitor deemed approved activities to ensure they do not substantially change in mode or character of operation.

2. Applicability.

a. The Deemed Approved Alcoholic Beverage Sale regulations shall be applicable, to the extent permissible under other laws, to the following:

(1) All Legal Nonconforming Alcoholic Beverage Sale Commercial Activities within the City;

(2) The Nonconforming Use provisions contained in Division 3.01 (Nonconforming Lots, Uses, Structures, and Signs) of this Development Code; and

(3) A Conditional Use Permit operated pursuant to its conditions of approval.

b. Whenever any provision of the Deemed Approved Alcoholic Beverage Sale regulations and any other provision of law, whether set forth in this Development Code, or in any other law, ordinance, or resolution of any kind, imposes overlapping or contradictory regulations, or contain restrictions covering any of the same subject matter, the provision that is more restrictive, or imposes a higher standard, shall control, except as otherwise expressly provided by the Deemed Approved Alcoholic Beverage Sale Regulations.

3. Zoning Administrator. The Zoning Administrator shall conduct public hearings and make recommendations intended to encourage and achieve the compliance of particular sites with the provisions of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section, as appropriate. This Paragraph is not intended to restrict the powers and duties otherwise pertaining to other City officers or bodies, in the field of monitoring and ensuring the harmony of Alcoholic Beverage Sale Commercial Activities in the City. These parties shall have the powers and duties assigned to them by the Development Code, by the zoning regulations, by other codes and ordinances, or by valid administrative authority.

4. Definitions. For the purposes of this Section, the words or phrases listed below, in correct alphabetical order, shall have the meanings hereafter specified:

Alcoholic Beverage. Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, which contains 0.5 percent or more of alcohol by volume and which is fit for beverage purposes, either alone or when diluted, mixed, or combined with other substances, and sales of which requires an ABC license.

Alcoholic Beverage Sales Commercial Activity. The retail sale, for on-site or off-site consumption, of liquor, beer, wine, or other alcoholic beverages at establishments including, but not limited to, stores, liquor stores, specialty wine shops, restaurants, restaurant/bars, bars, taverns, brew pubs, cabarets, and businesses with temporary or permanent licenses from ABC to sell alcoholic beverages to the general public.

Deemed Approved Activity. Any Legal Nonconforming Alcoholic Beverage Sales Commercial Activity, as defined in this section, where the activity was in existence immediately prior to the effective date of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section. These activities shall be considered a Deemed Approved Activity as long as the establishment conducting the Deemed Approved Activity complies with the provisions of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section.

a. *Deemed Approved Status*. The permitted use of land for a Deemed Approved Activity. Deemed Approved Status replaces legal nonconforming status with respect to Alcoholic Beverage Sales Commercial Activity.

b. *Illegal Activity*. An activity that has been finally determined to be in noncompliance with the Deemed Approved performance standards contained in Paragraph G.6

(Performance Standards and Deemed Approved Activities), of this Section. Such an activity shall lose its Deemed Approved Status and shall no longer be considered a Deemed Approved Activity.

c. *Legal Nonconforming Alcoholic Beverage Sales Commercial Activity (Legal Nonconforming Activity).* An Alcoholic Beverage Sales Commercial Activity that was a nonconforming use pursuant to the Nonconforming Use regulations contained in Division 3.01 (Nonconforming Lots, Uses, Structures, and Signs) of this Development Code, and for which a valid ABC license had been issued and used in the exercise of the rights and privileges conferred by the license, at a time immediately prior to the effective date of the Deemed Approved Alcoholic Beverage Sale Regulations. The Activity shall be considered a Deemed Approved Activity, and shall no longer be considered a Legal Nonconforming Activity, except the Activity shall be subject to those zoning regulations relating to nonconforming uses as specified in Division 3.01 (Nonconforming Lots, Uses, Structures, and Signs), as of the effective date of the Deemed Approved Alcoholic Beverage Sale Regulations.

d. *Low-End Fortified Wine.* A class of inexpensive fortified wines. In contrast to table wine, which may be enjoyed as an accompaniment to a meal, or high-end fortified wine, enjoyed as an aperitif, low-end fortified wines are generally considered suitable only for intoxication.

e. *Off-Sale Alcohol Outlet.* An establishment that conducts retail sales of Alcoholic Beverages for consumption off the premises where sold.

f. *On-Sale Alcohol Outlet.* An establishment that conducts retail sales of Alcoholic Beverages for consumption on the premises where sold.

g. *Performance Standards.* Regulations prescribed in the Deemed Approved Performance Standards contained in Paragraph G.6 (Performance Standards and Deemed Approved Activities) of this Section, regulating the business practice, activities and land use for locations with Deemed Approved Status, or those further requirements imposed by the Zoning Administrator to achieve these goals. Performance Standards constitute requirements that shall be complied with by an establishment in order for the establishment to retain its Deemed Approved Status.

h. *Premises.* The building and land surrounding it considered as a single business engaged in Alcoholic Beverage Sales Activities. The premises shall include parking areas, outdoor patios and similar features.

i. *Supplemental Conditions of Approval.* Those requirements imposed by the Zoning Administrator following a public hearing conducted pursuant to the provisions of Paragraph G.8 (Violations of Performance Standards, Supplemental Conditions of Approval, or Other Provisions of this Article—Public Hearing) et seq. of this Section. Supplemental Conditions of Approval constitute requirements that shall be complied with by an establishment in order for the establishment to retain its Deemed Approved Status.

5. Automatic Deemed Approved Status.

a. All Alcoholic Beverage Sales Commercial Activities that were Legal Nonconforming Activities immediately prior to the effective date of the Deemed Approved Alcoholic Beverage Sale Regulations shall automatically become Deemed Approved Activities

as of the effective date of the Deemed Approved Alcoholic Beverage Sale regulations and shall no longer be considered Legal Nonconforming Activities.

b. Each establishment with Deemed Approved Status shall retain its Deemed Approved Status; provided, it complies with the Deemed Approved performance standards as set forth in Paragraph G.6 (Performance Standards and Deemed Approved Activities) of this Section, or as promulgated by the Zoning Administrator. However, any change in the State Department of Alcoholic Beverage Control license type, revocation of the ABC license, or a substantial physical change of character of the establishment, as defined in CCR Title 4, Section 64.2(b), shall terminate the Deemed Approved Status for the establishment and shall thereafter require a Conditional Use Permit or other applicable entitlements allowing Alcoholic Beverage Sales Commercial Activity to continue the activity.

c. If any establishment with Deemed Approved Status discontinues operation, is suspended from operations, or surrenders the premises for more than 90 consecutive days, the Deemed Approved Status is subject to revocation per the requirements of Division 3.01 (Nonconforming Lots, Uses, Structures, and Signs) of this Development Code. Any subsequent Alcoholic Beverage Sales Commercial Activity may only be resumed upon the granting by the City of a Conditional Use Permit allowing such Activity. Revocation of Deemed Approved Status pursuant to this Section may be made following a public hearing by the Zoning Administrator pursuant to the provisions of Paragraph G.8 (Violations of Performance Standards, Supplemental Conditions of Approval or Other Provisions of this Article – Public Hearing) et seq. of this Section.

6. Performance Standards and Deemed Approved Activities. A Deemed Approved Activity shall retain its Deemed Approved Status only if it conforms to each of the following Deemed Approved Performance Standards:

a. The Deemed Approved Activity shall not result in adverse impacts to the health, peace or safety of persons residing or working in the surrounding area;

b. The Deemed Approved Activity shall not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area;

c. The Deemed Approved Activity shall not result in nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, sales to minors, curfew violations, lewd conduct, or police detentions and arrests;

d. The Deemed Approved Activity shall comply with all applicable provision of any local, state, or federal regulation, ordinance or statute, including, but not limited to, those of the ABC, BPC Sections 24200, 24200.6 and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual City business taxes and alcohol sales administrative program fees imposed pursuant to the OMC; and

e. The upkeep and operating characteristics of the Deemed Approved Activity shall be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

7. Notification to Owners of Establishments Conducting Deemed Approved Activities.

The Zoning Administrator shall notify the owner of each establishment conducting a Deemed Approved Activity, and the property owner, if different from the Deemed Approved Activity, of the establishment's Deemed Approved Status. The notice shall be sent via certified mail return receipt requested; shall include a copy of the performance standards contained in Paragraph G.6 (Performance Standards and Deemed Approved Activities), above, with the requirement that these be posted in a conspicuous and unobstructed place, which is visible from the entrance of the establishment for public review; notification that the establishment is required to comply with all performance standards; that a review fee is required, as adopted by separate resolution of the City Council, and the amount of the fee that is required to be paid; and that the activity is required to comply with all other aspects of the Deemed Approved Alcoholic Beverage Sale Regulations. Should the notice be returned, it shall then be sent via regular U.S. Mail.

8. Violations of Performance Standards, Supplemental Conditions of Approval or Other Provisions of this Article—Public Hearing.

a. Upon receipt of a complaint that an establishment conducting a Deemed Approved Activity is in violation of the Performance Standards set forth in Paragraph G.6 (Performance Standards and Deemed Approved Activities) of this Section, or other conditions promulgated by the Zoning Administrator, or any other provision of these Deemed Approved Alcoholic Beverage Sales Regulations, and once it is reasonably determined by the City that the violations have occurred, or are occurring, then the Deemed Approved Status of the establishment in question shall be reviewed by the Zoning Administrator at a public hearing. Notification of the public hearing shall be provided pursuant to Paragraph G.10 (Notification of Public Hearing) of this Section.

b. The purpose of the public hearing is for any interested party to submit evidence to the Zoning Administrator concerning whether the operating methods of the establishment conducting the Deemed Approved Activity is violating the Performance Standards, Supplemental Conditions of Approval, other provisions of these Deemed Approved Alcoholic Beverage Sales Regulations, or are causing a nuisance in the area surrounding the establishment. Within 10 days of completion of the hearing, the Zoning Administrator shall render a written decision. The Zoning Administrator's decision may allow the Deemed Approved Status to continue for the establishment in question, to impose Supplemental Conditions of Approval pursuant to Paragraph G.9 (Supplemental Conditions of Approval) of this Section, that are, in the judgment of the Zoning Administrator, necessary to ensure compliance with the Performance Standards or the provisions of these Deemed Approved Alcoholic Beverage Sales Regulations, or to suspend or revoke the establishment's Deemed Approved Status. The decision of the Zoning Administrator shall be based upon information and evidence submitted by staff, evidence submitted by the business establishment owner and evidence submitted by any other interested parties. Supplemental Conditions of Approval shall be made a part of the Deemed Approved Status, and the establishment shall be required to comply with these Supplemental Conditions of Approval in order to retain its Deemed Approved Status. The determination of the Zoning Administrator shall become final 10 calendar days after the date of decision, unless appealed to the Planning Commission pursuant to Division 2.04 (Appeals) of this Development Code.

9. Supplemental Conditions of Approval.

a. The Zoning Administrator may impose Supplemental Conditions of Approval relating to one or more of the following (may not apply to Wineries with a Type 02 ABC license):

- premises;
- (1) Entertainment uses, activities, or amusement devices on the premises;
 - (2) Separation, monitoring, or design of area devoted to alcohol sales;
 - (3) Security measures for both the interior and exterior of the premises;
 - (4) Lighting, litter, trash receptacles, graffiti or nuisance abatement, or other similar requirements; or
 - (5) Maintenance.

b. Specific Supplemental Conditions of Approval that may be imposed, include, but are not limited to, the following:

(1) **Sound Walls.** If the Deemed Approved Activity abuts residential areas, a sound wall may be required between the establishment conducting the Deemed Approved Activity and the abutting residential areas. The sound wall shall comply with all state and local requirements for construction and location and shall not obstruct the view of the building and parking areas from the street. Vegetation may be required to be planted along the sound wall to improve the appearance of the sound wall.

(2) **Trash Receptacles.** Permanent, non-flammable trash receptacles, may be required to be located at convenient locations, appropriately screened from view, outside the establishment and in the establishment's parking area (if any). The operators of the business may be required to remove on a daily basis, or more frequently if needed to maintain a litter-free environment, all trash from these receptacles and from the sidewalk adjacent to the establishment. The operators of the business also may be required to remove, at least three times per week, all trash originating from its establishment deposited on public property within 250 FT of any boundary of its premises.

(3) **Pay Telephones.** Pay telephones on the site of the establishment may either be (a) prohibited; or (b) required to be of the type that only allow outgoing calls and be located in a visible and well-lighted location.

(4) **Program.** A "complaint response-community relations" program established and maintained by the establishment conducting the Deemed Approved Activity may be required. The program may include the following:

(a) Posting at the entry of the establishment providing the telephone number for the area commander of the local law enforcement substation to any requesting individual.

(b) Coordinating efforts with the Police Department to monitor community complaints about the establishment's activities.

(c) Having a representative of the establishment meet with neighbors or the applicable neighborhood association on a regular basis and at their request, attempt to resolve any neighborhood complaints regarding the establishment.

(5) **Activities.** If appropriate, the following activities may be prohibited on the premises: pool or billiard tables, pinball games, arcade style video or electronic games, or coin-operated amusement devices.

(6) **Prohibited Products.** To discourage nuisance activities, an Off-Sale Alcohol Outlet may be prohibited from selling one or more of the following products or may be required to sell products in the manner prescribed below:

(a) Malt beverage products with alcohol content greater than 5-1/2 percent by volume;

(b) Wine with an alcoholic content greater than 18 percent by volume. No sales of low-end fortified wine are permitted;

(c) Containers of beer or malt liquor larger than 39 ounces;

(d) Distilled spirits in bottles or containers smaller than 375 milliliters;

(e) Cooler products, either wine- or malt-beverage-based, in less than manufacturer pre-packaged multi-unit quantities;

(f) No beer or malt beverage products shall be sold, regardless of container size, in quantities of less than manufacturer pre-packaged multi-unit quantities;

(g) Wine in less than 750 milliliter volume containers, specialty wine products in less than 375 milliliter volume containers, or in less than manufacturer pre-packaged multi-unit quantities; and/or

(h) Wine coolers, beer coolers, or pre-mixed distilled spirit cocktails shall be sold in manufacturer pre-packaged multi-unit quantities. No sales of single containers of wine coolers, beer coolers, or pre-mixed spirit cocktails are permitted.

(7) **Alcoholic Beverage Sales/Delivery Restricted to Building Confines.** The sales and/or delivery of alcoholic beverages shall be restricted to and within the confines of the building portion of the premises.

(8) **Alcoholic Beverage Sales/Delivery through a Pass-Through Window.** The sales and/or delivery of alcoholic beverages through any pass-through window is prohibited.

(9) **Exterior Advertising or Signage that Promotes or Indicates the Availability of Alcohol Beverages.** There shall be no exterior advertising or sign of any kind or type (other than business identification), including advertising directed to the exterior from within, promoting or indicating the availability of alcohol beverages (interior displays of alcoholic beverages or signs that are clearly visible to the exterior shall constitute a violation of this condition).

(10) **Chilled Alcoholic Beverages.** An Off-Sale Alcohol Outlet may be prohibited from maintaining refrigerated or otherwise chilled alcoholic beverages on the premises.

(11) **Hours of Operation.** In an On-Sale or Off-Sale Alcohol Outlet, the sale of alcoholic beverages may be restricted to certain hours of each day of the week and may be limited further by ABC.

(12) **Paper or Plastic Cups.** In Off-Sale Alcohol Outlets, the sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging may be prohibited.

(13) **Signs.** The following signs may be required to be prominently posted in a readily visible manner in English, Spanish, and the predominant language of the patrons:

(a) “California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age”; and

(b) “It is illegal to possess an open container of alcohol in the vicinity of this establishment.”

(14) **Presentation of Documents.** A copy of all Conditions of Approval and the California Department of Alcoholic Beverage Control license may be required to be kept on the premises and presented to any law enforcement officer or authorized state or county official upon request.

(15) **Mitigating Alcohol-Related Problems.** The establishment may be required to operate in a manner appropriate with mitigating alcohol-related problems that negatively impact those individuals living or working in the neighborhood, including but not limited to: sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug dealing, drug use, loud noise, and litter.

(16) **Employee Training.** The owners and all employees of the Deemed Approved Activity may be required to attend a Deemed Approved regulations training class and to complete an approved course in “responsible beverage service training.” Owners and employees of the Deemed Approved Activity may thereafter be required to attend these training classes once every three years. All salesclerks in On-Sale Alcohol Outlets and Off-Sale Alcohol Outlets may be required, within 90 days of the beginning of employment, to attend these same classes. The establishment may be required to provide evidence of the employee’s completion of this training to city, county or state authorities within 10 days following completion of training.

(17) **Drug Paraphernalia.** An Off-Sale Alcohol Outlet may be prohibited from selling drug paraphernalia products as defined in HSC Section 11014.5 and Section 11364.5. “Drug Paraphernalia” means all equipment, products and materials of any kind that are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act (commencing with HSC Section 11000).

(18) **Loitering.** The establishment’s operators or employees may be required to discourage loiterers and to ask persons loitering longer than 15 minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to do so.

(19) **Security Cameras.** A minimum of two 24-hour time-lapse security cameras may be required to be installed and properly maintained on the exterior of the building at locations recommended by the Police Department. All criminal and suspicious activities recorded on this surveillance equipment shall be reported to local law enforcement. To the extent allowed by law, the establishment's operators may be required to provide any tapes or other recording media from the security cameras to the police department.

(20) **Prohibited Vegetation.** No exterior vegetation may be planted or maintained that could be used as a hiding place for persons on the premises. Exterior vegetation may be planted and maintained in a manner that minimizes its use as a hiding place.

(21) **Security Guards.** An establishment may be required to retain a specified number of security guards. The number of security guards shall vary based upon the specific facts and circumstances of each establishment's site and operation. All security guards shall have all required state and City permits and licenses.

c. An On-Sale Alcohol Outlet may also be required to comply with the following supplemental conditions:

(1) Sales and delivery of alcoholic beverages to customers shall be made from behind a counter or bar where an establishment employee will obtain the product;

(2) No self-service of alcoholic beverages will be permitted. This does not include pouring the beverage for oneself or another after an establishment employee has served the alcoholic beverage to a patron;

(3) Sales, delivery and consumption of alcoholic beverages shall be restricted to and within the confines of the building portion of the premises or other approved areas, such as enclosed patios;

(4) The premises shall be maintained as a bona fide food restaurant, as defined by applicable provisions of the BPC, and shall provide a menu containing an assortment of foods normally offered in such restaurants; and

(5) No alcoholic beverages shall be consumed on any property adjacent to the premises under the control of the On-Sale Alcohol Outlet.

10. Notification of Public Hearing.

a. The Zoning Administrator shall notify the owner of each establishment conducting the Deemed Approved Activity, and shall notify the property owner, if different from the Deemed Approved Activity, of the time and place of the public hearing. The notice shall be personally delivered or sent via certified mail return receipt requested and shall include notification that the Deemed Approved Status of the establishment conducting the Deemed Approved Activity will be considered before the Zoning Administrator. The public hearing notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within 300 FT of the subject property. No notice shall be given less than 10 days prior to the date set for the hearing if such is to be held. Fees for notification shall be pursuant to Paragraph G.11 (Annual Inspection Applicability) of this Section and paid for by the establishment in question that is conducting Deemed Approved Activity.

b. Notice by mail is deemed given on the date the notice is placed into the U.S. Mail system.

11. Annual Inspection Applicability. Annual inspections shall be conducted at all alcohol sales facilities, including all existing On-Sale and Off-Sale Deemed Approved facilities, as well as existing and future On-Sale and Off-Sale alcohol sales facilities operating under a Conditional Use Permit.

12. Fees Schedule. Fees including annual inspection, appeal, and reinspection fees shall be pursuant to the City master fee schedule.

13. Official Action. All officials, departments, and employees of the City, which are vested with the authority to issue permits, certificates, or licenses, shall adhere to, and require conformance with, the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section.

14. Violations and Penalties.

a. *Violations of Deemed Approved Alcoholic Beverage Sale Regulations.* Any person who violates, causes, or permits another person to violate any provision of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section is guilty of either an infraction or misdemeanor, as determined by OMC Section 1-2.01 (Punishment for Violation). Either any person convicted of an infraction or misdemeanor under the provision of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section shall be punished by a fine, imprisonment, or both, according to state law.

b. *Separate Offenses for Each Day.* Any violator shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of these regulations is committed, continued, permitted, or caused by such violator and shall be punishable accordingly.

c. *Any Violation a Public Nuisance.* In addition to the penalties provided in this section, any use or condition caused or permitted to exist in violation of any of the provisions of these regulations shall be and is declared to be a public nuisance and may be abated as such by the City.

d. *Injunction as Additional Remedy.* Any violation of any provision of these regulations shall be and is declared to be contrary to the public interest and shall, at the discretion of the City, create a cause of action for injunctive relief.

e. *Administrative Penalties.* In addition to any other penalties provided in this section, a person who violates, causes, or permits another person to violate any provision of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section may be issued an administrative citation pursuant to the provisions of OMC Title 1, Chapter 5 (Administrative Citations). Violations of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section are subject to the "health and safety penalties" listed in OMC Section 1-5.04 (Amount of Fines).

f. *Assessment of Additional Penalties.* There will be no additional penalties assessed to owners other than those provided above.

g. Liability for Expenses. In addition to the punishment provided by law, a violator is liable for such costs, expenses, and disbursements paid or incurred by the City or any of its contractors in correction, abatement, and prosecution of the violation. Reinspection fees to ascertain compliance with previously noticed or cited violations shall be charged against the owner of the establishment conducting the Deemed Approved Activity or owner of the property where the establishment is located. Fees shall be in the amount described in Paragraph G.11 (Annual Inspection Applicability) of his Section, for charged reinspections. The inspection official shall give the owner or other responsible party of such affected premises a written notice showing the itemized cost of such chargeable service and requesting payment thereof. Should the bill not be paid in the required time, the charges shall be placed as a lien against the property.

15. Enforcement. The City shall designate the appropriate personnel to enforce the provisions of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section.

16. Inspection and Right of Entry. The officials responsible for enforcement of the provisions of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section, other provisions of the Development Code, or their duly authorized representatives, may enter on any site or into any structure for the purpose of investigation, provided they shall do so in a reasonable manner, whenever they have cause to suspect a violation of any provision of the Deemed Approved Alcoholic Beverage Sale Regulations, or whenever necessary to the investigation of violations to the Deemed Approved performance standards or conditions of approval prescribed in these regulations. All inspections shall be conducted in compliance with the Fourth Amendment to the United States Constitution.

5.03.030: Ambulatory Health Care Services—All Other Miscellaneous Services

The following standards shall govern the establishment and operation of “all other miscellaneous ambulatory health care services”:

- A.** “All other miscellaneous ambulatory health care services” shall include blood pressure screening, health screening, hearing testing, industrial clinics, pacemaker monitoring, physical fitness evaluation, and smoking cessation program services.
- B.** Within the OL zoning district, operating hours shall be limited to 7:00AM to 7:00PM, daily.
- C.** Within the MU-1 zoning district, the use shall not be allowed on the ground floor of storefronts that directly front on to Euclid Avenue.
- D.** Within the BP, IP, IL, IG, and ONT zoning districts, services shall only be limited to industrial clinics.

5.03.035: Apparel Manufacturing

Within the BP and IP zoning districts, the development of new apparel manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.037: Boutique/Artisan Small-Scale and Micro Manufacturing Facilities

The following standards shall govern the establishment and operation of “boutique/artisan small-scale and micro manufacturing facilities”:

- A. Boutique/artisan small-scale and micro manufacturing facilities shall not exceed 10,000 SF in GFA;
- B. Storage of materials and production activities shall be maintained within a completely enclosed structure; and
- C. The use shall not include the bulk storage of flammable materials for use or sale, or the bulk storage of hazardous waste.

5.03.040: Automobile Dealers—New Vehicles Sales and Leasing, and Automobile Rental

- A. **Automobile Dealers—New Vehicles Sales and Leasing.** For new automobile dealers, up to a maximum of 49 percent of the total number of vehicles on-site at any one time, which are available for sale or lease, may consist of previously owned vehicles.
- B. **Vehicle Rental and Leasing.**
 - 1. Passenger car and light truck, utility trailer, recreational vehicle and truck rental and leasing may be conditionally permitted as a freestanding land use pursuant to Table 5.02-1 (Land Use Matrix).
 - 2. Passenger car and light truck rental shall be permitted by right pursuant to Table 5.02-1 (Land Use Matrix), when established in conjunction with, and ancillary to, new motor vehicle sales, motor vehicle general repair facilities, motor vehicle body and paint facilities, or full-service hotels.
 - 3. It is intended that passenger car, truck, utility trailer, and recreational vehicle rental facilities allowed pursuant to Table 5.02-1 (Land Use Matrix), shall be permitted to maintain an on-site rental vehicle fleet, provided adequate off-street parking facilities are provided pursuant to the requirements of Division 6.03 (Off-Street Parking and loading) of this Development Code.

5.03.045: Automotive Body, Paint, and Interior Repair and Customization—Minor Customization

Minor customization work shall be limited to the “bolt-on” replacement or addition of parts only. No body or paintwork shall be permitted, except as may be allowed pursuant to Section 5.03.050 (Automotive Body and Paint—Mobile Repair Services) of this Division.

5.03.050: Automotive Body and Paint—Mobile Repair Services

The following standards shall govern the establishment and operation of mobile automotive body and paint repair services:

- A. The mobile operation shall be based at a fixed location within the City pursuant to Table 5.02-1 (Land Use Matrix). The use shall not be licensed as a home occupation.
- B. Comply with all applicable requirements of the South Coast Air Quality Management District (SCAQMD). Compliance with SCAQMD regulations shall be demonstrated to the Planning Department prior to business license issuance by the City.
- C. Mobile body and paint repair services shall be limited to minor dent and blemish removal/repair on motor vehicles, and the performing of minor reparative and touch-up painting to damaged or blemished areas of motor vehicles.
- D. Mobile body and paint repair services shall only be performed for automobile dealerships, car rental agencies and fleet vehicle operators, within zoning districts allowing these land uses. Repair services shall not be provided to individuals.
- E. All work shall be performed within areas that are completely screened from public view.
- F. Paint shall be applied using a high volume, low pressure coating delivery and application system utilizing a turbine motor to produce high volumetric flow rates at a low pressure, not to exceed 5 pounds per square inch.
- G. Prior to business license issuance, the business owner or operator shall provide to the Planning Department for review and approval, written policies and procedures and for:
1. The storage, use and disposal of cleaning solvents and thinners used in conjunction with painting and repair activities pursuant to federal, state, county and local laws, regulations, ordinances and orders;
 2. The recording of daily use of solvents, thinners, coating materials and formulations used in conjunction with painting and repair activities;
 3. The packaging, handling and transportation of hazardous materials used in conjunction with painting and repair activities;
 4. The control of solids and liquids produced during grinding, sanding or coating, to prevent contact with the ground and potentially contaminating storm water runoff;
 5. The storage, handling and disposal of hazardous wastes created as a result of painting and repair activities, pursuant to federal, state, county and local laws, regulations, ordinances and orders; and
 6. Workspace safety and organization.
- H. As a condition of business operations, the licensee shall fully comply with the approved policies and procedures established by Subsection G of this Section, and shall consent to the following requests by the authorized representatives of the City's Police Department, Fire Department, Planning Department, Engineering Department or Code Enforcement Officers, during regular business hours, for the purpose of making reasonable unscheduled inspections to observe and enforce compliance with the applicable regulations, laws, and provisions of this Ordinance:

1. Review of business records pertaining to the daily use of solvents, thinners, coating materials and formulations used in conjunction with painting and repair activities;
 2. Observation of vehicle repair and painting activities; and
 3. Inspection of vehicles, materials and equipment used in conjunction with painting and repair activities.
- I. Failure to comply with the mobile body and paint repair services standards contained in this Section may result in business license revocation by the City.

5.03.055: Automotive Glass Replacement Shops

The following standards shall govern the establishment and operation of automotive glass replacement shops:

- A. Automotive glass replacement shops shall include both stationary and mobile services.
- B. Mobile services shall be licensed to a fixed location within the City and shall not be licensed as a home occupation.

5.03.060: Automotive Repair and Maintenance—General Repair Facilities

Automotive general repair facilities shall include mechanical and electrical repair such as air conditioning, brake, cooling, electric, exhaust, and suspension systems repair, and engine, transmission, and drive train repair and maintenance activities.

5.03.065: Automotive Repair and Maintenance—Servicing Facilities

Automotive servicing facilities shall include mechanical and electrical retail-oriented services such as emissions testing, battery replacement and other similar retail activities that do not involve the use of pneumatic tools or equipment that create noise impacts.

5.03.067: Banquet Facilities - Historic Properties

The following standards shall govern the establishment and operation of banquet facilities on historically designated properties that are located outside of zoning districts that would otherwise allow the activity:

- A. A banquet facility shall be allowed in all zoning districts within a commercial structure or on property designated as a local historic landmark, or a contributing structure within a designated historic district, established pursuant to Section 4.02.040 (Historic Preservation—Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservations Areas) of this Development Code, and shall be subject to the regulations therein during the life of the permit.

- B. The minimum number of parking spaces required shall be provided pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code. A parking demand study may be prepared by a qualified traffic consultant or engineer to support a reduction in the required number of parking spaces. The intent is to provide lower, flexible parking standards wherever possible and appropriate. Consideration shall be given to shared parking systems, on and off-street parking resources, compatibility with historic patterns of development, and the availability of mass transit resources.
- C. Live entertainment shall be prohibited. Request for live entertainment shall require conditional use permit approval by the Zoning Administrator. Karaoke, DJs, live musical acts, and other similar forms of entertainment are considered live entertainment. Amplified prerecorded music may be permitted; however, the sound emitted from the premises shall not be audible beyond the property lines of the business establishment.
- D. Alcohol beverage sales shall be prohibited. Request for service of alcohol beverage sales shall require a conditional use permit by the Zoning Administrator.
- E. The applicant shall comply with all applicable building code regulations related to the change of use of the structure to a banquet facility.

5.03.070: Bed-and-Breakfast Inns

The following standards shall govern the establishment and operation of bed-and-breakfast inns:

- F. A bed-and-breakfast inn shall be allowed only within a structure designated as a local historic landmark, or a contributing structure within a designated historic district, established pursuant to Section 4.02.040 (Historic Preservation—Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservations Areas) of this Development Code, and shall be subject to the regulations therein during the life of the permit.
- G. The inn structure shall serve as the primary residence of the bed-and-breakfast inn owner(s), or the majority shareholder if the facility is owned by a corporation.
- H. The bed-and-breakfast inn shall be accessory to the residential use of the property.
- I. The lot upon which the bed-and-breakfast inn is operated shall conform to the standards of the zoning district in which it is located, and the applicable land use and operational requirements of this Development Code.
- J. No long-term rental of rooms shall be permitted. The maximum length of stay for any guest shall be 14 days within any 30-day period.
- K. Guests may check in only between the hours of 9:00AM and 9:00PM.
- L. Breakfast shall be the only full meal served, excepting light snacks and refreshments, and may only be served to guests of the bed-and-breakfast inn. Restaurants are prohibited, and no cooking facilities shall be allowed within any guestroom.
- M. The applicant shall comply with all applicable building code regulations related to the change of use of the structure to a bed-and-breakfast inn.

5.03.075: Billiard Parlors and Pool Halls

The following standards shall govern the establishment and operation of billiard parlors and pool halls:

- A. All billiard and pool tables are to be located so as to be visible at all times by one or more employees of the business.
- B. Unless otherwise specifically approved by Conditional Use Permit, billiard and pool tables shall be limited to a size not typically used for regular professional tournament play (9 FT long by 4.5 FT wide), as established by the World Billiard Congress, World Pool-Billiard Association, American Pool Players Association, and other similar professional organizations.
- C. Billiard parlors and pool halls shall be located a minimum of 300 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, to any residentially zoned property or sensitive land use, including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate.
- D. Minors shall not be permitted to enter or remain in a billiard parlor and pool hall during the following periods, unless accompanied by a parent or legal guardian:
 - 1. Monday through Friday, between 8:00AM and 3:00PM, or after 10:00PM; and Saturday and Sunday, after 10:00PM.
 - 2. The weekday daytime hours of restriction shall not apply to school vacation days or holidays, as established by any public school district or private elementary, middle (junior high) or high school operating within the City.
 - 3. Notice of the herein specified hours of restriction for minors shall be posted at the facilities entrance(s), in lettering of at least 2 inches in height.
- E. The establishment shall not be open to customers, patrons or any member of the public between the hours of 2:00AM and 6:00AM.
- F. "No Loitering" signs shall be posted at the front and rear of the business.
- G. The facility shall have a minimum of one managing employee at least 21 years of age during all working hours.
- H. Occupancy shall not exceed the number required under the City's building and fire codes, and the maximum occupancy load shall be posted at the main entrance.
- I. The establishment shall maintain and operate a video surveillance system during all business hours, which is capable of storing a minimum of 186 hours (7 days) of video surveillance.
 - 1. The video surveillance system shall cover the entire interior of the premises and all entrances and exits of the establishment and shall be capable of delineating upon playback of the system, the activity and physical features of persons or areas within the premises.

2. The business owner shall permit City Police and/or Code Enforcement officers to inspect the stored video surveillance during normal business hours, upon demand.

3. The video surveillance system shall be maintained in good working order.

4. A sign shall be posted inside and at the entrances to the establishment indicating that the premises are under video surveillance.

J. The business owner shall submit and receive approval of a Fire Exit Plan from the Fire Department. The plan shall address all requirements of the City's building and fire codes, including, but is not limited to, showing all necessary dimensions, equipment location, aisle locations/path of travel, building exiting, and panic hardware.

K. Window areas shall not be covered or made opaque in any way. All windows and entrances shall be unobstructed at all times so as to allow an unimpaired line-of-sight by police officers.

L. The Chief of Police is hereby authorized to require the business owner/operator provide a security guard on the premises in the event that there are significant calls for service relating to assaults, gang-related activity, weapons offenses, disturbances, juvenile related crime and truancy, or other good causes. The decision of the Chief of Police may be appealed to the City Council pursuant to Division 2.04 (Appeals) of this Development Code.

M. No exterior pay phones shall be allowed on a property containing a billiard parlor or pool hall.

5.03.080: Boarding, Lodging, and Rooming Houses

The following standards shall govern the establishment and operation of boarding, lodging and rooming houses:

A. All boarding, lodging, and rooming houses shall require the submittal and approval of an Administrative Use Permit or Conditional Use Permit, and business license, prior to establishing the use.

B. No more than one Federal, State or Youth Authority parolee shall be allowed to live in a boarding, lodging, or rooming house.

C. The application submitted for approval of a boarding, lodging, or rooming house shall identify whether any boarders are currently Federal, State, or Youth Authority parolees. That information shall be provided by the landlord to each lessee or renter upon signing a lease or other rental agreement. Owners and/ or operators of approved boarding, lodging or rooming houses shall update the information required by this Section anytime a person that is a Federal, State, or Youth Authority parolee is provided accommodation in the approved boarding, lodging, or rooming house.

D. All boarding, lodging, and rooming houses shall require boarders to sign a Crime Free Lease Addendum to their lease or rental agreement. The Crime Free Lease Addendum shall provide that any criminal violations perpetrated by boarders shall be grounds for termination of the written or oral lease, sublease, or agreement.

E. Boarding, lodging, or rooming houses shall be operated and maintained in full compliance with all applicable requirements of this Development Code and the Ontario Municipal Code, prior to the issuance of an Administrative Use Permit or Conditional Use Permit authorizing the use, and at all times following permit issuance. Violation of any local, State, or Federal laws by individual boarders while on the premises, shall be grounds for revocation of the permit, including, but not limited to, violations of PC Section 3003.5.

F. No boarding, lodging, or rooming house shall be maintained as a nuisance.

G. The violation of any provision of this Section shall be grounds for revocation of the Administrative Use Permit or Conditional Use Permit authorizing the boarding, lodging, or rooming house use. In revoking an Administrative Use Permit or Conditional Use Permit, the procedures contained in Division 2.05 (City Initiated Modification or Revocation) of this Development Code shall be followed.

H. All boarding, lodging, and rooming houses shall be required to pay to the City, an administrative fee in an amount determined by separate resolution of the City Council, to cover the costs of Administrative Use Permit or Conditional Use Permit review and issuance, and inspection of the facilities.

I. Boarding, lodging, and rooming houses may provide rented, leased, or subleased accommodations for occupancy by no more than 6 individuals, excluding a resident owner, agent, or manager. The operator may seek relief from the strict application of this provision by submitting a request for reasonable accommodation pursuant to Section 4.02.035 (Fair Housing and Reasonable Accommodation) of this Development Code.

5.03.085: Bread and Tortilla Manufacturing

Within the IP zoning district, bread and tortilla manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.090: Business to Business Electronic Markets

Within the BP zoning district, the development of business to business electronic markets shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) developments.

5.03.095: Caretaker Quarters

The following standards shall govern the establishment and operation of caretaker quarters:

A. Caretaker quarters may be allowed in conjunction with, and accessory to, an allowed land use, when determined by the Reviewing Authority to be essential to providing 24-hour on-site property security and surveillance.

B. Caretaker quarters shall not exceed 600 SF in gross floor area and shall contain no more than one bedroom.

C. Caretaker quarters shall be for occupancy by the business owner or an employee of the business.

5.03.100: Child Daycare Services

The following standards shall govern the establishment and operation of child daycare services:

A. Child Daycare Centers.

1. No City permit for a child daycare center shall be effective until satisfactory evidence has been provided to the City demonstrating that all necessary State licenses and permits have been obtained.

2. Child daycare centers shall not be allowed in conjunction with a residential land use.

3. Within industrial zoning districts, child daycare centers shall be limited to employer-provided services, which are only for employee use. Such centers may also be established by a group of industrial businesses, which are located within close proximity, to serve their employees at an on-site or off-site location.

4. Comply with all fire and life safety standards required by the State Fire Marshall and the Ontario Fire Department.

5. All areas designated for active play, or any play structures, shall only be permitted within a side yard or rear yard area. In addition, all play areas shall be enclosed by a 6 FT high decorative fence or wall. Property line fences or walls may be used to fulfill this requirement.

6. Landscaping and decorative masonry block walls shall be used to buffer noise inside and rear yard areas when abutting a residential zoning district.

7. Outdoor play areas shall be located at least 25 FT from any residential structure located on an abutting residentially zoned lot.

8. Any swimming pool, pond, wading pools, or similar bodies of water greater than 18 inches in depth shall be fully enclosed by a minimum 5 FT high non-climbable fence. Additionally, all entrances and exits shall have self-closing and latching gates. All latches shall be located at least 54 inches above adjacent grade.

9. All trash receptacles and air-conditioning units located outdoors and adjacent to any play area shall be fully enclosed by a wall or fence.

10. A daycare center shall not be located within any area in which the measurable exterior noise level is 65 CNEL or greater.

B. Family Child Daycare Homes.

1. To prevent over concentrations of family child daycare homes that would impair the integrity of residential neighborhoods, a minimum 300-FT separation shall be provided between dwellings licensed with the California Department of Social Services as a family child

daycare home. The distance between any structure used as a family child daycare home and another structure used as a family child daycare home shall be measured in a straight line, without regard to intervening structures, from the closest property line of the structure used as a family child daycare home to the closest property line of another structure used as a family child daycare home.

2. A family child daycare home shall be clearly incidental and subordinate to the primary residential use of the dwelling.

3. No family child daycare home shall commence until all necessary licenses and permits have first been obtained from the California Department of Social Services.

5.03.105: Community Care Facilities for the Elderly—More Than 6 Persons

The following standards shall govern the development and/or operation of community care facilities for the elderly, which are designed for occupancy by more than 6 persons:

A. Within residential and mixed-use zoning districts, the maximum density of a community care facility for the elderly that incorporates shared or common kitchen facilities, if proposed at a density greater than allowed by the underlying zoning district, shall be determined based upon a study of equivalent impact, assessing factors of traffic generation, water usage, and sewerage generation, in comparison to a multiple-family residential development on the same site, constructed at maximum density. Applicants for community care facilities for the elderly shall be responsible for all City costs incurred in preparation of the study.

B. Within commercial zoning districts, the maximum allowed density of a community care facility for the elderly shall be based a study of equivalent impact, assessing traffic/transportation, water usage, and sewerage generation, in comparison to a typical commercial development on the same site. Applicants for community care facilities for the elderly shall be responsible for providing appropriate traffic, water usage and sewerage generation information to the City to assist in determining allowed densities.

C. Community care facilities for the elderly should be located where public transit linkages are available, such as bus or transit facilities on or adjacent to the site, regular shuttle service to a regular transit route, or equivalent alternative methods as approved by the Planning Director.

D. A minimum of 75 SF of private open space and 75 SF of common open space shall be provided per dwelling or room used for dwelling purposes. Common spaces shall be provided with recreation room(s), swimming pools, lawn bowling courts and similar recreational facilities, based upon the size of proposed facility and the anticipated needs of its occupants.

E. Common or individual laundry, eating and/or kitchen facilities may be provided.

F. Occupancy of a community care facility for the elderly may be age restricted by means of a deed restriction or an agreement acceptable to the City Attorney.

G. Occupancy of community care facility for the elderly shall not be granted by the City until satisfactory evidence has been provided to the City demonstrating that all necessary State licenses and permits have been obtained for the use.

5.03.110: Community Care Facilities for the Elderly—6 or Fewer Persons

Community care facilities for the elderly, for 6 or fewer persons, may only be established in conjunction with a single-family dwelling.

5.03.115: Computer and Electronic Product Manufacturing

Within the IP zoning district, the development of new computer and electronic product manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.120: Consumer Goods Rental

The following standards shall govern the establishment and operation of consumer goods rental services:

- A. Consumer goods rental services shall include the rental of consumer electronics and appliances, costumes, formal wear, furniture rental, home health equipment, musical instrument rental, party and banquet accessories, recreational goods, and video tapes and discs.
- B. Outdoor storage shall be prohibited in conjunction with consumer goods rental services.

5.03.125: Convenience Markets and Specialty Food Stores

The following standards shall govern the establishment and operation of convenience markets and specialty food stores:

- A. Within the CS zoning district, hours of operation shall be limited to between 7:00AM and 10:00PM, daily.
- B. All convenience markets and specialty food stores that sell prepared or prepackaged food items shall provide and maintain outdoor trash receptacles adjacent to the business entry, for use by customers.
- C. Where a convenience market or specialty food store abuts a residential zoning district, no commercial loading activity is permitted between the hours of 7:00PM and 7:00AM.

5.03.130: Credit Intermediation-Related Activities

The following standards shall govern the establishment and operation of credit intermediation-related activities:

- A. Credit intermediation-related activities include check cashing, money order issuance, money transmission and payday advance services.

B. Within the MU-1 zoning district, credit intermediation-related activities shall only be allowed in conjunction with a permitted or conditionally permitted land use. Standalone credit intermediation-related activities within the MU-1 zoning district shall be prohibited.

5.03.135: Cutlery and Hand Tool Manufacturing

Within the IP zoning district, the development of new cutlery and hand tool manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.140: Data Processing, Hosting, and Related Services

Within the OL and OH zoning districts, data processing, hosting, and related services shall only be allowed in conjunction with a permitted or conditionally permitted land use. Standalone data processing, hosting, and related services shall be prohibited within these zoning districts.

5.03.145: Depository Credit Intermediation

The following standards shall govern the establishment and operation of depository credit intermediation uses:

- A. Depository credit intermediation shall include commercial banking, savings institutions, and credit unions.
- B. Drive-thru facilities in conjunction with depository credit intermediation shall be permitted subject to the provisions of Section 5.03.150 (Drive-Thru Facilities) of this Division.

5.03.150: Drive-Thru Facilities

The following standards shall govern the establishment and operation of drive-thru facilities, and are intended to result in facilities that are well designed, encourage pedestrian activity, and enhance the commercial areas in which they located:

- A. Location Standards.
 - 1. Drive-thru facilities shall be permitted in conjunction with the below-listed land uses, except that such facilities located within the MU-1 (Downtown Mixed-Use) zoning district shall not be visible from Euclid Avenue, as demonstrated in Figure 5.03-1 (Street-Oriented Example Site Plan), below.

- a. Pharmacies and Drug Stores;
- b. Banks and Credit Unions;

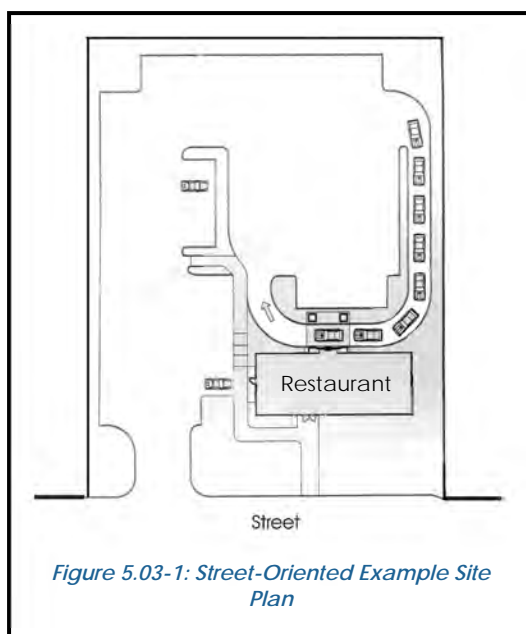


Figure 5.03-1: Street-Oriented Example Site Plan

- c. Restaurants and other eating places;
- d. Drycleaning and Laundry Services; and
- e. Other land uses deemed appropriate by the Zoning Administrator, as determined pursuant to the procedures established in Section 1.02.010 (Interpretations and Land Use Determinations) of this Development Code.

2. Drive-thru facilities shall not disrupt the pedestrian activity of adjacent or nearby commercial uses or commercially zoned property. Furthermore, drive-thru facilities shall not interfere with the normal use of adjoining properties or the potential for a planned commercial development.

B. Development Standards. Uses incorporating drive-thru facilities shall comply with each of the following development standards:

1. Lot Area. Drive-through businesses shall be located on lots having a minimum area of one-acre. This area may be reduced when the business is within an integrated shopping center.

2. Lot Coverage. The lot coverage shall not exceed 40 percent of the lot area.

3. Floor Area. The minimum GFA for a business incorporating a drive-thru shall be 2,000 SF (including gross floor area of the building and associated outdoor seating areas), with a minimum interior floor area of 1,500 SF.

4. Setbacks.

a. Setbacks shall be provided pursuant to the requirements of the underlying zoning district in which the drive-thru facility is proposed.

b. A minimum 25-FT landscaped setback shall be maintained between any drive-thru facility, including drive-up windows, drive-thru lane and menu/order stations, and any adjacent residentially zoned property or residential land use.

c. The building shall maintain a minimum 20-FT landscaped setback from street property lines. Design elements, such as trellises, may encroach into the setback when well-integrated with the landscape.

5. Building Orientation. Buildings incorporating drive-thru facilities should be oriented toward the street, as demonstrated in Figure 5.03-1 (Street-Oriented Example Site Plan).

6. Access. Each developed site shall not have more than one drive approach per street frontage. Drive-thru ingress and egress aisles shall not take direct access from a public street or thoroughfare, but instead shall take access from a parking area or on-site drive aisle, as demonstrated in Figure 5.03-1 (Street-Oriented Example Site Plan).

7. Building Height. Buildings with drive-thru facilities shall not exceed a height of 35 FT.

8. Site Design.

- a. Buildings shall be oriented toward the street, with drive-thru lanes, pick-up windows, and off-street parking facilities oriented toward the rear yard or side yard areas.
- b. Decorative low garden walls shall be provided to screen the parking lot and drive-thru aisle from view of the public street.
- c. All service and loading areas shall be screened from public view, to the extent possible.
- d. Restrooms shall not be accessed from outside the structure.
- e. Ladders for roof access shall be mounted on the inside of the building or shall be completely concealed from public view.
- f. The site design shall minimize pedestrian/vehicle conflicts by creating opportunities for courtyards, plazas, outdoor dining, and landscaped pathways that promote safe and convenient pedestrian movement.

9. Drive-Thru Lane Design.

- a. Drive-thru lanes in conjunction with restaurants shall have a minimum length of 144 FT, measured from entry to pick-up window, which accommodates a minimum of 6 vehicles. (Note: The Planning Director may require an increased drive-thru stacking length to accommodate businesses known to generate a higher drive-thru demand.)
- b. Drive-thru lanes shall have a minimum width of 11 FT on straight sections and 12 FT on curved sections.
- c. Drive-thru lanes shall be screened from view of a public street through building orientation, landscaping, low screen walls, and trelliswork.

C. Maintenance.

- 1. The premises shall be kept clean, and the operator shall make all reasonable efforts to see that no trash or litter originating from the use is deposited on adjacent properties.
- 2. Adequate trash containers shall be provided, and, on a daily basis, employees shall be required to pick up trash originating from the site, both on site and within 50 FT of the perimeter of the site.
- 3. No undesirable odors shall be generated on-site.
- 4. All merchandise, wares, crates in the form of temporary and permanent storage, displays, and goods offered for sale shall be maintained wholly within the building. Storage of any kind shall be contained completely within an enclosed structure.

D. Noise. Noise emanating from sound systems, including intercom and public address systems, shall not be audible beyond the property line.

E. **Signs.** All signs shall conform to the sign provisions of Division 8.1 (Sign Regulations) of this Development Code. Facilities within an integrated shopping center or plan shall comply with the uniform sign program as established in the center. Menu signs will be limited to two 6-FT high signs, having a maximum area of 24 SF each. Menu board signs shall not obscure vehicular visibility.

F. **Design Guidelines.** The following design guidelines are intended as a reference to assist the designer in understanding the City's goals and objectives for high quality commercial development. The guidelines compliment the mandatory development standards contained in Subsection B (Development Standards), above, by providing good examples of potential design solutions and by providing design interpretations of the various mandatory regulations.

The design guidelines are general in nature and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized during the City's development review process to encourage the highest level of design quality, while at the same time providing the flexibility necessary to encourage creativity on the part of the project designer(s). However, unless there is a compelling reason, these design guidelines shall be observed.

1. Architecture.

a. *Style.* The construction of the building should depict a specific architectural style by distinctive elements and features consistent with the chosen style. Accessory structures should portray the style through their features as well. The style of the building should also reflect and complement the styles of surrounding commercial buildings. Architectural treatment should be employed over the entire building exterior (360-degree architecture), and the building should be individually designed for its site. The use of standardized corporate architectural styles is highly discouraged.

b. *Materials.* A variety of quality building materials should be incorporated into the building, such as brick, finished wood, natural stone, tinted/textured concrete masonry, and ceramic tile, which have a substantial and long-lasting appearance. Veneers having a prefabricated or false appearance shall not be used.

c. *Structure.* Drive-up windows should be covered by a structure that reflects the style of the building and is substantial in character; however, it should remain subsidiary to the main structure. Entries should project 10 to 12 FT from the building in order to add depth and variation to the façade.

d. *Entry Design.* Gables, awnings, sign locations, or other features should clearly express the location of doorways. Greater attention should be given to materials and detailing adjacent to entries.

e. *Arcades and Awnings.* Outdoor arcades are encouraged to protect pedestrians from summer heat and winter rain. Where an arcade is not provided, a separate awning or other architectural feature should be used for each business to enhance the individual identity of small shops. Because they can quickly deteriorate, canvas awnings are discouraged, or should be properly maintained.

f. *Roof Forms.* Roof forms should reflect the architectural style and internal organization of buildings. Hipped and gable roofs are encouraged. Flat roof parapets should be accompanied by a cornice or other shadow-creating detail at its "top."

g. *Drive-Up Windows.* Construct roofs or trellises over drive-up windows. Posts supporting roofs or trellises should be substantial in appearance and fully integrated into the architecture of the building. The stacking area for drive-up windows should be screened from the street through a combination of low walls and landscaping.

h. *Lighting.*

(1) On-site lighting shall be directed away or shielded from adjacent freeways, roads, streets, and adjacent properties. All exterior lighting shall be of an indirect nature, coming from under eaves and canopies, or at ground level, with in landscaped areas.

(2) Exterior lighting fixtures should be a decorative and reinforce the architectural style of the building.

(3) Light standards less than 15 FT in height (including lighting bollards) should illuminate all street sidewalks and connecting walkways and are encouraged throughout the project.

i. *Landscaping.*

(1) The minimum amount of on-site landscaping, including defined plazas and courtyards, shall equal 15 percent of the net lot area. Landscaping should be used on the site to show transition from adjacent uses, define a circulation pattern on the lot, screen the parking lot from the street, highlight entries, provide shade for parking as well as outdoor seating areas, and to soften the appearance of the building.

(2) At a minimum, landscaping shall include 15-gallon trees planted no more than 20 FT on center, within minimum 5-FT wide planters. A suitable plant material (grasses, ivy, etc.) should be used as ground cover. Minimum 10-FT wide planters containing a combination of hedges and low walls shall be used to screen drive-thru lanes from view of public streets.

(3) Pedestrian walkways should not intersect drive-thru lanes; however, in the event this occurs, adequate visibility for pedestrians and vehicles shall be provided, and pedestrian crossings shall be clearly marked with signs.

j. *Play Structures.*

(1) Play structures should be placed indoors, becoming an integral part of the architecture, yet remaining a subordinate element. If located outside, play structures shall be oriented away from the public street and properly screened, and shall be no more than 11 FT in height.

(2) Indoor restaurant playground facilities shall be ancillary to the restaurant use. Scale and massing shall not dominate the main structure and the height of the playground facility shall not exceed the height of the main roof of the main structure.

5.03.155: Durable and Nondurable Goods Agents and Brokers

Within the BP and IP zoning districts, business to business electronic markets shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.160: Electric Power Generation, Solar and Wind

Solar and wind electric power generation facilities shall only be allowed in conjunction with a permitted or conditionally permitted land use, except that standalone facilities shall be allowed within the OS-U zoning district.

5.03.165: Electrical Equipment, Appliance, and Component Manufacturing

Within the IP zoning district, electrical equipment, appliance, and component manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.170: Electronic Shopping and Mail Order Houses

A. Within the IP, IL, IG, and IH industrial zoning districts, direct business to consumer sales via the internet, direct mail, or telephone shall only be allowed ancillary to a permitted or conditionally permitted land use, such as manufacturing, warehousing, wholesaling, and/or distribution activities.

B. Standalone (office only) business to consumer sales via the internet, direct mail, or telephone shall be allowed as a primary land use only within the CN, CC, CR, OL, and OH commercial zoning districts; the MU-1, MU-2, and MU-11 mixed-use zoning districts; and the BP industrial zoning district.

5.03.175: Electronics and Appliance Stores

Within the CN zoning district, only small-scale (GFA of 5,000 SF or less) electronics and appliance stores may be established.

5.03.177: Employee (Farmworker) Housing

Where allowed pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, Employee (Farmworker) Housing units and complexes shall be subject to the below-listed requirements.

A. General Requirements.

1. Every person, or agent, or officer thereof, which constructs, operates, or maintains Farmworker Housing, shall comply with the requirements of this Section, and all applicable health, safety, and building codes and standards.

2. Farmworker Housing shall be designed, constructed, and maintained in conformance with the Employee Housing Act (commencing with HSC Section 17000), CCR Tiles 24 and 25, and the California Building Code.

3. A Farmworker Housing unit providing accommodations for 6 or fewer employees, or for one employee and their respective household, shall be deemed a single-family structure.

4. A Farmworker Housing Complex consisting of up to 36 beds in a group quarters, or 12 units or spaces designed for use by a single family or household, shall be deemed an agricultural use.

5. Farmworker Housing shall not include hotels, motels, boarding houses, bed and breakfast inns, rooming houses, dormitories, or other similar uses that would imply that the employee housing is a business run for profit or differs in any way from a single-family dwelling or an agricultural use.

6. Farmworker housing provided by the employer and maintained in connection with the work, or place where work is being performed, shall comply with all provisions of HSC Section 17008(a). Farmworker housing not maintained in connection with any workplace, and provided by someone other than an agricultural employer, shall comply with all provisions of HSC Section 17008(b).

7. Farmworker Housing for agricultural employees and their families shall be allowed subject to the same fees applicable to any other agricultural use. In the event the Farmworker Housing is converted to another use, the units shall be subject to all applicable Development Code standards in existence at the time of conversion. For the purposes of this Section, the term “agricultural employee” shall mean a person who works full or part-time (24 or more hours per week) in the service of bona fide commercial agricultural operations, in any of the branches of farming

8. All Farmworker Housing shall comply with all City regulations and permitting requirements, including, but not limited to, building construction, sewage disposal, water supply, NPDES, and storm water quality control, prior to occupancy of the housing units.

9. No person shall construct, reconstruct, erect, install, relocate, or alter any building used for human habitation, building accessory thereto, or other housing accommodations, intended to be used for Farmworker Housing, or any electrical, mechanical, or plumbing equipment installed in Farmworker Housing, without first obtaining all necessary City permits.

10. Farmworker housing is not required to be located on the same site as the qualifying agricultural operation where the farmworkers are employed.

11. The minimum lot size for Farmworker Housing shall be 10 acres.

B. Farmworker Dwelling Units.

1. Housing for up to 6 agricultural employees or one farm employee and his or her household is an allowed use in the AG Overlay District and all residential and mixed use zoning districts that allow single-family dwellings.

2. A farmworker dwelling unit is subject to all requirements relevant to this Development Code, which are applicable to single-family dwellings, including, but not limited to, site and building development standards, off-street parking requirements, security standards, wall and fencing requirements, and landscaping requirements. At least one off-street parking space shall be provided for each dwelling unit.

3. A farmworker dwelling unit provided pursuant to Paragraph B.4, below, shall not be required to be located on the same site as the qualifying agricultural operation where the farmworkers are employed.

4. A farmworker dwelling unit shall meet the standards for single-family dwellings contained in Section 6.01.010 (Residential Zoning Districts) of this Development Code, and applicable requirements of the Ontario Building Code.

5. A farmworker dwelling unit shall not be subdivided from the primary lot on which it is located.

6. At least one off-street parking space shall be provided for each farmworker dwelling unit.

C. Farmworker Housing Complex.

1. A farmworker housing complex, with up to 36 beds in group quarters or 12 units designed for use by single families or households, which comply to the standards for single-family dwellings contained in Section 6.01.010 (Residential Zoning Districts) of this Development Code, is an allowed use in the AG Overlay District.

2. A minimum of 50 SF of floor area shall be provided for sleeping purposes for each occupant of group living quarters, such as barracks and bunkhouses, within a farmworker housing complex.

3. At least one off-street parking space shall be provided for each dwelling unit, or one parking space for each 3 beds, whichever is greater, plus one off-street parking space for each farmworker housing complex employee.

D. Farmworker Verification.

1. All new permanent farmworker dwelling units and farmworker housing complexes shall require the completion of a Farmworker Housing Verification Form prior to building permit application submittal.

2. The Farmworker Housing Verification Form shall include information regarding the housing type, number of dwelling units or beds, length of occupancy, number of occupants, occupants' employment information, and, for farmworker housing for 5 or more workers, proof that a permit to operate from HCD has been obtained and maintained.

3. The verification form shall be submitted annually, by May 15th of each year, to the Planning Director, in a form acceptable to the Planning Director, that all the dwelling units or sleeping quarters are being rented to, and occupied by, persons who meet the following agricultural employee employment criteria:

a. Tilling and cultivation of the soil associated with commercial crop production;

b. Raising, production, and cultivation of commercial livestock for the production of food and/or fiber;

- c. Growing and harvesting of any commercial agricultural or horticultural commodities;
 - d. Commercial raising of bees, fur-bearing animals or poultry;
 - e. Preparation and processing of farm products for market; or
 - f. Timber or forestry operations.
4. At a minimum, the verification form shall contain the following information:
- a. Entity responsible for housing maintenance and upkeep;
 - b. Description of whether the housing will be based on a permanent, temporary, and/or seasonal basis;
 - c. Total number of people to be housed on-site at any one time;
 - d. Description of the housing, including, whether the structures will be permanent and/or temporary, intended as units for families, one person or several persons, and cost of the units and utilities to the workers;
 - e. Location(s) where the employees will work;
 - f. Assessment of how much water will be used by the proposed development and description of how water is proposed to be supplied to the housing and how the water system complies with all applicable state and local potable water supply requirements; and
 - g. Description of the sewage disposal method, such as septic systems, to be used to service the housing, and how the sewage disposal method complies with all applicable state and local potable water supply requirements.

E. Location of Housing.

1. Farmworker housing shall be located no less than 75 FT from barns, pens, or other structures that house livestock or poultry.
2. Farmworker housing shall be located off prime and productive agricultural land, unless no other alternative locations exist on-site.
3. Farmworker housing shall be set back a minimum of 200 FT from the property line of any adjacent residential zoning district.

F. Maximum Floor Area for Farmworker Dwelling Units. The maximum floor area allowed for a farmworker dwelling unit shall be 650 SF. As used in this Paragraph, the term "floor area" shall mean the living area of a dwelling, exclusive of any garage or carport, which is measured from the outside surfaces of exterior walls or walls between living areas and a garage.

G. Removal of Housing. Farmworker housing is subject to removal (or conversion to another approved use) within 45 days following cessation of the agricultural employment for which the farmworker dwelling units are needed. This provision shall not apply if it can be shown that elimination of the agricultural use for no more than 24 months is related to the long-term

functioning of agriculture on the site(s) used to establish the farmworker housing need (e.g., crop rotation, disease, replanting, etc.).

H. **State Reporting Requirements.** Farmworker housing for 5 or more employees is subject to permitting requirements of the California Employee Housing Act. The property owner shall obtain and maintain all required permits from HCD, pursuant to the Employee Housing Act and CCR, Title 25, Division 1, Chapter 1, Section 600 through Section 940, prior to the occupancy of the farmworker housing units. A copy of the HCD permit shall be provided to the Planning Director within 14 days following permit issuance, or at the time of building permit application submittal, whichever is earlier.

I. **Maximum Number of Housing Units Allowed.** No more than 36 beds in a group quarters or 12 farmworker dwelling units or spaces designed for use by a single family or household shall be allowed on a single lot of record. The Planning Commission may authorize additional beds or units, or a combination thereof, by issuance of a Conditional Use Permit pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code, based upon specific findings that document the necessity for the number of approved beds and/or farmworker dwelling units requested.

J. **Facilities to Accommodate Recreational Vehicles, Tents or Other Mobile Camping Equipment.**

1. Permits for the installation of appropriate permanent facilities to accommodate mobilehomes and recreational vehicles shall be obtained from the City prior to installation.

2. The use of tents, recreational vehicles, or other mobile camping equipment by farmworkers shall not occur for a period of more than 30 days within any 180-day period. Incidental camping shall be conducted so as not to create any health, fire, or other safety hazards. For 5 or more workers, a permit to operate from HCD shall be obtained and maintained.

5.03.180 Exterminating Services

The following standards shall govern the establishment and operation of exterminating services:

A. A copy of the Emergency Business Contingency Plan and/or Risk Management Prevention Program filed with the San Bernardino County Fire Department shall be filed with the Ontario Fire Department. No changes in practices or procedures, or the type and/or maximum quantity of material shall occur without first notifying the Ontario Fire Department and appropriate amendments made to the Business Emergency/Contingency Plan and/or Risk Management Prevention Program on file with the San Bernardino County Fire Department.

B. The outdoor storage of hazardous chemicals or materials is prohibited. Furthermore, the storage of chemicals or service trucks within a 100-year flood zone shall be prohibited.

C. The storage and handling of hazardous materials shall be limited to those quantities specified in the City's building and fire codes.

D. At all times, all operations shall be in full compliance with all federal, state and local regulations pertaining to containment, including restricting use/storage to designated areas, stacking height limitations of materials, and the provision of appropriate pre-approved containment walls where required.

- E. A list of all types and amounts of chemical used or stored on the site shall be submitted to the Ontario Engineering Department as well as a Chemical Spillage Control Plan.
- F. Hazardous chemicals and their containers shall be disposed of at an approved hazardous materials disposal site and not in City sewers or within solid waste dumpsters.
- G. Individuals and firms operating businesses relating to exterminating services shall be licensed by the State of California according to their particular discipline.
- H. Access to and the handling of hazardous chemicals and materials shall be limited to properly trained and authorized personnel.

5.03.185: Fabricated Metal Product Manufacturing, All Other Miscellaneous

Within the BP and IP zoning districts, the development of all new “all other miscellaneous fabricated metal product manufacturing” shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.187: Fertilizer Manufacturing from Manure Operations (FMMO)

The following standards shall govern the establishment and operation of Fertilizer Manufacturing from Manure Operation (FMMO):

- A. All driveways and employee parking areas shall be paved to create an all-weather surface, to the satisfaction of the Planning Director and City Engineer.
- B. Inorganic chemical additives shall be limited to 10 percent of the total FMMO raw material inventory.
- C. The FMMO establishment and operation shall comply with the rules, regulations and orders of all appropriate regulatory agencies including, but not limited to, the South Coast Air Quality Management District and the Regional Water Quality Control Board.
- D. FMMO stockpile areas shall be enclosed by a minimum 8-FT high wall or fence, and shall be fully screened with closely spaced, fast-growing trees, upon review and approval by the Planning Director.
- E. Except for the stockpiling of raw materials, all FMMO operations, including screening, grinding, mixing, adding, and sacking, shall be wholly contained inside a building.
- F. All FMMO windrows/stockpiles shall confine their rainstorm runoff waters so they do not drain onto adjoining properties and public rights-of-way.
- G. Appropriate facilities shall be installed to collect or divert drainage from surrounding lands, away from stockpile areas.
- H. FMMO windrows/stockpiles shall be at least 120 FT from street property lines and 35 FT from interior side and rear property lines.

- I. FMMO windrows/stockpiles shall not exceed a 25 FT in height, 150 FT in width, and 250 FT in length; however, the Approving Authority may require a lesser maximum stockpile dimensions so as not to cause a nuisance to neighboring properties and/or to protect the public health and safety.
- J. Windrows/stockpiles shall be separated from adjacent stockpiles by approved apparatus roads, minimum 20 FT in width.
- K. FMMO stockpiles and/or any processing of manure shall not occur within 150 FT of a milking barn or milk house of a producer dairy, or a dwelling on adjoining property. The Approving Authority may require greater distances upon determining the direction and magnitude of prevailing winds at the site.
- L. Approved material-handling equipment shall be maintained on-site for moving windrow/stockpile materials during emergency or firefighting operations.
- M. The FMMO owner or operator shall develop and submit a plan to the Ontario Fire Department Fire Prevention Bureau for review and approval, which shall include, but not be limited to, methods and policies for:
 - 1. Monitoring, controlling and extinguishing spot fires;
 - 2. Emergency contact information for personnel who are able to respond to the FMMO location 24 hours a day, 7 days a week;
 - 3. On-site equipment to assist with firefighting operations (e.g., dozers, water tenders, large tractors, etc.); and
 - 4. Special considerations for fire safety during extreme weather conditions.
- N. Noise levels from the FMMO shall not exceed local ambient levels found for general agricultural uses, when adjoining occupied dwellings.
- O. Vehicles carrying materials to and from the site, shall be adequately covered to confine the contents and prevent materials from being windblown or otherwise scattered.
- P. No public nuisance shall occur as a result of the FMMO establishment and operation.

5.03.190: Food Manufacturing, Other

The following standards shall govern the establishment and operation of “other food manufacturing” facilities:

- A. “Other food manufacturing” shall include snack foods, roasted nuts and peanut butter, coffee and tea, flavoring syrup and concentrate, seasoning and dressing, spice and extract, and all other miscellaneous food manufacturing.
- B. Within the BP and IP zoning districts, the development of new “other food manufacturing” shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.195: Footwear Manufacturing

Within the BP and IP zoning districts, the development of all new footwear manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.200: Freight Transportation Arrangement

Freight transportation arrangement shall include shipping agents and brokers. Within the BP and IP zoning districts, such use shall be limited to offices only. Within the IG and IH zoning districts, freight transportation arrangement shall only be allowed as an ancillary use to a truck transportation use (NAICS 448).

5.03.205: Funeral Director Services

Within the IL, IG, and IH zoning districts, funeral director services shall only be allowed as an ancillary use to funeral parlors, mortuaries and embalming services.

5.03.210: Furniture and Home Furnishings Stores

Within the CN zoning district, only small-scale (GFA of 5,000 SF or less) furniture and home furnishings stores may be established.

5.03.215: Furniture and Related Product Manufacturing

Within the IP zoning district, the development of new furniture and related product manufacturing (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) shall be limited to small-scale manufacturers.

5.03.220: Game Arcades, Internet Cafes, Internet Gaming, and Similar Facilities

The following standards shall govern the establishment and operation of any business with a primary business activity consisting of the operation of game arcades, cyber cafes, internet gaming, and similar facilities:

- A. All video games, pinball machines, computers, gaming stations and similar devices are to be located so as to be visible at all times by one or more employees of the business.
- B. Game arcades, cyber cafes, internet gaming, and similar facilities shall be located a minimum of 1,000 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from a public or private elementary, middle (junior high) or high school, public park, recreation center, sports park, or any other similar facility where minors (persons under 18 years of age) regularly congregate.

C. Minors shall not be permitted to enter or remain in a game arcade, cyber cafe, on-line internet gaming facility, or any similar facility during the following periods, unless accompanied by a parent or legal guardian:

1. Monday through Friday, between 8:00AM and 3:00PM, or after 10:00PM; and Saturday and Sunday, after 10:00PM.

2. The weekday daytime hours of restriction shall not apply to school vacation days or holidays, as established by any public school district or private elementary, middle (junior high) or high school operating within the City.

3. Notice of the herein specified hours of restriction for minors shall be posted at the facilities entrance(s), in lettering of at least 2 inches in height.

D. The establishment shall not be open to customers, patrons or any member of the public between the hours of 12:00AM and 7:00AM.

E. "No Loitering" signs shall be posted at the front and rear of the business. In addition, a waiting area with not less than 8 seats shall be provided for customers waiting to use a computer or game/gaming station. No outside waiting or seating area is permitted.

F. No person shall be permitted to consume or sell alcohol on the premises.

G. Employees shall be at least 21 years of age. There shall be a minimum of one employee managing the facility during all working hours. If the business has more than 20 games/gaming stations or computers, the business is required to add one additional employee for every additional 20 computers, or portion thereof, and for every 20 computers thereafter, or any portion thereof. During each employee's working hours, the employee shall wear a badge identifying the business and the employee's full name.

H. Occupancy shall not exceed that required under the City's building and fire codes, and the maximum occupancy load shall be posted at the main entrance.

I. The establishment shall maintain and operate a video surveillance system during all business hours, which is capable of storing a minimum of 186 hours (7 days) of video surveillance.

1. The video surveillance system shall cover the entire interior of the premises and all entrances and exits of the establishment and shall be capable of delineating upon playback of the system, the activity and physical features of persons or areas within the premises.

2. The business owner shall permit City Police and/or Code Enforcement officers to inspect the stored video surveillance during normal business hours, upon demand.

3. The video surveillance system shall be maintained in good working order.

4. A sign shall be posted inside and at the entrances to the establishment indicating that the premises are under video surveillance.

J. The business owner shall submit and receive approval of a Fire Exit Plan from the Fire Department. The plan shall address all requirements of the City's building and fire codes, including, but is not limited to, showing all necessary dimensions, equipment location, aisle locations/path of travel, building exiting, and panic hardware.

- K. Any display of or access to adult-oriented materials for minors is prohibited. Access to adult-oriented materials, if permitted by the business owner, shall be limited to the hours of 10:30PM to 12:00AM.
- L. Window areas shall not be covered or made opaque in any way. All windows and entrances shall be unobstructed at all times so as to allow an unimpaired line-of-sight by police officers.
- M. The Chief of Police is authorized to require a specific owner/operator to provide a security guard on the premises in the event that there are significant calls for service relating to assaults, gang-related activity, weapons offenses, disturbances, juvenile related crime and truancy, or other good causes. The decision of the Chief of Police may be appealed to the City Council pursuant to Division 2.04 (Appeals) of this Development Code.
- N. No exterior pay phones shall be permitted.
- O. No gaming tournaments for cash prizes shall be permitted.

5.03.225: Gasoline and Fueling Stations

The below-listed standards shall govern the establishment and operation of gasoline and fueling stations and are intended to result in facilities that are well-designed, appropriate in scale, and enhance the surrounding community.

- A. Self-Serve and Full Service Fueling Stations. The following standards shall govern the establishment and operation of self-serve and full service fueling stations:
1. A service station shall only be located at:
 - a. The intersection of 2 arterial streets;
 - b. The intersection of an arterial and collector street; or
 - c. The intersection of an arterial street and a freeway.
 2. The project site shall have a minimum area of 22,500 SF.
 3. The project site shall have a minimum width and depth of 150 FT.
 4. The project site shall not have more than one access per street frontage.
 5. Landscaping shall comprise a minimum of 20 percent of the site area.
 6. Provide enhanced pavement sections to relieve visually dominant asphalt surfaces.
 7. A self-serve or full service fueling station may include a fully automated car wash (e.g., roll-over or express car wash), which is incidental to the primary fueling station activity.

8. An automated car wash which is ancillary to a self-serve or full service fueling station shall be setback a minimum of 100 FT from any residential zoning district or any residential dwelling in a mixed-use project.

9. A full-service fueling station may include general repair and servicing facilities (maximum 2 service bays), and automotive parts, accessories and tire sales, which is incidental to the primary fueling station activity.

B. Automated Fueling Facilities. The following standards shall govern the development and/or operation of automated fueling facilities:

1. Automated (card lock) fueling facilities shall be located with least one street frontage on an arterial street.

2. Automated (card lock) fueling facilities shall not locate within 1,000 FT of a residential zoning district and shall not interfere with the normal use of adjoining properties.

3. The project site shall have a minimum area of 40,000 SF.

4. Automated (card lock) fueling facilities located at the intersection of two street shall not have more than one access per street frontage. Mid-block facilities may be allowed two accesses on the same street.

5. Landscaping shall comprise a minimum of 40 percent of the site area.

6. All pump island areas shall be covered by a canopy, which shall not exceed 17 FT in overall height.

C. Conversion of Gasoline and Fueling Stations. A property originally improved as a gasoline or fueling station, and which is proposed to be converted so as to facilitate another allowed use, shall require upgrading and remodeling of the gasoline or fueling station. Necessary upgrading and remodeling shall include, but is not limited to, the following:

1. Removal of all fuel appurtenances;

2. Removal of canopies;

3. Removal of pump islands;

4. Removal of fuel storage tanks;

5. Removal of overhead doors;

6. Additional off-site street improvements or modification of existing improvements to conform to access requirements in effect at the time of conversion;

7. Exterior remodeling of the building;

8. Additional on-site landscaping and parking improvements to conform with requirements in effect at the time of conversion; and

9. Conformance with all standards and guidelines contained in this Development Code, which are applicable to the base zoning district.

5.03.230: General Rental Centers

The following standards shall govern the establishment and operation of general rental centers:

- A. General rental centers shall include home and garden tool and equipment rental services.
- B. Within commercial and mixed-use zoning districts, general rental centers shall only be allowed in conjunction with "Building Materials, Garden Equipment and Supplies Stores," Standalone general rental centers shall be prohibited within these zoning districts.
- C. All outdoor storage of equipment shall be screened from public view.

5.03.235: Hardware Manufacturing

Within the IP zoning district, hardware manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.240: Home Occupations

A. **Purpose.** The purpose of these provisions is to allow for the operation of home-based businesses that are incidental to and compatible with residential land uses. A Home Occupation represents a legal income producing activity by the occupant of a residential dwelling unit.

B. **Applicability.**

1. **License Required.** No person shall engage in a Home Occupation unless such person holds a valid business license issued by the City.

2. **Prohibited Uses.** The following list represents example uses that are not considered to be incidental to and/or compatible with residential activities, and for which a Home Occupation permit shall not be issued:

- a. Gun/munitions repair or sales;
- b. Ammunition loading or sales;
- c. Barber and beauty shops;
- d. Businesses involving the harboring, training, breeding, raising or grooming of cats, dogs or other animals on the premises, except as otherwise permitted in the AR-2 zoning district;
- e. Carpentry and cabinet making;
- f. Medical and dental offices or clinics;

- g. Repair or fix-it shops;
- h. Storage of equipment, materials and other accessories to the construction or service trades;
- i. Motor vehicle repair (body or mechanical), upholstery or painting;
- j. Welding or machining;
- k. On-site sales of motor vehicles (new or used);
- l. Massage services, excepting out-call services;
- m. Mobile motor vehicle service and repair; such as detailing and vehicle repair; and
- n. Any other use determined by the Zoning Administrator that is not incidental to and/or compatible with residential activities.

C. Operating Requirements. Home Occupations shall comply with the following operating standards:

1. A Home Occupation shall be clearly incidental and subordinate to the primary residential use.
2. Only the occupants of the dwelling may engage in the Home Occupation.
3. Not more than one client/customer shall visit the premises at any one time, excepting in-home educational activities, including, but not limited to, music lessons, academic tutoring or religious instruction, provided no more than 3 students are present at any one time and each of the operating requirements enumerated herein are complied with.
4. There shall be no change in the outward appearance of the premises.
5. There shall be no advertising that identifies the home occupation by street address.
6. The Home Occupation shall be conducted within an enclosed structure, completely confined to one room of the dwelling and occupying no more than 10 percent of the GFA of the dwelling, except as follows:
 - a. Floriculture may be conducted outdoors in conjunction with a single-family dwelling located in the appropriate zoning district. All activities shall take place within the rear one-half of the lot and occupy no more than 10 percent of the net lot area.
 - b. Within the AR-2 zoning district, kennels and catteries (limited to fewer than 8 animals) shall be conducted in conjunction with a single-family residential land use, within the rear one-half of the lot, and all applicable requirements of Section 5.03.410.C (Animal Keeping and Production) of this Division shall be complied with.
7. Only one vehicle specifically associated with the Home Occupation, no larger than a one-ton pick-up truck or van, may be maintained on the property.

8. There shall be no use or storage of materials, chemicals, compounds or equipment not typically recognized as being part of a normal household or hobby use.

9. Activities conducted, and equipment or material used, shall not change the fire safety or occupancy classifications of the premises.

10. The Home Occupation shall not generate vehicular or pedestrian traffic in greater volumes than normal in a residential neighborhood.

11. The home occupation shall not involve the use of commercial vehicles for delivery of materials either to or from the premises, excepting the use of standard parcel delivery services.

12. No equipment or processes shall be used that creates noise, odor, smoke, glare, dust, fumes, vibration, or result in interference with radio or television reception detectable to the normal senses outside the dwelling unit in which the Home Occupation is conducted.

13. If the Home Occupation is to be conducted on rental property, the property owner's written authorization shall be provided on the home occupation application.

14. No home occupation shall be conducted without a current City business license.

D. Internet, Direct Mail, and Telephone Retail Sales.

1. Direct business to consumer retail sales via internet, direct mail or telephone, including wine sales (Type 85 ABC license) conducted pursuant to BPC Sections 23393.5, 23661.7, 24045.18, 25503.56, and 25503.9, shall be permitted as a Home Occupation.

2. No items intended for retail sale shall be stored on the premises, or packaged and shipped from the premises, in quantities greater than typical for single-family dwellings.

3. The business premises shall not be open to the public for the purchase or pickup of retail items.

E. Change in Information or Circumstance. If during the life of a home occupation, the applicant has any change in information or circumstance concerning the original application, notification shall be made to the Planning Department, in writing, within 30 days of the change occurring.

F. Inspections. Authorized representatives of the City's Planning Department, Police Department, Building Department, Fire Department, and/or Code Enforcement Officers shall have the right to enter the property upon which a home occupation permit has been granted, during normal business hours, for the purpose of making reasonable unscheduled inspections to observe and enforce compliance with applicable regulations, laws and provisions of this Development Code and the Ontario Municipal Code.

5.03.245: Hookah Establishments, Smoking/Vaping Lounges, and Smoking/Vaping Retailers

The following standards shall govern the establishment and operation of hookah establishments:

A. **Purpose.** The purpose of this Section is to help mitigate negative impacts associated with smoking and vaping uses, in order to serve the public health, safety, and welfare of City residence, and City businesses and their patrons. Furthermore, this Section is specifically intended to reduce the impact of smoking and vaping uses on minors, as an abundance of such uses increases the potential for minors to associate smoking and vaping with a normative lifestyle.

B. **Applicability.** All smoking and vaping businesses throughout the City shall comply with the regulations and requirements of this Section.

C. **Definitions.** For the purposes of this Section, the words or phrases listed below, in correct alphabetical order, shall have the meanings hereafter specified:

1. **Electronic Cigarette (E-Cigarette).** An electronic device, which is typically battery-operated, designed to deliver a nicotine-based liquid, or other substance, that is vaporized and then inhaled (called "vaping"), simulating the experience of smoking tobacco. Such devices are manufactured to resemble traditional tobacco cigarettes, cigars, pipes, or even everyday items, such as pens or USB memory sticks. The term includes any such device manufactured, distributed, marketed, or sold as an electronic cigarette or e-cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. The term does not include any medical inhaler prescribed by a licensed physician.

2. **Hookah Establishments.** Any facility or location whose business operation, whether a primary or accessory use, is characterized as a commercial establishment where patrons gather to share in the smoking of flavored tobacco (shisha) from a communal hookah, including, but not limited to, establishments known variously as a hookah lounge or bar, or shisha bar or den.

3. **Hookah.** A single or multi-stemmed instrument for smoking flavored tobacco (or shisha), whose vapor or smoke is passed through a water basin before inhalation.

4. **Smoking/Vaping Lounge.** Any facility or location whose business operation, whether a primary or accessory use, is characterized by the sale, offering, and/or preparation of smoking tobacco, cigars, electronic cigarettes, or similar products, including, but not limited to, establishments known variously as smoking lounges, vaping lounges, or cigar bars.

5. **Smoking/Vaping Retailer.** A smoke shop, tobacco store, electronic cigarette retailer, or any other retail business where more than 25 percent of the gross floor area is dedicated to the sale of tobacco or tobacco products, electronic cigarettes, or related products, for consumption off the premises.

D. **Operating Requirements.** Hookah establishments, smoking/vaping lounges, and smoking/vaping retailers shall comply with the following operating standards:

1. **Hookah Establishments.** The following standards shall govern the establishment and operation of hookah establishments:

a. A hookah establishment may be established within an outside patio area that is open to the sky, either: [i] as a standalone establishment, [ii] in conjunction with a sit-down restaurant, or [iii] in conjunction with an ABC-licensed bona fide eating establishment.

b. A hookah establishment shall not be established in conjunction with live entertainment.

c. A hookah establishment shall not be established in conjunction with a bar or nightclub.

d. A hookah establishment shall operate in compliance with all applicable State laws and regulations pertaining to smoking facilities (limitation on numbers of paid staff shall meet CAL-OSHA requirements for air filtration and circulation and meet fire standards for smoking lounges).

e. A hookah establishment shall dispose of ash and coals pursuant to the requirements of the Ontario Fire Department.

f. A hookah establishment shall be located a minimum of 1,000 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any residentially zoned property or sensitive land use, including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate.

g. A hookah establishment shall be located a minimum of 1,000 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any other hookah establishment, or a smoking/vaping lounge or smoking/vaping retailer.

2. Smoking/Vaping Lounges. The establishment and operation of smoking/vaping lounges shall be prohibited, excepting hookah establishments established pursuant to Paragraph D.1 (Hookah Establishments) of this Section.

3. Smoking/Vaping Retailers. The following standards shall govern the establishment and operation of smoking/vaping retailers:

a. A smoking/vaping retailer shall be located a minimum of 1,320 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any residentially zoned property or sensitive land use, including residential land uses within mixed use developments, hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate; and

b. A smoking/vaping retailer shall be located a minimum of 1,320 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any other smoking/vaping retailer, or a hookah establishment.

c. No smoking/vaping shall be permitted in conjunction a smoking/vaping retailer.

5.03.250: Hotels, Motels, Residence Inns, and Other Similar Traveler Accommodation

The following standards shall govern the establishment, construction, and operation of hotels, motels, residence inns, and other similar traveler accommodation:

A. Kitchens, kitchenettes, and Other Cooking Facilities. Kitchens, kitchenettes, and other cooking facilities shall not be permitted within guestrooms, excepting the manager's unit and residence inns.

B. Minimum Number of Guestrooms Required. A hotel, motel, residence inn, or other similar traveler accommodation shall contain no fewer than 6 guest rooms.

C. Market Feasibility Report Required. A Conditional Use Permit application to establish a hotel, motel, residence inn, or other similar traveler accommodation, shall be accompanied by a market feasibility report prepared by a professional economist, and shall include the following information:

1. A complete listing of proposed facilities, amenities, and services (i.e.: number and type of rooms, meeting space square footage, recreational amenities, business services such as data ports-workstations-etc., refrigerators in room, laundry service, restaurant-coffee shop-food service, etc.);

2. History of proposed developer and potential operators (i.e.: years in business, principals, capitalization, experience, listing of projects, number of units owned, average rates charged, occupancy rates, etc.);

3. Analysis of economic environment projecting likely future economic conditions as they relate to the operation of the subject hotel;

4. Subject's competitive market (i.e.: identification of their market, 3 and 5 year history of occupancy-average daily rate-revenue per available room trends for that market, estimated share of the market the hotel will capture during the first five years of operation, etc.);

5. Analysis of the economic impacts on existing hotel markets within Ontario (i.e.: estimate of the dilution of the market due to addition of proposed hotel, etc.). Note: new hotel projects should only be approved if competitive market occupancy remains at or above 65 percent for a five year projection period;

6. Relationship to demand generators (i.e.: airport, convention center, corporate market, shopping and entertainment); and

7. Public cost/revenue projections.

D. Minimum Amenity Package. No Development Plan and/or Conditional Use Permit shall be approved for a hotel, motel, residence inn, or other similar traveler accommodation, unless the following amenities are provided:

1. Each guestroom shall include voicemail, wired or wireless internet access, desk with chair, hairdryer, retractable magnifying (10X) and lighted makeup mirror, iron and ironing board, high definition television, and alarm clock or wake-up service;

2. Minimum of 15 SF of meeting space per guestroom for limited -service hotels and 30 SF for full-service hotels;

3. The following minimum active and passive leisure amenities shall be provided:

a. A swimming pool, except that the Approving Authority may approve smaller boutique hotels, motels, residence inns, or other similar travel accommodations having fewer than 75 rooms, with alternate amenities, such as, but not limited to:

- (1) A full-service restaurant or café;
- (2) Highly amenitized guest rooms, which exceed the minimum amenities required by Paragraph D.1, above;
- (3) Meeting space, which substantially exceeds the minimum requirements of Paragraph D.2, above;
- (4) Highly detailed architectural features that reflect an established architectural style identified in Reference C (Architectural Styles) of this Development Code; and/or
- (5) Other amenities acceptable to the Approving Authority; and

b. A whirlpool/spa; or a furnished cabana containing items such as lighting, ceiling fans, tables, chairs, sofas, lounge chairs, and fire pit;

c. A fitness room; and

4. A full-service restaurant shall be provided in conjunction with a full-service hotel and a guest courtesy lounge (for light meals and snacks) shall be provided with limited-service hotels.

E. Occupancy of Accommodations.

1. No guestroom shall be rented for a period exceeding 30 consecutive calendar days, counting portions of calendar days as full days.

2. No guestroom shall be rented for less than one 24-hour period.

F. Hotels, Motels, Residence Inns, and Other Similar Traveler Accommodation Located in the SP (Specific Plan) Zoning District. Hotels, motels, residence inns, and other similar traveler accommodations that are located in the SP (Specific Plan) zoning district shall be subject to Conditional Use Permit approval.

5.03.255: Leather and Allied Product Manufacturing, Other

The following standards shall govern establishment and operation of “other leather and allied product manufacturing” facilities:

A. “Other leather and allied product manufacturing” shall include the manufacture of luggage, handbags, purses, personal leather goods, and other leather products.

B. Within the BP and IP zoning districts, the development of new “other leather and allied product manufacturing” shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.257: Live Entertainment

The following standards shall govern the establishment and operation of live entertainment facilities:

A. No person, firm, partnership, corporation, company, or non-profit or charitable organization shall conduct any entertainment, without first making application to the City and obtaining a Conditional Use Permit or Administrative Use Permit, as applicable, to do so, nor shall any person conduct the same during the time while a permit to do so is revoked.

B. Any modifications or revisions to the live entertainment provided under a Conditional Use Permit or Administrative Use Permit shall require City approval.

5.03.260: Machine Shops, and Turned Product, Screw, Nut, and Bolt Manufacturing

Within the IP zoning district, the development of new machine shops, and turned product, screw, nut, and bolt manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.265: Manufacturing, Miscellaneous

Within the IP zoning district, the development of new “miscellaneous manufacturing” shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.270: Massage Establishments and Services

The following provisions shall govern Massage Establishments and/or any business providing massage services, or any person that administers massage for financial or other consideration, or acts in the capacity of a Massage Practitioner or Massage Therapist:

A. **Requirements for Massage Establishments and Massage Services for Compensation.** No person shall provide massage services for compensation or engage in the business of massage, or administer massage or provide services as a Massage Therapist or Massage Practitioner, unless such person holds a valid Massage Practitioner or Massage Therapist certification issued by the California Massage Therapy Council (CAMTC) pursuant to BPC Section 4600 et seq.

B. **Massage Establishment Operational Requirements** Every Massage Establishment shall maintain facilities meeting the following requirements:

1. If wet and dry heat rooms, steam and vapor rooms or cabinets, toilet rooms, shower rooms, bathrooms, tanning booths, whirlpool baths, or pools are offered, they shall be thoroughly cleaned and disinfected as needed, and at least once each day the premises are open. Bathtubs shall be thoroughly cleaned and disinfected. All walls, ceilings, floors, and other physical facilities for the establishment shall be in good repair and maintained in a clean and sanitary condition.

2. Instruments for performing massage shall not be used on more than one patron unless they have been sterilized using sterilizing methods approved by the San Bernardino County Health Department.

3. All employees, including Massage Practitioners and/or Massage Therapists, shall be clean, and shall be clothed in a manner consistent with the Massage Therapy Act, BPC Division 2, Chapter 10.5 (commencing with Section 4600).

4. No person shall enter, be or remain in any part of a Massage Establishment while in possession of, consuming or using any alcoholic beverage or drugs, except pursuant to a prescription for such drugs. The owner, operator, responsible managing employee, manager or permittee shall not permit any such person to enter or remain upon such premises.

5. No massage service may be carried on within any cubicle, room, booth or any area within a Massage Establishment which is not immediately accessible to supervisory, safety or inspection personnel during all hours of operation.

6. No Massage Establishment employing Massage Therapists shall be equipped with tinted or "one-way" glass in any room or office.

7. Pads used on massage tables, or on other furniture upon which massage services are performed, shall be covered with a durable, washable plastic or other waterproof material acceptable to the City.

C. **Massage Establishment Hours of Operation.** Massage Establishment hours of operation shall be limited to 8:00AM To 10:00PM of the same day.

D. **Minimum Separation Between a Massage Establishment and Sensitive Land Uses.** Maintain a minimum 300-foot separation between a Massage Establishment and any sensitive land use, including schools, preschools, child daycare facilities, or parks.

E. **Right of Authorized Representatives to Enter a Massage Establishment.** As a condition of business license issuance for a Massage Establishment, the permittee shall consent to the right of authorized representatives of the City's Police Department, Building Department, Fire Department, Code Enforcement Officers or San Bernardino County Health Department to enter the Massage Establishment during regular business hours for the purpose of making reasonable unscheduled inspections, to observe and enforce compliance with applicable regulations, laws, and provisions of this Development Code.

F. **Business Owner Required to Maintain a List of all Employees and Independent Contractors, and Their CAMTC or City Certifications.** As a condition of business license issuance for a Massage Establishment, the business owner shall provide a list of all employees and independent contractors and their CAMTC or City certifications. The business owner shall notify the City should this information change. Additionally, with the annual renewal of their business license, the business owner shall provide an updated list of all employees and their certifications.

G. **Institutions or Classes of Individuals Not Applicable to this Section.** The provisions of this section pertaining to massage services shall not apply to the following institutions or classes of individuals, while engaged in the performance of the duties of their respective professions:

1. Hospitals, nursing homes, sanatoriums or other similar health facilities duly licensed by the State;

2. Recognized schools of massage;
3. Physicians, surgeons, chiropractors, osteopaths, or physical therapists, who are duly licensed to practice their respective professions in the State, or other persons licensed to practice any healing art pursuant to BPC Section 500 et seq.;
4. Nurses registered under the laws of the State;
5. Barbers, cosmetologists, beauticians and manicurists who are duly licensed under the laws of the State while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face, scalp, hands and/or feet of the customer client;
6. Coaches and trainers in accredited high schools, junior colleges, and colleges or universities, acting within the scope of their employment; and
7. Trainers of amateur, semi-professional or professional athletes or athletic teams.

H. Chair Massage Services. The following operational requirements shall apply to the location, establishment, and operation of Chair Massage Services:

1. Any person, corporation or partnership wishing to perform chair massage in the City shall first be doing business at a fixed location in the City, having a valid business license, or a valid home occupation pursuant to the "home occupations" provisions of this Division.
2. Chair massage services may be performed only by a person with a valid Massage Practitioner or Massage Therapist certification issued by the California Massage Therapy Council (CAMTC) pursuant to BPC Section 4600 et seq., or a valid City Massage Therapist permit.
3. Chair massage services may only be offered at nonresidential places of business within the CS, CN, CC, CR, CCS, OL, OH, MU-1, and ONT zoning districts and the California Commerce Center North (Ontario Mills) Specific Plan.
4. A Massage Therapist offering chair massage shall have a signed contract for service at each location the service is provided. A copy of such contract shall be provided for inspection upon demand, to any City official with responsibility for enforcement of this Section. The contract shall specify the location, days and times the service is to be offered.
5. Chair massage shall be offered at a set time and day at each location and shall not be offered at any other time. Such service shall only be conducted between the hours of 8:00AM and 10:00PM of the same day.

I. Unlawful Conduct. The following actions shall constitute unlawful conduct as they pertain to the location, establishment, and operation of Massage Establishments and Services:

1. It shall be unlawful for any person, for financial or other consideration, to massage any other person, or give or administer any bath, or give or administer any of the other services set forth in this Development Code for immoral purposes, or in a manner intended to arouse, appeal to, or gratify the lust or passions or sexual desires.

2. It shall be unlawful for any Massage Therapist to massage the genital area of any patron or the breasts of any female patron or for any responsible managing officer in charge of the premises of a Massage Establishment to allow or permit such massage.

3. It shall be unlawful for a person serving as a Massage Therapist to be clothed in a manner inconsistent with the Massage Therapy Act, BPC Division 2, Chapter 10.5 (commencing with BPC Section 4600). Massage Therapists shall maintain their permit identification card clearly visible on their person during business hours.

4. It shall be unlawful for a Massage Therapist issued a permit by the City in accordance with Paragraph A.2 of this Section, to perform any massage service at any location other than that location specified on the Massage Therapist's permit. If during the life of a permit, the applicant has any change in information concerning the original application, notification shall be made to the Zoning Administrator, in writing, within 30 days of the change.

5. It shall be unlawful for any owner, manager, operator, responsible managing employee, or permittee in charge of or in control of a Massage Establishment to employ or permit a person to act as a Massage Therapist who is not in possession of a valid, unrevoked Massage Therapist permit issued pursuant to Paragraph A.2 of this Section, or a valid Massage Practitioner or Massage Therapist certification issued by the California Massage Therapy Council (CAMTC) pursuant to BPC Section 4600 et seq.

6. It is unlawful for any Massage Establishment, Massage Therapist or Massage Practitioner to provide, or to offer to provide, out-call massage services in the City. For the purpose of this provision, the term "out-call massage services" shall mean to engage in or carry on massage, not at a fixed location, but at a location designated by the customer or client. "Out-call massage services" shall not include chair massage services conducted pursuant to Subsection G (Institutions or Classes of Individuals Not Applicable to this Section) of this Section.

J. Violations and Penalties. The following violations and penalties shall apply to the location, establishment, and operation of Massage Establishments and Services:

1. Every person, except those persons who are specifically exempted by the massage services provisions pursuant to division F herein, whether acting as an individual, owner, employee of the owner, or operator or employee of the operator, or whether acting as a mere helper for the owner, employee, or operator, or whether acting as a participant or worker in any way who gives massages or conducts a Massage Establishment or room, or who gives or administers, or who practices the giving or administering of steam baths, electric light baths, electric tub baths, shower baths, sponge baths, vapor baths, fomentations, sunbathes, mineral baths, alcohol rubs, Russian, Swedish, or Turkish baths, or any other type of baths, salt glows, or any type of therapy, or who does or practices any of the other services or acts set forth in these provisions, without first obtaining a valid, unrevoked Massage Therapist permit issued pursuant to Paragraph A.2 of this Section, or a valid Massage Practitioner or Massage Therapist certification issued by the California Massage Therapy Council (CAMTC) pursuant to BPC Section 4600 et seq., or who shall violate any operational standard of the massage services provisions, shall be guilty of a misdemeanor.

2. Any owner, operator, manager, or permittee in charge or in control of a Massage Establishment who knowingly employs a person performing as a Massage Therapist, as defined in this Development Code, who is not in possession of a valid, unrevoked Massage Therapist permit issued pursuant to Paragraph A.2 of this Section, or a valid Massage Practitioner or Massage Therapist certification issued by the California Massage Therapy Council (CAMTC) pursuant to BPC

Section 4600 et seq., or who allows such an employee to perform, operate, or practice within such a place of business shall be guilty of a misdemeanor.

3. Any owner, operator, manager, or permittee in charge or in control of a Massage Establishment under this Development Code shall be a Responsible Person. "Responsible Person" shall mean a person who causes a violation of this Development Code or the Ontario Municipal Code to occur, or allows a violation to exist or continue, by his or her action or failure to act, or whose agent, employee, or independent contractor causes a violation to occur, or allows a violation to exist or continue. A Responsible Person shall be liable for the violation of his or her agent, employee, or independent contractor. For the purposes of this Development Code, there may be more than one Responsible Person for a violation.

4. Any Massage Establishment operated, conducted, or maintained contrary to the provisions of this Development Code shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the City may, in addition to or in lieu of prosecuting a criminal action hereunder, commence actions or proceedings for the abatement, removal, and enjoinder thereof in the manner provided by law and shall take such other steps and apply to such courts as may have jurisdiction to grant such relief as will abate or remove such Massage Establishment and restrain and enjoin any person from operating, conducting or maintaining a Massage Establishment contrary to the provisions of this Development Code.

5. Any violation of any of the provisions of this Development Code shall be subject to punishment for violation in accordance with the penalty provisions set forth in OMC Title 1, Chapter 2 (Penalty Provisions). Punishment for any violation of any of this Development Code's provisions shall be in accordance with the Ontario Municipal Code punishment and fine provisions as set forth in OMC Section 1-2.01 (Punishment for Violation).

5.03.275: Material Recovery Facilities (MRF)

All activities associated with a MRF shall be wholly contained within a fully enclosed building, excepting salvage facilities (such as automobile dismantling and metal salvage/recycling) established in compliance with the requirements of Section 5.03.350 (Salvage Facilities) of this Division, which may be allowed outside with the approval of a Conditional Use Permit.

5.03.280: Marijuana Dispensary

Notwithstanding any other provision of this Development Code, a Marijuana Dispensary, as defined in Division 9.01 (Definitions) of this Development Code, shall be a prohibited use in all zoning districts of the City, as follows:

A. The operation of any marijuana dispensary within the City is hereby declared a public nuisance and shall be abated pursuant to all available remedies. Violations of this Section may be enforced by any applicable law.

B. No person shall deliver marijuana or marijuana-infused products, such as tinctures, baked goods or other consumable products, to any location within the City from a marijuana dispensary, regardless of whether the marijuana dispensary from which the delivery originated is within the City, or engage in any effort to locate, operate, own, lease, supply, allow to be operated, or aid, abet, or assist in the operation of any marijuana dispensary in the City.

C. No person shall deliver marijuana or marijuana-infused products with such delivery originating from any marijuana dispensary located within the City, regardless of whether the delivery destination is within the City.

5.03.285: Mixed-Use Developments

A. Residential Mixed-Use Projects. The following standards shall govern the development of residential mixed use projects consisting of single-family and/or multiple-family dwellings constructed in conjunction with a variety of complementary commercial land uses as may be allowed within the base zoning district pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, including office, retail, public, or entertainment uses, in a fully integrated development project having functional interrelationships and a cohesive physical design:

1. Residential Mixed-Use Developments Subject to the Standards and Guidelines of the Base Zoning District. The site and building(s) of a residential mixed use development project shall be designed and constructed pursuant to, and consistent with, the development standards (e.g., FAR, landscape coverage, lot size, setbacks and separations, etc.) and design guidelines of the base zoning district.

2. Residential Mixed-Use Developments within Commercial Zoning Districts.

a. As allowed within commercial zoning districts pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, dwellings may be constructed on the upper floors of commercial buildings containing office, retail, public and/or entertainment uses, or behind commercial buildings containing such uses, at or above ground level.

b. To ensure that the residential portion of a mixed use development is no more intense than the commercial development that would otherwise be allowed, the maximum residential density shall be determined based upon an Equivalent Impact Study (EIS) prepared for the project, which assesses the maximum allowed residential density based upon the comparable traffic generation, water usage, and sewerage generation of the maximum allowed commercial floor area.

c. The applicant for a mixed-use development project shall be responsible for all City costs incurred in preparing the EIS.

3. Residential Mixed-Use Developments within Mixed Use Zoning Districts. Residential mixed-use development projects within mixed-use zoning districts shall be developed pursuant to the requirements of Section.6.01.020 (Mixed Use Zoning Districts) of this Development Code and the Policy Plan component of The Ontario Plan.

B. Nonresidential Mixed-Use Projects. The following standards shall govern the development of nonresidential mixed use projects consisting of commercial land uses constructed in conjunction with a variety of complementary light industrial and business park land uses as may be allowed within the base zoning district pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, in a fully integrated development project having functional interrelationships and a cohesive physical design:

1. Nonresidential Mixed-Use Developments Subject to the Standards and Guidelines of the Base Zoning District. The site and building(s) of a nonresidential mixed use development project shall be designed and constructed pursuant to, and consistent with, the development

standards (e.g., FAR, landscape coverage, lot size, setbacks and separations, etc.) and design guidelines of the base zoning district.

2. Nonresidential Mixed-Use Developments within Industrial Zoning Districts.

a. As allowed within industrial zoning districts pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, commercial land uses may be constructed on the upper floors of industrial buildings, or behind industrial buildings containing such uses, at or above ground level.

b. To ensure that the nonresidential portion of a mixed use development is no more intense than the industrial development that would otherwise be allowed, the maximum residential density shall be determined based upon an Equivalent Impact Study (EIS) prepared for the project, which assesses the maximum allowed residential density based upon the comparable traffic generation, water usage, and sewerage generation of the maximum allowed industrial floor area.

c. The applicant for a mixed-use development project shall be responsible for all City costs incurred in preparing the EIS.

3. Nonresidential Mixed-Use Developments within Mixed-Use Zoning Districts. Within mixed use zoning districts, nonresidential mixed-use developments shall be developed pursuant to the requirements of Section 6.01.020 (Mixed Use Zoning Districts) of this Development Code and the Policy Plan component of The Ontario Plan.

5.03.290: Mobile Food Services

The following standards shall govern the design and establishment of mobile food services:

- A. Mobile food services shall only be allowed in conjunction with a temporary event approved pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code.
- B. All mobile food services shall display a current San Bernardino County Department of Environmental Health Services operating decal and/or permit, and inspection letter grade.
- C. Mobile food service wastewater shall not be discharged to the ground or to a storm drain.
- D. Restroom facilities for mobile food service employees, which shall include facilities for washing hands, shall be provided.

5.03.295: Mobilehome Parks

The following standards shall govern the design and establishment of mobilehome parks:

- A. Allowed within the MHP Zoning District. Mobilehome parks shall only be established within the MHP zoning district.
- B. Site Development Standards.
 - 1. Project Area. The minimum project area shall be 3.0 acres.

2. Density. The maximum residential density shall not exceed 8.0 dwelling units/acre.

3. Common Open Space and Recreation Areas. A minimum of 300 SF of common recreational open space per mobilehome pad shall be provided. Common recreation amenities shall be provided pursuant to the minimum requirements prescribed for multiple-family developments in Subparagraphs 6.01.010.E.2.c (Active Open Space Area) and d (Passive Open Space Area) of this Development Code.

4. Project Entries. The mobilehome park entrance shall be delineated with enhanced paving treatment (e.g., color pigmented concrete, interlocking pavers, and stamped concrete) and intensified landscaping, including elements such as specimen-sized trees, decorative low garden walls, raised planters, and alluvial rockscapes.

5. Walls and Fences.

a. Decorative walls, fences, and gates shall be provided along the project perimeter.

b. All private open space areas shall be delineated by a decorative fence or wall.

c. All walls and fences shall be designed, constructed, and maintained pursuant to Division 6.02 (Walls, Fences and Obstructions) of this Development Code.

6. Off-Street Parking. Off-street parking facilities shall be provided pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code.

7. Landscaping. Landscaped areas shall be designed, installed, and maintained pursuant to Division 6.05 (Landscaping) of this Development Code.

8. Signs. All signs shall be designed, installed, and maintained consistent with the provisions of Division 8.1 (Sign Regulations) of this Development Code.

C. Building Development Standards.

1. Minimum Building Separations. Minimum building and structure separations shall be maintained pursuant to Table 5.03-5 (Minimum Mobilehome Building Separation Requirements), below.

Table 5.03-5: Minimum Mobilehome Building Separation Requirements

<i>Setback Area</i>	<i>Minimum Yard Dimension**</i>
Side to side:	20 FT
End to side:	15 FT
End to end:	10 FT
Front to front (across access drive):	36 FT
Mobilehome to any other building, excepting detached garage or accessory structure:	15 FT
Mobilehome to detached garage or accessory structure:	5 FT

Note:

*** For the purpose of determining minimum separation requirements, awnings, overhangs, enclosed porches, and similar structures shall be deemed a part of the mobilehome unit and shall not be allowed to encroach into a required yard area.*

D. Mobilehome Exterior Design and Finishes. The exterior of mobilehomes shall resemble conventionally built single-family homes to the fullest extent feasible. To this end, each mobilehome shall incorporate the following design features:

1. Skirting or Supporting Pad Required. The tongue or hitch each mobilehome shall be removed or suitably screened, and each mobilehome shall be equipped with skirting to screen all foundation jacks and other supporting structure, or a supporting pad shall be provided that is designed to give the appearance that the mobilehome is placed on-grade.

2. Roof Overhang. A minimum roof overhang of one FT shall be provided.

3. Roof Material. Roof material shall consist of wood shingle or shakes, architectural grade asphalt shingles, or concrete or clay tiles.

4. Exterior Wall Finishes. Exterior wall finishes shall include wood, stucco, masonry, natural stone, or other suitable materials as determined by the Planning Director. All exterior wall finishes and skirting required pursuant to Paragraph D.1 (Skirting or Supporting Pad Required), above, shall extend to the ground, except when a solid concrete or masonry perimeter foundation is used, in which case, the exterior material shall extend below the top of the foundation.

E. Utilities. All on-site utilities to individual mobilehomes shall be located underground.

5.03.300: Mobile Washing and Detailing Services

The following standards shall govern the establishment of mobile washing and detailing services:

A. All mobile washing and detailing services shall be licensed to a fixed location within the City.

B. A mobile washing and detailing service shall not be licensed as a home occupation, provided no washing or detailing of vehicles is performed on the premises, excepting personal vehicles of the home occupant.

5.03.305: Motor Vehicle Dealers

The following standards shall govern the establishment and operation of new or used motor vehicle dealers, including automobiles, light trucks and vans (rated at one ton or less), and recreational vehicles, motorcycles, watercraft, all-terrain vehicles, and other similar motor vehicles:

A. Motor vehicle servicing, repair, and maintenance activities shall be performed within a wholly enclosed building. Service bay doors shall be located so as not to be visible from any public or private street, or office, retail sales and off-street parking facilities on adjoining lots.

- B. There shall be no outside storage of inoperable motor vehicles or motor vehicle parts.
- C. Prior to the issuance of a business license by the City, a site plan shall be submitted to the Planning Department for review and approval, which demonstrates compliance with the following:
1. Motor vehicle display areas shall meet the minimum parking setback requirements of the zoning district in which the use is located, and the design standards for off-street parking facilities contained in Division 6.03 (Off-Street Parking and Loading) of this Development Code. Setback areas shall be fully landscaped and provided with an automatic irrigation system.
 2. A vehicle loading and unloading area shall be provided for each vehicle sales facility. The loading area shall be clearly demarcated by signs and pavement markings. The loading area shall not encroach into required parking areas or block fire access lanes, and shall occur on-site, at a location approved by the Fire Department. On-street vehicle loading and unloading shall be prohibited.
- D. Automobile dealers providing vehicle service and repair shall provide a minimum of 6 queuing (waiting) spaces for service write-ups, which shall not encroach into required parking or loading spaces.
- E. The retail sales of motor vehicles from a residentially zoned property shall be prohibited as a Home Occupation.
- F. Motor vehicle sales on any property with shared parking facilities shall only be permitted if all vehicle sales, display, and storage areas are located within a fully enclosed building.
- G. Motor vehicle sales as a temporary sales event shall only be permitted pursuant to the requirements for “temporary and interim uses” contained in this Division. The motor vehicle retailer shall be licensed to a fixed motor vehicle sales location in the City.

5.03.310: Motor Vehicle Storage Facilities

The following standards shall govern the establishment and operation of motor vehicle storage facilities:

- A. For the purposes of administration and enforcement of this Section:
1. Any motor vehicle maintained on a property for 72 or more consecutive hours shall be deemed to be “stored.”
 2. Motor vehicle storage shall include the keeping of automobiles, trucks, vans, recreational vehicles and watercraft, motorcycles, trailers, forklifts, and any inoperative vehicle, regardless of vehicle type.
- B. The indoor storage of motor vehicles shall comply with all applicable requirements of the fire and building codes.
- C. All vehicles stored outdoors shall be screened from public view by a minimum 8-FT high decorative masonry block wall.

D. All vehicles stored outdoors shall comply with all requirements of the base zoning district, which are applicable to the design and use of outdoor storage areas.

5.03.315: Personal Fitness Trainer

Within the IP, IL, and IH zoning districts, a personal fitness trainer shall only be allowed to establish in conjunction with fitness and recreational sports centers (NAICS 713940).

5.03.320: Personal Property Donation Bins

A. Welfare and Institutions Code Division 1, Chapter 2 (commencing with Section 150) allows a city, county, or city and county to impose requirements on the solicitation and sale of salvageable personal property within its jurisdiction.

B. The following regulations shall govern the establishment and operation of salvageable personal property collection boxes/bins within the City:

1. The provisions of Welfare and Institutions Code Division 1, Chapter 1.8 (commencing with Section 148) and Chapter 2 (commencing with Section 150), which governs the acquisition and disposition of salvageable personal property for charitable purposes, and unattended collection bins, respectively, shall be complied with.

2. Salvageable personal property collection bins may only be established in conjunction with a host business, subject to Conditional Use Permit approval pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code.

3. Collection bins shall be constructed and maintained with durable, waterproof, and rustproof material, and shall be fully enclosed.

4. Collection bins shall be clearly marked to identify the type of materials that may be deposited.

5. Collection bins shall be swept and maintained in a in a clean, litter-free condition, on a daily basis.

6. Collection bins shall be setback a minimum of 30 FT from any arterial street property line, and 20 FT from any collector or local public street property line, and shall not obstruct pedestrian or vehicular circulation.

7. The occupation of parking spaces by salvageable personal property collection bins shall not reduce available parking spaces below the minimum required for the host business pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code.

8. Collection bins shall not encroach upon any existing landscaped areas, unless replaced elsewhere on the site.

9. Additional landscaped areas and architectural elements, such as vertical and horizontal decorative trellises, seat walls, and raised planters, may be required by the Approving Authority to screen collection bins.

5.03.325: Pharmaceutical and Medicine Manufacturing

Within the BP and IP zoning districts, the development of new pharmaceutical and medicine manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.330: Pharmacies and Drug Stores

Drive-thru facilities in conjunction with pharmacies and drug stores shall be permitted subject to the provisions of Section 5.03.165 (Drive-Thru Facilities) of this Division.

5.03.335: Plastics Product Manufacturing

Within the IP zoning district, the development of new plastics product manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.340: Recycling Facilities

The purpose of this Section is to implement the California Beverage Container Recycling and Litter Reduction Act (PRC Section 14500 et seq.). The following standards shall govern the establishment and operation of recyclable container collection facilities:

- A. Reverse Vending Machines.** Reverse vending machines may be established in conjunction with a host business for the collection of post-consumer beverage containers pursuant to the California Beverage Container Recycling and Litter Reduction Act, and shall comply with the following:
1. Reverse vending machines shall be established pursuant to the requirements of this Development Code, and the building and fire codes of the City.
 2. Reverse vending machines shall be located within 30 FT of the entrance of the host business and shall not obstruct pedestrian or vehicular circulation.
 3. Reverse vending machines shall be constructed and maintained with durable waterproof and rustproof materials and shall be covered.
 4. Reverse vending machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and telephone number of the operator or manager if the facilities become inoperable.
 5. Reverse vending machines shall be limited to 3 machines for each host business.
 6. Reverse vending machines shall occupy a maximum of 50 SF per installation, including any protective enclosure, and shall not exceed 9 FT in height.

7. Reverse vending machines shall not occupy parking spaces required for the host business pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code, nor shall it encroach upon any landscaped area.

8. Reverse vending machines shall be maintained in a clean, litter-free condition.

9. The operating hours of reverse vending machines shall be the same as the host business.

10. Reverse vending machines shall be illuminated to ensure comfortable and safe operation if open between dusk and dawn.

B. Small Collection Facilities. Small collection facilities may be established in conjunction with a host business for the collection of post-consumer beverage containers pursuant to the California Beverage Container Recycling and Litter Reduction Act, and shall comply with following:

1. Small collection facilities shall occupy a maximum area of 500 SF and shall be established in conjunction with a host business at a fixed location within the City, which complies with this Development Code, and the building and fire codes of the City.

2. Small collection facilities shall be constructed and maintained with durable, waterproof and rustproof material, with fully enclosed materials storage containers.

3. Small collection facilities shall be clearly marked to identify the type of recyclables that may be deposited.

4. The name and telephone number of the owner or manager, and the hours of operation of small collection facilities shall be conspicuously posted.

5. Small collection facility sites shall be swept and maintained in a in a clean, litter-free condition on a daily basis.

6. Small collection facilities shall be setback a minimum of 20 FT from any public street right-of-way and shall not obstruct pedestrian or vehicular circulation.

7. Small collection facilities shall not operate power-driven sorting or consolidating equipment, such as crushers, shredders, balers, or other mechanized equipment.

8. Use of the facility for deposit of solid waste or hazardous waste is prohibited.

9. The operating hours of small collection facilities with attendants shall be the same as the host business, except that facilities located within 100 FT of property zoned for, or occupied by, residential land uses shall only be operated between the hours of 9:00AM and 7:00PM.

10. Small collection facilities without attendants shall be located at least 30 FT from any property zoned for, or occupied by, residential land uses, unless the facility is located within an established service area/corridor and, for sound attenuation purposes, a minimum 6-FT high masonry block wall has been constructed between the small collection facility and the residential land use(s).

11. Mobile recycling facilities shall have an area clearly marked to prohibit other vehicular parking during the hours when the mobile unit is scheduled to be present.

12. The occupation of parking spaces by a small collection facility and any attendant shall not reduce available parking spaces below the minimum required for the host business pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code, unless the facility is located within one-half mile of a supermarket. A reduction in required parking spaces may be allowed to accommodate a small collection facility pursuant to Table 5.03-6 (Small Collection Facility Maximum Parking Reduction), below.

Table 5.03-6: Small Collection Facility Maximum Parking Reduction

<i>Required Number of Parking Spaces</i>	<i>Parking Space Reduction</i>
0 to 25 spaces:	0 spaces
26 to 35 spaces:	2 spaces
36 to 49 spaces:	3 spaces
50 to 99 spaces:	4 spaces
100 or more spaces:	5 spaces

13. Small collection facilities shall not encroach upon any existing landscaped areas, unless replaced elsewhere on the site. Furthermore, additional landscaped areas and architectural elements, such as vertical and horizontal decorative trellises, seat walls, and raised planters, may be required to screen collection containers.

C. Large Collection Facilities. Large collection facilities may be established for the collection of post-consumer beverage containers pursuant to the California Beverage Container Recycling and Litter Reduction Act, and shall comply with following:

1. Large collection facilities shall occupy an area of more than 500 SF and shall not be appurtenant to a host use.
2. Large collection facilities shall not be located within 500 FT of property zoned, planned or occupied for residential land uses.
3. All processing activities shall be within a fully enclosed building.
4. Large collection facilities shall be screened from public view by buildings or decorative masonry block walls, which are of sufficient height to completely screen all loading, processing, and storage activities/facilities. All gates shall be view obstructing.
5. All materials stored outside shall be maintained within fully enclosed containers that are secured and maintained in good condition. Storage containers for flammable materials shall be constructed of nonflammable materials. Oil storage shall be in containers approved by the Ontario Fire Department.
6. Large collection facilities shall be swept and maintained in a in a clean, litter-free condition on a daily basis, and shall be secured from unauthorized entry and removal of materials when unattended.
7. Large collection facilities shall provide adequate area on-site to accommodate a minimum of 6 vehicles, or the anticipated peak customer volume, whichever is higher, to circulate and deposit recyclable materials.

8. Containers provided for after-hours donation shall be located at least 50 FT from any property zoned, planned or occupied for residential use. Containers shall be of sturdy, rustproof construction, have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of material. Containers shall be located at least 10 FT from any building.

9. Donation containers shall be clearly marked to identify the type of material that may be deposited. Notices shall be conspicuously posted stating that no material shall be left outside of donation containers.

10. The name and telephone number of the owner or manager, and the hours of operation of large collection facilities shall be conspicuously posted.

11. Large collection facilities may operate power-driven processing equipment, including aluminum foil and can compacting, baling, shredding, or other similar light processing activities necessary for efficient temporary storage and shipment of materials, as may be approved by the Planning Director.

12. The business owner and the property owner, if different from the business owner, shall cause the removal of all recyclable materials that have accumulated, or are deposited, on the site, on a regular basis, but no less than annually. Upon failure to remove the recyclable materials, the City may deem the land use and the property thereon to be abandoned and may enter the property for the purpose of removing the recyclable materials. The business owner and the property owner, if different from the business owner, shall be responsible for payment to the City, all costs borne by the City related to the enforcement of this Paragraph.

D. Processing Facilities. Processing facilities may be established for the recycling of post-consumer beverage containers pursuant to the California Beverage Container Recycling and Litter Reduction Act, which are purchased from recycling centers located within the state of California. Processing facilities are not intended for the acceptance of donated or purchased post-consumer food and beverage containers from the general public. Processing facilities shall comply with following:

1. A processing facility shall not accept donated post-consumer food and beverage containers, nor shall it purchase such materials, from the public; however, a processing facility shall not be precluded from operating on the same site with, or in conjunction with, a collection facility, provided each activity is located within the correct zoning district pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

2. Processing facilities shall not be located within 500 FT of any property zoned or planned for, or occupied by, residential land uses.

3. All processing activities, including collection, processing, and storage, shall be conducted within a fully enclosed building.

4. Processing facilities shall be screened from public view by buildings or decorative masonry block walls, which are of sufficient height to completely screen all loading, processing, and storage activities/facilities. All gates shall be view obstructing.

5. Processing facilities may operate power-driven processing equipment for the purpose of baling, briquetting, crushing, compacting, grinding, shredding, sorting, or other similar

processing activities. Processing facilities shall not shred, compact, or bale ferrous metals, excepting food and beverage containers.

6. Processing facilities shall be maintained in a in a clean, litter-free condition on a daily basis, and shall be secured from unauthorized entry and removal of materials when unattended.

7. A processing facility owner and the property owner, if different from the business owner, shall cause the removal of all recyclable materials that have accumulated, or are deposited, on the site, on a daily basis. Upon failure to remove the recyclable materials, the City may deem the land use and the property thereon to be abandoned and may enter the property for the purpose of removing the recyclable materials. The facility owner, and the property owner, if different from the business owner, shall be responsible for payment to the City, all costs borne by the City related to the enforcement of this Paragraph.

5.03.345: Residential Care Facilities, Other—6 or Fewer Persons

“Other residential care facilities” for 6 or fewer persons may only be established in conjunction with a single-family dwelling.

5.03.350: Salvage Facilities

The following standards shall govern the establishment and operation of salvage facilities for the purpose of reclaiming recyclable equipment, materials, and parts, from home appliances, commercial and industrial machinery, motor vehicles, and other similar recyclable items acceptable to the Approving Authority:

- A. Salvage facilities shall be located a minimum of 300 FT from any residentially zoned lot.
- B. Loading and processing activities, and stored vehicles, materials, and equipment, shall be completely screened from public view and view from adjoining lots, by buildings and/or decorative masonry block walls with view-obstructing gates.
- C. Loading, processing, and storage activities shall not be conducted within a required setback area.
- D. All setbacks from a street property line shall be fully landscaped and permanently maintained, excepting those areas necessary for pedestrian or vehicular access.
- E. All sorting, compaction, shredding, grinding, crushing, and other similar processing activities, shall be conducted within a completely enclosed structure designed to minimize noise and dust generated by the activities.
- F. All existing salvage facilities, regardless of the zoning district in which they are located, shall conform with the requirements of this Section within one-year following notification by the Planning Director of the pending amortization of the use. The Planning Commission may abrogate the requirements of this Subsection because unusual circumstances exist with regard to the site or its location, which makes full compliance with the requirements of this Section impracticable.

5.03.355: Self-Storage Facilities

A self-storage facility may exceed the maximum FAR of the zoning district in which it is located, provided that the facility, at its proposed maximum buildout, has been proven to be no more intense than other permitted land uses in the same general vicinity and the same zoning district. To this end, an Equivalent Impact Study (EIS) shall be prepared for the proposed self-storage facility, which shall determine its maximum allowed gross floor area based upon the comparable traffic generation of other existing permitted land uses in the same general vicinity and the same zoning district, constructed at the maximum allowed FAR of the zoning district.

5.03.360: Senior Citizen Housing Developments

A. Purposes. The purpose of this Section is to establish minimum standards, regulations and incentives for the development of senior citizen housing, and low income senior citizen housing within the City's commercial zoning districts, in a manner that is consistent with the Policy Plan component of The Ontario Plan, this Development Code, and State Density Bonus Law (GC Section 65915).

B. Applicability. Senior Citizen Housing Developments shall be allowed on property located pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

C. Definitions. For purposes of this Section, the words or phrases listed below, in correct alphabetical order, shall have the meanings thereafter specified:

Affordable Housing Cost for Owner Occupied Low Income Household. The affordable housing costs as defined in HSC Section 50052.5, exclusive of subdivision (a).

Affordable Housing Cost for Owner Renter Occupied Low Income Household. The affordable housing costs as defined in HSC Section 50053, exclusive of subdivision (a).

Affordable Housing Cost for Owner Occupied Very Low Income Household. The affordable housing costs as defined in HSC Section 50052.5, exclusive of subdivision (a).

Affordable Housing Cost for Owner Renter Occupied Very Low Income Household. The affordable housing costs as defined in HSC Section 50053, exclusive of subdivision (a).

Density Bonus Waivers and Modifications. Those waivers and modifications of City development standards granted by City to Owner of a senior citizen housing development defined as conditions affecting the physical location or type of construction of the senior citizen housing development structure and do not include use restrictions, procedural requirements, and fees as more particularly described in GC Section 65915(o)(1).

Low Income Households (Lower Income Households). Households, as defined in HSC Section 50079.5, paying Affordable Housing Costs or Affordable Rents for a Senior Citizen Housing unit.

Very Low Income Households. Households, as defined in HSC Section 50105 paying Affordable Housing Costs or Affordable Rents for a Senior Citizen Housing unit.

D. **Base Density.** Within residential zoning districts, the base density for a Senior Citizen Housing Development shall be pursuant to the development standards of the respective zoning district. Within nonresidential zoning districts, the base density for a Senior Citizen Housing Development shall be as follows:

<i>Base Density (in DU/Acre)</i>	<i>Districts</i>		
	<i>CN</i>	<i>CC</i>	<i>MU-1</i>
	25	25	25

E. **Density Bonus.**

1. In addition to the base density provided by Subsection D, above, senior citizen housing developments within residential zoning districts shall be eligible for a density bonus as provided in State density bonus law, as prescribed in Subsection 6.01.010.G (Density Bonus and Other Incentives) of this Development Code. Nonresidential zoning districts shall be eligible for a density bonus as provided in State density bonus law, as follows:

<i>Density Bonus (in percentage/units)</i>	<i>Districts</i>		
	<i>CN</i>	<i>CC</i>	<i>MU-1</i>
	20%	20%	20%

2. For senior citizen housing developments using the density bonus provisions of State density bonus law, a density bonus regulatory agreement securing the use of the senior citizen housing development by qualified senior citizens shall also be required. The density bonus regulatory agreement shall be recorded against the property and shall be in a form acceptable to the City Attorney.

3. The density bonus provisions shall apply to senior citizen housing developments consisting of 5 or more dwelling units, exclusive of a caretaker’s unit. All density calculations resulting in fractional units shall be rounded up to the next whole number.

4. Pursuant to State density bonus law, applicants for senior citizen housing developments may request certain waivers and modifications of the City’s development standards. For purposes of considering such requests for waivers and modifications of development standards, the “development standards” shall be defined as conditions affecting the physical location or type of construction of the senior citizen housing project, and do not include use restrictions, procedural requirements, and fees as more particularly described in GC Section 65915(o)(1).

5. Use of the senior citizen housing development for use by senior citizen households shall be secured via use of covenants and/or agreements recorded against the property in a form acceptable to the City Attorney.

F. **Affordability Bonus for Senior Citizen Housing Developments.**

1. In addition to the base density provided by Subsection D and the density bonus authorized by Subsection E of this Section, senior citizen housing developments shall be eligible for an additional density bonus of 10% above the total number of units that can be constructed (base density plus density bonus) whenever an applicant makes at least 50% of the additional units affordable (affordable rental units or affordable for-sale housing) to very low and/or low income

senior citizen households. In example, a senior citizen housing development that is entitled to construct 100 units, may construct 10 additional units when it makes 5 of those units available to very low and/or low income senior citizen households.

2. All density calculations resulting in fractional units shall be rounded up to the next whole number, including the determination of affordable units. Use of the affordability bonus provided in this Section shall be subject to the senior citizen housing development meeting the development standards contained in this Section.

3. Affordability of the units for very low and/or low income senior citizen households shall be secured via use of covenants and/or agreements for a minimum term of 45 years for ownership units and 55 years for rental units. The affordability covenants/agreement shall be in a form acceptable to the City Attorney.

G. Senior Citizen Housing Locational Criteria. A request for Conditional Use Permit approval of a senior citizen housing development shall be reviewed pursuant to the extent to which the senior citizen housing development substantially complies with each of the following locational criteria:

1. Transit Amenities. The site is within one-quarter mile of a transit station, rail station, commuter rail station or bus station, or bus stop with service at least every 30 minutes during the hours of 7:00AM to 9:00AM, and 4:00PM to 6:00PM.

2. Parks and Open Space. The site is within one-quarter mile of a public park (not including school grounds, unless there is a bona fide, formal joint use agreement between the City and the school district providing availability to the general public of the school grounds and/or facilities) or a community center, senior citizen center, or other facility offering daily services specifically designed for senior citizens, which is open to the general public.

3. Library. The project site is within one-quarter mile of a public library, or senior or community center, which contains a library.

4. Daily Shopping Opportunities. The project site is within one-quarter mile of a grocery store/supermarket where staples, fresh meat, and fresh produce are sold.

5. Medical Facilities. The project site is within one mile of a medical clinic or hospital (not merely a private doctor's office).

6. Pharmacy. The project site is within one mile of a pharmacy or supermarket containing an interior pharmacy.

H. Senior Citizen Housing Development Amenities. A request for Conditional Use Permit approval of senior citizen housing development shall be reviewed pursuant to the extent to which the senior citizen housing development substantially complies with one or more of the following development amenities:

1. High speed internet service is provided in each unit (free of charge to the tenants) or within a group activity room within the senior citizen housing development.

2. The senior citizen housing development will provide a bona fide service coordinator available on the premises to assist with activities of daily living, or provision of counseling services, social event planning, and/or concierge service.

3. The Senior Citizen Housing Development will provide exercise facilities on the premises.

I. Senior Citizen Dwelling Unit Standards. Notwithstanding any other provision of this Section, the minimum floor area for each residential unit for senior citizen use shall be as follows:

1. Bachelor or studio-type dwelling units: Four hundred fifty (450) square feet;
2. One-bedroom dwelling units: Five hundred fifty (550) square feet; and
3. Two-bedroom dwelling units: Six hundred fifty (650) square feet.

J. Senior Citizen Development Parking Standards. Notwithstanding any other provision of this Development Code, the number of parking spaces required to be provided for senior citizen housing developments may be as low as 0.25 spaces per rental dwelling unit and as high as 1.0 space per for-sale dwelling unit. The actual ratio shall be determined at the time of project approval for the use and shall be based upon a parking demand study to be prepared by a qualified traffic consultant or engineer. Ten percent of the parking spaces provided shall be designated as parking for the physically impaired (“handicapped parking spaces”). In determining the number of parking spaces required, the following factors, as well as any other relevant factors, shall be considered:

1. The number of employees required by the use, whether such employees will reside on the premises, and hours during which any nonresident employees will be employed;
2. The availability of public transportation;
3. Whether residents of the use will be eligible for government rent subsidies;
4. The degree to which on-site provision of services and facilities will affect the need of residents to leave the site; and
5. The proximity of facilities and services to the site. Where appropriate, employee parking on the site shall be separately identified and shall be available only to employees.
6. Other Development Standards. Except as provided by this Section, additional development standards for senior citizen housing developments shall be those applicable to residential uses in such underlying zoning districts.

5.03.365: Single-Family Dwellings

Within the MDR-25 and HDR-45 zoning districts, single-family dwellings shall only be allowed:

A. On legally established lots having a gross area that is less than the minimum required by the base zoning district pursuant to Table 6.01-3 (Multiple-Family Residential Development Standards); and

B. On legally established lots having a gross area that results in a density calculation of less than the allowed density range for the base zoning district pursuant to Table 6.01-3 (Multiple-Family Residential Development Standards) of this Development Code.

5.03.370: Single Room Occupancy (SRO) Facilities

The following standards shall govern the establishment and operation of SRO facilities:

- A. A minimum of one full common kitchen shall be provided on each floor (story) if full kitchens are not provided within each unit. For the purposes of this provision, a full kitchen shall include a range or stove and oven, sink, and refrigerator.
- B. If complete bathrooms are not provided in each unit, shared showers shall be provided at a ratio of one shower for each 8 residents, or fraction thereof, on the same floor. Lockers shall be provided for use of the residents.
- C. An SRO facility shall not be located within 500 FT, as measured in a straight line from any point along the outer boundaries of the property containing the use, of any public or private school for children under the age of 18, church, child daycare center, family child daycare facility, or any existing SRO facility.
- D. A comprehensive management plan shall be submitted with applications for conditional use permits. The plan shall include the company or agency responsible for resident selection, day-to-day maintenance of the facility, proposed security arrangements and background information and references for the proposed management company or agency.

5.03.375: Soap, Cleaning Compound, and Toilet Preparation Manufacturing

Within the IP zoning district, the development of new soap, cleaning compound, and toilet preparation manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.380: Sound (Audio) Recording Facilities

Within the OL, OH and IH zoning districts, sound (audio) recording facilities shall only be allowed in conjunction with a permitted or conditionally permitted land use. Standalone sound recording facilities within these zoning districts shall be prohibited.

5.03.385: Spring and Wire Product Manufacturing

Within the IP zoning district, the development of new spring and wire product manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.390: Tattooing, Body Piercing, Branding, and the Application of Permanent Cosmetics

The below-listed standards shall govern the establishment and operation of body art services in the City. For the purposes of this section, "body art services" shall mean tattooing, body piercing, branding, or the application of permanent cosmetics, excepting the piercing of an ear with a

disposable, single-use, presterilized stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

A. Every person and every business engaged in body art and/or permanent cosmetics services shall comply with all applicable provisions of the Safe Body Art Act (HSC Section 119300 et seq.).

B. Every person and every business engaged in body art and/or permanent cosmetics services shall obtain a health permit from the San Bernardino County Division of Environmental Health Services prior to commencement of the business activity.

C. A person proposing to construct, remodel, or revise a body art and/or permanent cosmetics facility shall first submit plans to the Ontario Planning Department and the San Bernardino County Division of Environmental Health Services for review and approval, prior to construction.

5.03.395: Temporary and Interim Land Uses, Buildings, and Structures

The following temporary and interim land uses shall be allowed upon the issuance of an Administrative Use Permit by the City pursuant to Section 4.03.015 (Administrative Use Permit) of this Development Code:

A. **Interim Farming Activities on Vacant or Underdeveloped Lands.** Farming activities may be established and operated as an interim use on vacant or underdeveloped lands pursuant to the requirements of Subsection 5.03.405.F (Urban Farms) of this Division.

B. **Model Homes.** The following standards shall govern the design and establishment of model homes:

1. Access shall meet the requirements of the Americans with Disabilities Act.
2. Any "trap" fencing shall be located on private property.
3. Any garage used as a sales office shall be converted back to a garage prior to dwelling occupancy.
4. A model complex consisting of 3 or more model homes shall develop and improve a separate lot to accommodate off-street parking, which shall be provided pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code.
5. Subdivisions of 8 or more dwellings having at least one model home that is landscaped, shall demonstrate by installed landscape and irrigation, the principles of water-efficient landscaping and irrigation.
6. The developer of model homes constructed prior to the recordation of a final map for the subdivision containing the model homes, shall enter into a model home agreement with the City, in a form satisfactory to the City Attorney, to ensure that the model homes will not be sold prior to recordation of the final map, and that the model homes will be demolished and removed should the final map not record within a period acceptable to the City.

7. The project proponent shall remove the model homes and their appurtenances from the affected property within 30 days following the expiration of the Administrative Use Permit.

8. In approving a model home facility, the Reviewing Authority may require the installation of certain minimum improvements, such as paved parking, lighting and landscaping, and other improvements necessary to ensure and protect the public health, safety, and welfare.

9. To ensure removal of model homes and their appurtenances within the required period, the Reviewing Authority may require the project proponent provide a performance guarantee pursuant to Division 2.06 (Performance Guarantees) of this Development Code, in the amount of \$10,000. The performance guarantee may be utilized by the City to pay any fees and costs incurred by the City, which is associated with the enforcement of Paragraphs A.1 through 8, above, and any conditions of Administrative Use Permit approval imposed by the Reviewing Authority.

C. Street Fairs. Street fairs may be allowed within any commercial or mixed-use zoning district.

D. Temporary Alcoholic Beverage Sales. Temporary alcoholic beverage sales for consumption on the premises may be allowed within nonresidential zoning districts in conjunction with a temporary activity, display, or event for which an Administrative Use Permit is granted pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code.

E. Temporary Buildings and Structures. Temporary buildings and structures, including, but not limited to, trailers and prefabricated (“modular”) buildings, and appurtenances thereto, may be allowed within any residential, commercial, mixed-use, industrial, specialized use, or overlay zoning district, subject to the following:

1. The Planning Director may approve temporary buildings and structures for an initial 2-year period, which shall be granted pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code. The time in which the approval expires may be extended by the Reviewing Authority for a maximum of 2 one-year periods.

2. Temporary buildings and structures requested for periods in excess of the maximum 4 years allowed pursuant to Paragraph E.1, above, may be allowed for periods not to exceed a total of 10 years, subject to Conditional Use Permit approval, granted pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code.

3. In approving temporary buildings and structures, the Reviewing Authority may require the installation of certain minimum improvements, such as paved parking, lighting and landscaping, and other improvements necessary to ensure and protect the public health, safety, and/or welfare.

4. The project proponent shall remove the temporary building(s) or structure(s), and any appurtenances thereto, from the affected property within 30 days following the expiration of project approval.

5. To ensure removal of a temporary building or structure, and all appurtenances thereto, within the required period, the Reviewing Authority may require the project proponent provide a performance guarantee pursuant to Division 2.06 (Performance Guarantees) of this Development Code, in the amount of \$10,000. The performance guarantee may be utilized by the City to pay any fees and costs incurred by the City, which is associated with the enforcement

Paragraphs F.1 and F.3, above, and any conditions of Administrative Use Permit or Conditional Use Permit approval, as applicable, imposed by the Reviewing Authority.

F. Temporary Facilities. Temporary facilities, such as parking lots for interim use, may be allowed within any residential, commercial, mixed-use, industrial, specialized use, or overlay zoning district, subject to the following:

1. The Planning Director may approve temporary facilities for an initial 2-year period, which shall be granted pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code. The time in which the approval expires may be extended by the Planning Director a maximum of 2 one-year periods.

2. Temporary facilities requested for periods in excess of the maximum 4 years allowed pursuant to Paragraph E.1, above, may be allowed for periods not to exceed a total of 10 years, subject to Conditional Use Permit approval, granted pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code.

3. In approving a temporary facility, the Reviewing Authority may require the installation of certain minimum improvements, such as paved parking, lighting and landscaping, and other improvements necessary to ensure and protect the public health, safety, and/or welfare.

4. The project proponent shall remove the temporary facility and all appurtenances thereto from the affected property within 30 days following the expiration of the Administrative Use Permit.

5. To ensure removal of a temporary facility and all appurtenances thereto within the required period, the Reviewing Authority may require the project proponent provide a performance guarantee pursuant to Division 2.06 (Performance Guarantees) of this Development Code, in the amount of \$10,000. The performance guarantee may be utilized by the City to pay fees and costs incurred by the City, associated with the enforcement of Paragraphs E.1 and E.3, above, and any conditions of Administrative Use Permit or Conditional Use Permit approval, as applicable, imposed by the Reviewing Authority.

G. Temporary Outdoor Activities, Displays, Events, and Sales. Temporary outdoor sales, displays, and activities may be allowed within any commercial, mixed-use, industrial, or specialized use zoning district, and within residential zoning districts in conjunction with a legally established religious assembly land use, subject to the approval of an Administrative Use Permit pursuant to Section 4.03.015 (Administrative Use Permit) of this Development Code, and are further classified as follows:

1. Retail Sales Events. Retail sales events include special outdoor sales, sidewalk sales and parking lot sales, and are subject to the following:

a. A retail sales event shall only be allowed in conjunction with a legally established business that has been operated for a period of at least 180 days prior to the retail sales event.

b. Retail sales events shall be limited to the holiday sale periods of President's Day, Memorial Day, Independence Day and Labor Day, and 4 additional periods per calendar year, for each business location. The additional periods may be used consecutively.

c. Retail sales events shall be limited to maximum 7 days duration.

d. The outdoor display of merchandise shall be restricted to an area directly adjacent to the business' exterior storefront; however, in the case of shopping centers, when it is not practical for the outdoor display area to be located directly adjacent to the business front, the sale area shall be located in an area as close as practically possible, to the business' exterior storefront.

e. The display of merchandise shall not impede pedestrian or vehicular circulation.

f. All merchandise, materials, signs and debris shall be removed from the outdoor area by 9:00AM following the last day of the retail sales event.

2. Holiday Retail Sales. Holiday retail sales include Christmas tree and pumpkin sales, and shall be limited to 30 days duration, 2 times per calendar year, for each business location.

3. Shows and Exhibits. Religious, historic, patriotic, or other similar outdoor displays may be permitted within a yard, parking lot or landscaped area, by or for the benefit of nonprofit organizations, subject to the following:

a. Shows and exhibits shall be limited to 30 days duration within any 90-day period.

b. The show or exhibit shall not impede pedestrian or vehicular traffic.

c. Shows and exhibits shall not be conducted within 1,000 FT of any residential land use, as measured in a straight line from any point along the outer boundaries of the property containing the show or exhibit. This separation requirement may be reduced by the Planning Director, provided the type and size of event proposed could in no way adversely affect residential land uses.

d. All equipment, materials, signs, and debris shall be removed from the outdoor area by 9:00AM following the last day of the display.

4. Amusement and/or Sporting Events. Bazaars, circuses, carnivals, rodeos, pony rides and other similar temporary amusement and/or sporting events may be permitted, subject to the following:

a. Events shall be limited to 2 periods of 7 days duration per calendar year, for each event location. The 2 event periods may be used consecutively.

b. Events shall not be conducted within 1,000 FT of any residential zoning district, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the event. This separation requirement may be reduced by the Planning Director, provided the type and size of event proposed could in no way adversely affect residential land uses.

c. All equipment, materials, signs, and debris shall be removed from the event location by 9:00AM following the last day of the event.

5. Tent Revivals. Tent revivals and other similar temporary events involving the large assemblage of people and/or equipment within a temporary structure or in the open air, may be permitted, subject to the following:

a. Tent revivals shall be limited to 2 periods of 7 days duration per calendar year, for each event location. The 2 event periods may be used consecutively.

b. Tent revivals shall not be conducted within 1,000 FT of any residential land use, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the tent revival. This separation requirement may be reduced by the Planning Director, provided the type and size of event proposed could in no way adversely affect residential land uses.

c. All equipment, materials, signs, and debris shall be removed from the event location by 9:00AM following the last day of the event.

6. Charitable and Fund Raising Events. Fund raising events for charitable organizations and other non-profit organizations, such as churches, schools, clubs, and other similar organizations, may be permitted to hold special outdoor fund raising events, hosted by and in conjunction with a legally established commercial or industrial land uses, subject to the following:

a. Charitable and fund raising events shall be limited to the holiday periods of President's Day, Memorial Day, Independence Day and Labor Day. Twelve additional events per calendar year shall also be permitted per location, not to exceed one event per month per location. Events shall be limited to a maximum of 4 days duration.

b. Charitable and fund raising events shall be restricted to an area directly adjacent to the host business' exterior; however, when it is impractical for the event to be located directly adjacent to the host business, such as in the case of a commercial shopping center, the event shall be located in an area as close as practically possible to the host business' exterior.

c. Charitable and fund raising events shall not impede pedestrian or vehicular circulation.

d. All equipment, materials, signs, and debris shall be removed from the event location by 9:00AM following the last day of the event.

H. Temporary Produce Stands. Temporary produce stands may be established and operated pursuant to the requirements of 5.03.410.E.2.d (Community Garden On-Site Produce Sales) and 5.03.410.F.d.2 (Urban Farm On-Site Produce Sales) of this Division.

I. Temporary Real Estate Sales, Lease and Rental Offices. Temporary real estate sales, lease, and rental offices may be allowed within any residential, commercial, mixed-use, industrial, specialized use, or overlay zoning district, subject to the following:

1. A temporary real estate sales, lease, or rental office shall be located a minimum of 200 FT from any existing dwelling outside of the subdivision or development project.

2. A temporary real estate sales, lease, or rental office may be established within a model dwelling, or within a temporary structure specifically designed for the use and approved pursuant to Subsection E (Temporary Office Structures) of this Section.

3. A certificate of occupancy for a temporary real estate sales, lease, or rental office shall not be issued until after a subdivision has been recorded with the San Bernardino County Recorder, or a building permit has been issued for a multiple-family development project.

4. Temporary real estate sales, lease, or rental offices shall be removed from the site within 30 days following the sale, lease, or rental of the last dwelling unit.

5. Comply with all provisions of Division 8.1 (Sign Regulations) pertaining to temporary real estate sales, lease, and rental signs.

J. **Temporary Wireless Telecommunications Facilities.** Temporary wireless telecommunications facilities may be allowed to fulfill short-term wireless capacity and/or coverage needs of the community, resulting from special activities or events for which a Temporary Use Permit has been approved, or to serve areas experiencing short-term population increases which the existing wireless telecommunications system cannot adequately support, such as seasonal retail sales, and other City-supported activities/events.

1. The Planning Director may approve short-term temporary wireless telecommunications facility pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code. Should the City determine that a temporary wireless telecommunications facility is needed to fulfill the short-term wireless capacity and coverage needs of the community, an application for the short-term temporary wireless telecommunications facility, and applicable processing fees, shall be submitted for review and approval by the City. Furthermore, the following shall be imposed as a condition of application approval:

a. The short-term temporary wireless telecommunications facility may remain in place for a period of 90 days from date of installation. The time in which the approval expires may be extended for a maximum of 2 periods of 90 days duration, each, for a total of 270 days.

b. Engineered plans and drawings (if required) to erect the temporary wireless telecommunications facility are to be submitted to the Building and Planning Departments for review and approval. All applicable building permits shall be required.

c. If a generator is to be provided to operate or provide backup power to the temporary wireless telecommunications facility, all applicable requirements of OMC Chapter 29 (Noise) of Title 5 (Public Welfare, Morals and Conduct) shall be complied with.

d. An agreement with the City and the posting of a \$10,000 bond shall be required for any short-term temporary wireless telecommunications facility. The agreement shall state the applicant's concurrence with the temporary nature of the permit and the acceptance of the conditions of approval. The bond shall secure the applicant's obligations to immediately remove approved facility upon expiration of the use permit. (Note: The bond requirement may be waived by the Development Agency Director.)

5.03.400: Thrift and Secondhand Stores, and Used Goods Stores

The on-site collection of salvageable personal property in conjunction with thrift and secondhand stores, and used goods stores, shall be prohibited, except as allowed by Section 5.03.320 (Personal Property Collection Bins) of this Division.

5.03.405: Temporary Shelters and Supportive Housing

The following standards shall govern the establishment and operation of Supportive Housing for the homeless families, persons with disabilities and homeless youth, and Temporary Shelters, including Emergency Shelters, Transitional Housing, and Transitional Living Centers.

A. General Requirements.

1. No portion of any Temporary Shelter or Supportive Housing facility shall be located within 300 FT of another such facility that is constructed, or that is approved for construction.

2. Temporary Shelters and Supportive Housing facilities shall observe State and Federal Fair Housing regulations and standards.

3. No more than one Federal, State, or Youth Authority parolee shall be allowed to live in a Temporary Shelter or Supportive Housing facility.

4. An application submitted for approval of a Temporary Shelter or Supportive Housing facility shall identify whether any boarders are currently Federal, State, or Youth Authority parolees. Owners and/or operators of Temporary Shelters and Supportive Housing facilities shall update the information required by this Section anytime a person that is a Federal, State, or Youth Authority parolee is provided accommodations at the facility.

5. All Temporary Shelters and Supportive Housing facilities shall require boarders to sign a Crime Free Lease Addendum as part of their lease or rental agreement (as applicable), which provides that any criminal violations perpetrated by boarders shall be grounds for termination of the written or oral lease, sublease, or agreement under which they reside at the temporary/transitional shelter or housing.

6. Temporary Shelters and Supportive Housing facilities shall be operated in full compliance with all applicable requirements of this Development Code. Violation of any local, State, or Federal laws by individual boarders while on the premises shall be grounds for Conditional Use Permit (if applicable) and/or business license revocation, including but not limited to, violations of PC Section 3003.5.

7. No Temporary Shelter or Supportive Housing facility shall be maintained as a nuisance. The conduct of any Temporary Shelter or Supportive Housing facility within the City, in violation of any of the terms of this Article or other applicable provisions of this Development Code found and declared to be a public nuisance, and the City Attorney or the District Attorney may, in addition or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and injunction thereof, in the manner provided by law; and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such Temporary Shelter or Supportive Housing facility, and restrain and enjoin any person from conducting, operating or maintaining a Temporary Shelter or Supportive Housing facility contrary to the provisions of this Article or Development Code.

8. Any owner, operator, manager, employee or independent contractor of a Temporary Shelter or Supportive Housing facility violating or permitting, counseling, or assisting the violation of any of the provisions of this Article or applicable provisions of this Development Code regulating Temporary Shelters and Supportive Housing facilities shall be subject to any and all civil and criminal penalties pursuant to OMC Title 1, Chapter 2 (Penalty Provisions), and/or

administrative citations pursuant to OMC Title 1, Chapter 5 (Administrative Citations). All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.

9. For those Temporary Shelters and Supportive Housing facilities that require Conditional Use Permit approval pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, violation of any of provision of this Section, or the Conditional Use Permit authorizing the Temporary Shelter or Supportive Housing facility, shall be grounds for revocation of the Conditional Use Permit pursuant to the provisions of Division 2.05 (City Initiated Modification or Revocation) of this Development Code.

10. Temporary Shelters and Supportive Housing facilities shall be prohibited within ALUCP safety zones.

11. Temporary Shelters and Supportive Housing facilities shall be in compliance with all requirements of this Development Code at all times, as well as any applicable provisions of the Ontario Municipal Code, including obtaining any other permits or licenses, such as building permits or a business license, required before establishing, expanding or maintaining the use.

B. Emergency Shelters. When allowed by Table 5.02-1 (Land Use Matrix) of this Development Code, Emergency Shelters shall be subject to the following standards:

1. The maximum length of stay for an Emergency Shelter client shall be 6 months.
2. On-site management shall be provided during the hours that the Emergency Shelter is in operation.
3. On-site security shall be provided during the hours that the Emergency Shelter is in operation.
4. No more than 20 client/tenant beds shall be allowed within any Emergency Shelter.
5. An intake waiting area equal to a minimum of 10 SF for each client/tenant bed shall be provided.
6. The exterior of the intake waiting areas shall be screened from public view by a 6-FT high decorative masonry block wall and appropriate landscaping.
7. A storage area for use by clients/tenants shall be provided at a rate of 7 SF for each client/tenant bed. A storage area is not required to be provided adjacent to the respective client/tenant bed.
8. An emergency shelter shall provide lavatory, toilet, and shower facilities adequate for the number of clients/tenants served; however, a minimum of one such facility shall be provided for each 15 client/tenant beds.

5.03.410: Urban Agriculture

A. Purpose. The purpose of these urban agriculture regulations is to create a more sustainable and secure local food system by increasing opportunities to grow and sell food within all zoning districts of the City.

B. Applicability. The urban agriculture regulations established by this Section govern the establishment and operation of agricultural activities and facilities within all zoning districts of the City. The regulations established by this Section recognize 5 different urban agricultural activities, including Animal Keeping and Production; Commercial Crop Production and Farming; Community Gardens; Urban Farms; and On-Site Produce Sales Stands.

C. Animal Keeping and Production.

1. Residential Animal Keeping.

a. Allowed Activities/Facilities. Residential animal keeping shall be maintained only as an ancillary use to single-family dwellings, and shall be maintained only for noncommercial hobby or show purposes, or for the personal enrichment of City residents, as follows:

(1) **Residential Zones.** Residential animal keeping is permitted by right within the AR-2 and RE-2 zoning districts in conjunction with a single-family dwelling. Furthermore, the keeping of 4 or fewer household pets is permitted by right within all residential and mixed-use zoning districts, and within the AG and MHP zoning districts, in conjunction with a single-family or multiple-family dwelling.

(2) **Commercial Zones.** Residential animal keeping is prohibited within all commercial zoning districts.

(3) **Mixed-Use Zones.** Residential animal keeping is limited to the keeping of household pets within all mixed-use zoning districts.

(4) **Industrial Zones.** Residential animal keeping is prohibited within all industrial zoning districts.

(5) **Specialized Use Zones.** Residential animal keeping is permitted by right within the AG zoning district. Furthermore, the keeping of 4 or fewer household pets is permitted within the MHP zoning district.

b. Land Use Standards. The following standards govern residential animal keeping activities and facilities:

(1) **General Requirements.**

(a) **Animals At Large**—It shall be unlawful for any person within the City having the care, charge, control, or possession of any animal, fowl or bird to permit it to be, remain, go, or run at large upon any public street, alley, or unenclosed lot or land in the City, except dogs on leashes, cats, racing homing pigeons during runs, an animal in a vehicle, or a horse mounted or led by a responsible person. Animals shall be secured by a fence or wall at least 5 FT in height when out of doors.

(b) Sanitation of Premises—

(i) Every person owning or occupying property within the City upon which any animal, fowl, or bird is kept shall maintain the property and any stable, barn, stall, pen, coop, building, or place thereon in which animals are kept, in a clean and sanitary condition so as not to be detrimental to the public health.

(ii) Proper management of animal waste shall be carried out pursuant to all requirements of the State Regional Water Quality Control Board or regulating agency.

(c) Proximity of Animals to Yards, Property Lines, Dwellings and Residential Accessory Structures—

(i) It shall be unlawful in residential zones of the City to keep any animal, except household pets, within 20 FT of any property line.

(ii) It shall be unlawful for any person to keep any animal, other than household pets, within 50 FT (70 FT for swine) of any structure, other than that of the owner, which is used for human habitation, or for educational, health care, social assistance, religious assembly, food service, or governmental purposes, except as allowed by Subparagraph (iii), below.

(iii) It shall be unlawful for any person to keep any hobby, show or game bird, fowl, or rabbit, other than a household pet, within 30 FT of any structure, other than that of the owner, which is used for human habitation, or for educational, health care, social assistance, religious assembly, food service, or governmental purposes.

(iv) No animal is to be stabled, kept, or maintained in any front or street-side yard area.

(d) Nonconforming Animal Keeping Activities. Animal keeping that becomes non-conforming by reason of new development on neighboring properties may be continued; provided, the nonconforming activity maintains compliance with the provisions of Division 3.01 (Nonconforming Lots, Land Uses and Structures) of the Ontario Development Code.

(e) Maximum Animal Keeping Densities. Table 5.03-7 (Maximum Animal Keeping Densities as an Accessory Use), below, establishes the maximum number of animals that may be maintained on a lot, provided the particular animal type is allowed pursuant to Table 5.01-1 (Land Use Matrix) of the Ontario Development Code. The maximum animal densities are based upon net lot area; however, any portion of a lot used to qualify one animal type shall not be used to qualify another animal type.

Table 5.03-7: Maximum Animal Keeping Densities as an Accessory Use

<i>Animal Type</i>	<i>Maximum Animal Density</i>
A. Birds	One animal for each 1,000 SF of lot area, except that within the AR-2 zoning district, maximum animal density may be increased as determined by a Conditional Use Permit
B. Cattle and Buffalo	One animal for each 6,000 SF of lot area

Table 5.03-7: Maximum Animal Keeping Densities as an Accessory Use

<i>Animal Type</i>	<i>Maximum Animal Density</i>
C. Exotic Pets	As determined by Conditional Use Permit
D. Horses	One animal for each 6,000 SF of lot area
E. Household Pets	Pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, not to exceed 8 animals
F. Llamas, Alpacas, Burros, Donkeys, and Mules	One animal for each 4,000 SF of lot area
G. Ostriches, Emus, and Rheas	One animal for each 6,000 SF of lot area
H. Poultry and Fowl	One animal for each 1,000 SF of lot area
I. Rabbits and Chinchillas	One animal for each 1,000 SF of lot area
J. Swine	One animal for each 20,000 SF of lot area, not to exceed 3 animals
K. Sheep, Goats (female only), and Similar Livestock	One animal for each 3,600 SF of lot area

(2) Keeping of Exotic Pets. The keeping of exotic pets shall be allowed only in conjunction with, and accessory to, a single-family dwelling, subject to the following standards:

(a) The keeping of exotic animals shall require approval of a Conditional Use Permit pursuant to Section 4.02.025 (Conditional Use Permits) of the Ontario Development Code.

(b) The approval of a Conditional Use Permit for an exotic animal shall not be effective until the Reviewing Authority receives written evidence that the applicant has obtained a permit from the State Department of Fish and Game, if required.

(c) The keeping of an exotic animal shall comply with all applicable Federal and State laws and requirements.

(3) Keeping of a Potbellied Pig. The keeping of a potbellied pig as a household pet shall only be allowed in the AR-2, RE-2, RE-4, and LDR-5 zoning districts, in conjunction with, and ancillary to, a traditional single-family dwelling, subject to the following standards:

(a) For the purposes of this Section, the term "potbellied pig" shall mean a domesticated miniature Vietnamese, Chinese, or Asian potbellied pig, not exceeding 90 pounds in weight and 18 inches in height (measured at the shoulder) and characterized by a swayed back and straight tail.

(b) Potbellied pigs shall be provided with a fenced yard designed to assure confinement of the animal when kept outside. Yard areas shall be maintained in a clean, safe, and odor-free condition.

(c) There shall be no more than one potbellied pig permitted on a lot.

(d) Potbellied pigs shall be licensed in the same manner as dogs, subject to the same restrictions and penalties, pursuant to the provisions of OMC Title 6 (Sanitation and Health).

(e) The breeding of potbellied pigs shall not be permitted. All potbellied pigs shall be spayed or neutered.

(f) Prior to licensing of a potbellied pig, veterinary certification shall be required stating:

(i) The pig is spayed or neutered;

(ii) The pig is in good health and has received all necessary vaccinations; and

(iii) The height and weight of the potbellied pig.

(g) All male potbellied pigs 2 years of age or older shall have their tusks removed.

(h) While outside the owner's premises or property, potbellied pigs shall be restrained by a harness and leash, or other similar restraint, no more than 6 FT in length.

(4) Male Goats. It shall be unlawful to keep any male goat that is not neutered.

(5) Poisonous or Otherwise Dangerous Reptiles. It shall be unlawful to keep any poisonous or otherwise dangerous reptile, as determined by the Zoning Administrator.

(6) Crowing Fowl. It shall be unlawful for any person to keep any crowing rooster, peacock, guinea fowl, or any other fowl that by sound or cry shall unreasonably disturb the peace and quiet of a neighborhood.

2. Commercial Animal Production.

a. *Allowed Activities/Facilities.* Commercial animal production includes cattle ranching and farming; sheep and goat farming; aquaculture; apiculture, horse, and other equine production; fur-bearing animal production; kennels and catteries, alpaca and llama production; aviaries; ostrich, emu and rhea production; and support activities for animal production. Commercial animal production is allowed as a primary use of land, as follows:

(1) Residential Zones. Commercial animal production is prohibited within residential zoning districts, except that within the AR-2 zoning district, kennels and catteries having fewer than 8 animals shall be permitted as a Home Occupation pursuant to the requirements of the Section 5.03.240 of this Development Code.

(2) Commercial Zones. Commercial animal production is prohibited within commercial zoning districts, except that kennels and catteries, for the purpose of boarding only, shall be allowed within the CC and CR zoning districts in conjunction with veterinary and/or animal hospital services (NAICS 541940), pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

(3) **Mixed-Use Zones.** Commercial animal production is prohibited within mixed-use zoning districts.

(4) **Industrial Zones.** Commercial animal production is prohibited within industrial zoning districts, except that kennels and catteries shall be allowed within the IL and IH zoning districts pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

(5) **Specialized Use Zones.** Commercial animal keeping is conditionally permitted (requires Conditional Use Permit approval pursuant to the requirements of Section 4.02.015 of this Development Code) within the AG zoning district on lots no less than 2 acres in area (20,000 SF for farms exclusively for small animal keeping), except apiculture (bee keeping and production), which is permitted by right within the AG, ONT, and UC zoning districts.

b. *Land Use Standards.* The following standards shall govern the development and/or operation of facilities for commercial animal production and related uses:

(1) **Minimum Lot Area.** Animal keeping for animal production and related uses (excludes kennels and catteries, for the purpose of boarding only, in conjunction with veterinary and/or animal hospital services) shall be on a lot of no less than 2 acres in area, except that farms exclusively for small animal keeping, including apiaries, aviaries, rabbit, chinchilla, or other similar small raising, shall be permitted on lots of no less than 20,000 SF in area.

(2) **Animals At Large.** It shall be unlawful for any person within the City of Ontario, which has the care, charge, control, or possession of any animal, fowl or bird to permit it to be, remain, go, or run at large upon any public street, alley, or unenclosed lot or land in the City, except dogs on leashes, cats, racing homing pigeons during runs, an animal in a vehicle, or a horse mounted or led by a responsible person.

(3) **Sanitation of Premises.**

(a) Every person owning or occupying property within the City upon which any animal, fowl, or bird is kept shall maintain the property and any stable, barn, stall, pen, coop, building, or place thereon in which animals are kept, in a clean and sanitary condition so as not to be detrimental to the public health.

(b) Proper management of animal waste shall be carried out pursuant to all requirements of the State Regional Water Quality Control Board or regulating agency.

(4) **Hitching and Tethering Animals.** It shall be unlawful to hitch, tie, or otherwise fasten any horse, cow, or other animal to any tree or shrub within the City, or to tether or hitch for feeding any animal so as to allow the animal to cross any street, sidewalk, or alley within the City.

(5) **Proximity of Animals to Yards, Property Lines, Dwellings and Residential Accessory Structures, and Water Wells.**

(a) It shall be unlawful in residential zones of the City to keep any animal, other than household pets, within 20 FT of any property line.

(b) It shall be unlawful for any person to keep any animal, other than household pets, within 50 FT of any structure, other than that of the owner, which is used for

human habitation, or for educational, health care, social assistance, religious assembly, food service, or governmental purposes, except as allowed by Subparagraph (c), below.

(c) It shall be unlawful for any person to keep any hobby, show or game bird, fowl, or rabbit, other than a household pet, within 30 FT of any structure, other than that of the owner, which is used for human habitation, or for educational, health care, social assistance, religious assembly, food service, or governmental purposes.

(d) No animal is to be stabled, kept, or maintained in any front or street-side yard area.

(e) No animals shall be kept within 100 FT of any domestic water well.

(f) Any new animal feed trough, corral/pen, dairy/feed lot, including manure stockpiles and related wastewater detention basins, shall maintain a minimum 500-FT separation from the boundary of any residential or non-residential subdivision map recorded after January 31, 2000. A reduction in the separation requirement may be considered for facilities with proven means of reducing odors, such as covering lagoons, substituting concrete-lined pits for lagoons, and employing recommended ventilation systems for animal confinement buildings. Consideration of alternative setbacks shall be subject to consultation with qualified agricultural engineers to ensure that the measure will reliably accomplish the intended purpose.

(g) A minimum 100-FT separation shall be maintained between any new residential or nonresidential development, or any structure used for public assembly, and any existing animal feed trough, corral/pen or an existing dairy/feed lot, including manure stockpiles and related wastewater detention basins. The separation requirement may be satisfied by off-site easements acceptable to the Planning Director.

(6) **Nonconforming Animal Keeping Activities.** Areas used for animal keeping that become non-conforming by reason of new development on neighboring properties, may be continued indefinitely; provided, that the nonconforming animal keeping activity maintains compliance with the provisions of Division 3.01 (Nonconforming Lots, Land Uses and Structures) of the Ontario Development Code.

(7) **Maximum Animal Keeping Densities.** Table 5.03-8 (Maximum Animal Keeping Densities for Animal Production), below, establishes the maximum number of animals that may be maintained on a lot, provided the particular animal type is allowed pursuant to Table 5.01-1 (Land Use Matrix) of the Ontario Development Code. The maximum animal densities are based upon net lot area; however, any portion of a lot used to qualify one animal type shall not be used to qualify another animal type.

Table 5.03-8: Maximum Animal Keeping Densities for Animal Production

<i>Animal Type</i>	<i>Maximum Animal Density</i>
A. Alpacas or Llamas	One for each 4,000SF of lot area
B. Cattle or Buffalo (raised for nondairy purposes)	One animal for each 6,000 SF of lot area
C. Dairy Cattle	As permitted by Reviewing Authority [1]
D. Fish	One pond for each acre of lot area, not to exceed 4 ponds per lot. Each pond shall not exceed 0.5-acre in surface area.

Table 5.03-8: Maximum Animal Keeping Densities for Animal Production

<i>Animal Type</i>	<i>Maximum Animal Density</i>
E. Goats	
1. Female	One animal for each 3,000 SF of lot area
2. Male	
a. Lots less than 10 acres in area	One
b. Lots 10 or more acres in area	One animal for each 5 acres of lot area, not to exceed 4 animals
F. Horses and Other Equine	One animal for each 6,000 SF of lot area
G. Kennels and Catteries	One animal for each 3,000 SF of lot area
H. Ostriches, Emus and Rheas	One animal for each 6,000 SF of lot area
I. Rabbits and Chinchillas	50 animals for each 10,000 SF of lot area, not to exceed 200 animals
J. Sheep and similar livestock	One animal for each 3,000 SF of lot area

Notes:

[1] *New or expansions to existing dairy or other animal confinement facilities are considered on a case-by-case basis, subject to Conditional Use Permit approval. Animal density shall be determined by Reviewing Authority, which may impose special operational conditions, requirements, or standards, as deemed necessary to insure the public health and safety. Animal density shall be based on measures to prevent the unacceptable nitrification or salt pollution of soils, and the pollution of groundwater by nitrates and salts emanating from the facility as defined by the Regional Water Quality Control Board.*

3. Aquaculture Production.

a. Aquaculture production shall be primarily for the commercial sale of freshwater and saltwater fish, crustaceans, mollusks, aquatic plants, algae, and other organisms under controlled conditions for food.

b. In the IG and IH zoning districts, aquaculture production shall be limited to building integrated aquaculture that incorporates a holistic design approach that efficiently integrates a closed-loop aquaculture system within the built industrial environment. Pond or pen-based aquaculture systems that are not wholly contained within a building shall be prohibited.

D. Commercial Crop Production and Farming. Commercial Crop Production and Farming is a use in which plants and their products are grown for sale, intended for widespread distribution to wholesalers or retail outlets. Commercial Crop Production and Farming includes oilseed and grain farming; vegetable and melon farming; fruit and tree nut farming; greenhouse, nursery and floriculture production; and other crop farming.

1. Allowed Activities/Facilities. Commercial Crop Production and Farming is allowed as a primary or ancillary use of land, and as an interim land use on vacant and underdeveloped properties, as follows

a. Residential Zones. Commercial Crop Production and Farming is conditionally permitted (requires Conditional Use Permit approval pursuant to the requirements of Section 4.02.015 of this Development Code) within the AR-2 and RE-2 zoning districts and is prohibited within all other residential zoning districts, excepting community gardens and urban farms allowed pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

b. Commercial Zones. Commercial Crop Production and Farming is prohibited within commercial zoning districts, excepting community gardens and urban farms allowed pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

c. Mixed-Use Zones. Commercial Crop Production and Farming is prohibited within mixed-use zoning districts, excepting community gardens and urban farms allowed pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

d. Industrial Zones. Commercial Crop Production and Farming shall be allowed within the IL, IG, and IH zoning districts pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

e. Specialized Use Zones. Commercial Crop Production and Farming shall be allowed within specialized use and overlay zoning districts pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

2. Land Use Standards. The following standards shall govern the establishment and operation of Commercial Crop Production and Farming:

a. *Operational Standards*. The following standards shall govern the operation of Commercial Crop Production and Farming:

(1) A Commercial Crop Production and Farming operation shall not sell plants and produce grown on-site or operate an On-Site Produce Sales Stand, excepting Community Gardens established pursuant to Subparagraph E.2.d (Community Garden On-Site Produce Sales) and Subparagraph F.2.d (Urban Farm On-Site Produce Sales) of this Section.

(2) A Commercial Crop Production and Farming operation shall be designed and maintained to ensure that irrigation and storm water will not drain to adjacent properties or the public right-of-way.

(3) A Commercial Crop Production and Farming operation shall be designed and maintained to prevent dust and other fugitive particles from leaving the site.

(4) A Commercial Crop Production and Farming operation shall be designed and maintained to prevent the uninhibited growth of weeds and the accumulation of debris.

(5) Refuse storage containers, serviced by the City, shall be provided and screened from the public right-of-way. The requirement and placement of storage containers shall be determined by the City.

(6) A storage area for tools, equipment and other materials shall be enclosed and located outside of designated front yard and street side yard setback areas. Storage buildings shall not exceed 120 SF in area and 14 FT in height.

(7) The hours of operation shall be limited to the hours between 7:00AM and dusk.

(8) Lighting for the site shall be reviewed and approved by the Planning and Police Departments. Light shall be for general security and not for nighttime operations.

b. *Composting.* The on-site composting of site-generated refuse shall be prohibited.

E. **Community Gardens.** Community Gardens include small-scale crop production and farming by individuals on multiple plots, or food and/or ornamental crop production on larger plots, which is maintained and grown by volunteers or community groups as a form of recreation, education, and/or community charity. (Note: To ensure the sustainability of a Community Garden, up to 49 percent of the Community Garden may consist of an Urban Farm established in compliance with Subsection F (Urban Farm) of this Section).

1. Allowed Activities/Facilities. Community Gardens are allowed as an interim land use on vacant or underdeveloped land, or as a long-term ancillary land use, as follows:

a. *Residential Zones.* Community Gardens are administratively permitted within all residential zoning districts.

b. *Commercial Zones.* Community Gardens are administratively permitted within all commercial zoning districts.

c. *Mixed-Use Zones.* Community Gardens are administratively within all mixed-use zoning districts.

d. *Industrial Zones.* Community Gardens are administratively permitted within the BP, IP and IL zoning districts. Within the IG and IH zoning districts, Community Gardens shall be prohibited as a permanent use of land; however, the use may be administratively permitted as an interim land use on undeveloped or underdeveloped properties

e. *Specialized Use Zones.* Community Gardens are administratively permitted within all specialized use and overlay zoning districts.

2. Land Use Standards. The following standards shall govern the establishment and operation of Community Gardens:

a. *General Provisions.* Community Garden approval is subject to the granting of an Administrative Use Permit filed pursuant to Section 4.03.015 (Administrative Use Permits) of the Ontario Development Code, and the requirements of this Section. The Administrative Use Permit application shall include a copy of all contract templates that will be utilized between the garden owner/manager and all garden participants. The templates shall include plot maintenance requirements, fee requirements, and any other requirements that would be imposed on the participants of the Community Garden.

b. *Development Standards for Community Gardens.* Community Gardens shall comply with the following operational standards:

(1) The on-site sale of produce for profit is strictly prohibited.

(2) The site shall be designed and maintained to ensure that water will not drain to adjacent properties or the public right-of-way.

(3) The site will be designed and maintained to prevent dust and other fugitive particles from leaving the Community Garden.

(4) Community Gardens shall not use non-organic pesticides or herbicides.

(5) The site shall be designed and maintained to prevent the uninhibited growth of weeds and the accumulation of debris.

(6) Permanent open fencing shall be provided around the perimeter of a Community Garden, such as chainlink, and shall be consistent with the fencing standards of the zoning district in which the Community Garden is located. Furthermore, fenced Community Gardens shall have at least one access gate, and fencing shall be affixed to the ground with steel posts anchored in a concrete footing.

(7) A landscape screen may be provided along street frontages through the use of vines or espalier fruit trees to provide an attractive visual buffer from the public right-of-way.

(8) A minimum 4-FT wide walkway shall be provided from the public right-of-way to the Community Garden. The walkway shall be clearly marked and made from a decorative compacted material, such as decomposed granite, or a decorative pervious surface, such as concrete pavers.

(9) Refuse storage containers, serviced by the City, shall be provided and screened from the public right-of-way. The requirement and placement of storage containers shall be determined by the City during the Administrative Use Permit review process.

(10) Any storage area for tools, equipment and other materials shall be enclosed and located outside of designated front yard and street side yard setback areas. Storage buildings shall not exceed 120 SF in area and 14 FT in height. The use of metal shipping containers shall not be permitted.

(11) A water meter and hose bibs shall be provided for the site and shall be consistent with all applicable landscape regulations. Standard water rates will be applied to Community Gardens.

(12) The hours of operation shall be limited to the hours between 7:00AM and dusk, or as set forth in the Administrative Use Permit for the Community Garden. The property should be locked and secure during non-operating hours.

(13) Lighting for the site shall be reviewed and approved by the Planning and Police Departments. Light shall be for general security and not for nighttime operations.

(14) Maintenance of the Community Gardens shall not involve the use of commercial or industrial grade machinery and powered equipment without prior approval by the City's Planning Department (only mechanical equipment designed for household use should be used). The use of tractors, excavators, etc., may be limited by the Administrative Use Permit issued for the Community Garden.

(15) Approval by a homeowner or property owner association (if any) shall be provided prior to the issuance of an Administrative Use Permit for a Community Garden.

c. *Composting.* The composting of site-generated refuse is an excellent method for providing sustainable fertilization of Community Gardens. Materials from off-site sources shall be limited to green waste (no manure from off-site sources shall be used for composting purposes). Facilities that choose to engage in composting shall provide a Composting Plan with their Administrative Use Permit application (required pursuant to Subparagraph E.2.a (General Provisions) of this Section), and shall comply with each of the following standards:

(1) A compost pile and composting facilities shall be located at least 20 FT from any interior property line and shall not be located within any front or street side yard setback area.

(2) A compost pile shall be located at least 50 FT from any habitable structure.

(3) A compost pile and composting facilities shall be screened and/or hidden from public view and shall not exceed 5 FT in height.

(4) Composting activities shall be conducted in a manner that does not create a nuisance (generation of noise, odors, insects, etc.) nor impact the public health, safety or welfare of the area surrounding the Community Garden, and/or Community Garden participants.

(5) The scale of the composting activity shall be consistent with the fertilizer requirements for the Community Garden the composting activity is intended to serve.

d. *Community Garden On-Site Produce Sales.*

(1) An On-Site Produce Sales Stand may be permitted by issuance of the Administrative Use Permit for the Community Garden.

(2) An On-Site Produce Sales Stand shall be operated by a non-profit organization and are intended to be small in scale and designed to benefit residents and businesses immediately surrounding the Community Garden. Furthermore, On-Site Produce Sales Stands may be used as a marketing tool to encourage new Community Garden participants, and to offset the costs of maintaining and operating a Community Garden. Community Gardens that choose to operate an On-Site Produce Sales Stand shall submit a Produce Sales Stand Operation Plan with their Administrative Use Permit application.

(3) An On-Site Produce Sales Stand established and operated in conjunction with a Community Garden shall comply with each of the following standards:

(a) The produce sales stand shall be located on the same site as the Community Garden established pursuant to this Section.

(b) At least 51 percent of the produce sold at the produce sales stand shall be grown on-site or at other Community Gardens located within the City, which have been established pursuant to this Section. The balance of the produce sold at the stand may be grown outside the City, at a facility holding a County Certified Producer Permit.

(c) All proceeds from the produce sales stand shall directly benefit the Community Garden program; however, a nominal amount of proceeds, not to

exceed 10 percent of gross revenues, may be used to supplement the overhead costs of the non-profit organization that operates the sales stand.

(d) The applicant shall provide information on the non-profit organization that will operate the garden and shall include a copy of the Internal Revenue Service 501(c)(3) non-profit status form.

(e) The non-profit organization operating the produce sales stand shall be responsible for obtaining all necessary food and health licenses, and permits issued by the State and County.

(f) One produce sales stand shall be permitted on lots greater than 20,000 SF in area. The floor area of the stand shall not exceed 120 SF, and it shall not have a permanent foundation.

(g) The produce sales stand shall be removed by the property owner(s), at their expense, upon termination of the host Community Garden.

(h) The produce sales stand shall not be located within a public right-of-way.

(i) The produce sales stand shall be setback a minimum of 20 FT from any street property line (public right-of-way), or side or rear property line.

(j) The off-street parking area for the produce sales stand shall be improved with compacted gravel or other material approved by the City, to control dust and erosion, and provide an all-weather driving surface.

(k) Adequate provision for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the Planning Director and City Engineer.

F. **Urban Farms.** Urban Farms are smaller-scale private farming operations in which plants and their products are grown and sold (on-site and/or off-site) for profit. Urban Farms include, but are not limited to, strawberry fields, flower and vegetable raising orchards, and vineyards. Additionally, Urban Farms may include items grown or produced as an ancillary activity to established land uses, such as, but not limited to, food service uses, including restaurants and special food services. Items not grown or produced on-site shall not be sold on-site, except in conjunction with an allowed retail store. (Note: An Urban Farm may be established and operated ancillary to a Community Garden pursuant to Subsection E (Community Gardens) of this Section.)

1. **Allowed Activities/Facilities.** Urban Farms are allowed as an interim land use on vacant or underdeveloped property, and as an ancillary activity to established food service uses, including but not limited to restaurants and special food services that grow spices, seasonings, or produce on-site, for use in their business operations. Plants and their products grown on-site may be sold on-site and/or off-site. Allowed activities/facilities are as follows:

a. ***Residential Zones.*** Urban Farms are administratively permitted within all residential zoning districts, as an interim land use on vacant lands.

b. *Commercial Zones.* Urban Farms are administratively permitted within all commercial zoning districts, as an interim land use on vacant lands, or as an ancillary activity to a legally established food service use.

c. *Mixed-Use Zones.* Urban Farms are administratively within all mixed-use zoning districts, as an interim land use on vacant lands, or as an ancillary activity to a legally established food service use.

d. *Industrial Zones.* Urban Farms are administratively permitted within all industrial zoning districts, as an interim land use on vacant or underdeveloped lands.

e. *Specialized Use Zones.* Urban Farms are administratively permitted within specialized use and overlay zoning districts, except within the MHP zoning district, wherein the land use is prohibited.

2. Land Use Standards. The following standards shall govern the establishment and operation of Urban Farms:

a. *General Provisions.* Urban Farm approval is subject to the granting of an Administrative Use Permit filed pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code, and the requirements of this Section.

b. *Operational Standards.* The following standards shall govern the establishment and operation of Urban Farms:

(1) An Urban Farm may sell plants and produce grown on-site in compliance with the “On-Site Produce Sales Stands” (see Subsection G of this Section) standards listed below.

(2) An Urban Farm shall be designed and maintained to ensure that irrigation and storm water will not drain to adjacent properties or the public right-of-way.

(3) An Urban Farm shall be designed and maintained to prevent dust and other fugitive particles from leaving the site.

(4) An Urban Farm shall be designed and maintained to prevent the uninhibited growth of weeds and the accumulation of debris.

(5) A fence may be required around the perimeter of an Urban Farm, as set forth by the Administrative Use Permit. Fencing shall comply with the standards of the zoning district in which the Urban Farm is located. Fencing located adjacent and parallel to a street shall be of an open design to allow for views into the site, shall have at least one access gate. Fences shall be affixed to the ground with steel posts anchored in a concrete footing.

(6) A landscape screen may be required along street frontages, as set forth in the approved Administrative Use Permit, through the use of vines or espalier fruit trees, to provide an attractive visual buffer from the public right-of-way.

(7) Refuse storage containers, serviced by the City, shall be provided and screened from the public right-of-way. The requirement and placement of storage containers shall be determined by the City during the Administrative Use Permit review process.

(8) A storage area for tools, equipment and other materials shall be enclosed and located outside of designated front yard and street side yard setback areas. Storage buildings shall not exceed 120 SF in area and 14 FT in height.

(9) A water meter and appropriate hose bibs shall be provided for the site and shall be consistent with all applicable landscape regulations.

(10) The hours of operation shall be limited to the hours between 7:00AM and dusk, or as set forth in the Administrative Use Permit.

(11) Lighting for the site shall be reviewed and approved by the Planning and Police Departments. Light shall be for general security and not for nighttime operations.

(12) The use of commercial grade machinery and powered equipment, such as tractors, tillers, or excavators, may be limited by the Administrative Use Permit, based upon the Urban Farm location and its proximity to, and impact on, neighboring sensitive land uses.

(13) Approval by a homeowner or property owner association, if any, shall be provided prior to the issuance of an Administrative Use Permit for an Urban Farm.

c. *Composting.* The composting of site-generated refuse is an excellent method for providing sustainable fertilization of Urban Farms. Facilities that choose to engage in composting shall provide a Composting Plan with their Administrative Use Permit application (required pursuant to Subparagraph F.2.a (General Provisions) of this Section), and shall comply with the composting standards set forth in the “Community Gardens” requirements (see Subparagraphs E.2.c(1) through (5) of this Section).

d. *Urban Farm On-Site Produce Sales Stands.*

(1) An On-Site Produce Sales Stand may be permitted by issuance of the Administrative Use Permit for the Urban Farm.

(2) An On-Site Produce Sales Stand established and operated in conjunction with an Urban Farm shall comply with all of the following standards:

(a) The produce sales stand shall be located on the same site as the Urban Farm it serves.

(b) The operator of the produce sales stand shall be responsible for obtaining all necessary food and health licenses, and permits issued by the State and/or County.

(c) The produce sales stand shall only be used for the retail sales of plants or products that are grown on-site.

(d) One produce sales stand shall be permitted on lots greater than 20,000 SF in area. The floor area of the stand shall not exceed 120 SF, and it shall not have a permanent foundation.

(e) The produce sales stand shall be removed by the property owner(s), at their expense, upon termination of the host Community Garden or Urban Farm.

(f) The produce sales stand shall not be located within a public right-of-way.

(g) The produce sales stand shall be setback a minimum of 20 FT from any street property line (public right-of-way), or side or rear property line.

(h) The off-street parking area for the produce sales stand shall be improved with compacted gravel or other material approved by the City, to control dust and erosion, and provide an all-weather driving surface.

(i) Adequate provision for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the Planning Director and City Engineer.

5.03.415: Waste Treatment and Disposal—Composting and Anaerobic Digestion Facilities

The following standards shall govern the establishment and operation of composting and anaerobic digestion facilities:

A. Any new Dairy for which a Conditional Use Permit is required, shall not be located within 100 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, to any residentially zoned property or sensitive land use, including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate.

B. A Manure Only Composting Facility shall not be located within 0.25-mile, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, to any residentially zoned property or sensitive land use, including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate.

C. A Green Waste or combination Green Waste and Manure Composting Facility shall not be located within 0.50 mile, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, to any residentially zoned property or sensitive land use, including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate.

D. A 100-FT setback shall be maintained between a project's perimeter property line and any material being composted or anaerobic digester on the project site.

E. A Conditional Use Permit application for a Composting or Anaerobic Digestion Facility shall be submitted with a traffic study, which analyzes the impacts of project generated truck traffic on traffic from residential development in the area and the surrounding roadway system, and recommends measures to mitigate identified impacts to a level of non-significance and appropriate routes to freeways.

F. The following shall be considered for inclusion as conditions of approval, as appropriate, for any Composting or Anaerobic Digestion Facility requiring Conditional Use Permit approval:

1. Maintain good air flow through the compost material;
2. Turn compost based on temperature, not a schedule;
3. Restrict material movement to times when the potential for winds are low and general population is least (i.e., when people are indoors or away from their homes, and not on weekends);
4. Minimize disturbance of dusty areas by equipment;
5. Minimize dust by adding moisture to material when moving or turning, and regularly water dirt roadways, dry material and unused areas;
6. Berms (defined as earthen mounds constructed along the perimeter of a composting site to minimize sight into the property and reduce debris from blowing off-site) shall be maximum 15 FT in height, and in no case higher than the allowed material rows;
7. Berms shall be set back minimum 10 FT behind a street property line and minimum 5 FT from all other property lines, or one-half the height of the berm, whichever is greater;
8. Berms shall be comprised primarily of soil, and shall have a slope not to exceed a 2:1 ratio (horizontal to vertical (h:v)). Berms can be as steep as 1.5:1, if properly evaluated, with appropriate calculations, by the City Engineer; and
9. The surface of the outside portions of the slopes (facing a public street) should have properly installed and maintained landscaping or hydro seeding with jute matting to prevent erosion or sloughing.

5.03.420: Wireless Telecommunications Facilities

The following regulations shall govern the establishment and operation of wireless telecommunications facilities:

A. **Review of Wireless Telecommunications Facilities.** All applications for wireless telecommunication facilities are subject to a 3-tier review process established by this Section. The Planning Director shall have the discretion to determine the design and level of review requirements for projects proposed in specific plan areas, based upon the similarity of the specific plan's land use designation to the citywide zoning districts.

1. **Tier 1 Review.** The following applications for wireless telecommunications facilities shall be reviewed and acted upon utilizing the Building Department's plan check review process:

- a. A wireless telecommunications facility integrated into a building/structure design;
- b. A roof-mounted wireless telecommunications facility that is less than 10 FT in height, which is architecturally screened from view and is located within a nonresidential zoning district;

c. The establishment of small cell wireless telecommunications facilities, which conform to the following conditions:

(1) Small cell wireless telecommunications facilities should be attached to existing City light standards; however, if new or replacement light standards are necessary, concrete or steel poles shall be used, which match poles in the surrounding area and is consistent with current City standards. The use of new or existing wood poles shall not be permitted.

(2) Small cell wireless telecommunications facilities shall be limited to single-carrier facilities.

(3) All transmission equipment, excluding antennas and remote radio units, shall be placed underground, to the extent possible, in a manner consistent with City regulations. To the extent that the project proponent determines that all transmission equipment cannot be placed underground, the project proponent shall provide written supporting justification to the City, which excludes the cost of equipment undergrounding, for review and approval by the Planning Director and City Engineer.

(4) Small cell wireless telecommunications facilities shall be erected to a height no greater than the height of surrounding light standards, not to exceed a total of 35 FT, including antennas, lightning rods, or other extensions.

(5) Supporting equipment, such as cabling and conduits, shall be concealed within the pole so as not to be visible to the public. All other equipment such as antennas, enclosures, brackets, equipment boxes, etc., shall be painted to match pole.

(6) A Small Cell Wireless Telecommunications Facilities Agreement by and between the City and the project proponent shall be prepared, and reviewed and approved by the City Council, prior to encroachment permit issuance by the City for the installation of small cell telecommunications facilities.

d. The alteration or expansion of existing wireless telecommunications facilities, or collocation of additional facilities with an existing wireless telecommunications facility, in any zoning district, that does not exceed the below-listed thresholds, the calculation for which shall be cumulative over time, following the initial approval of the telecommunications facility:

(1) The height of the existing antenna array is increased by no more than 20 percent or 20 FT, whichever is greater; however, no such increase in height shall be permitted to exceed the maximum height limit prescribed in this Section;

(2) The existing facility is increased by more than 4 new equipment cabinets;

(3) The new facility will not have an additional protrusion more than 20 percent greater than the existing tower width; and

(4) Installation of the new facility will not require excavation outside existing leased or owned property and current easements. The calculation for such modifications shall be cumulative over time following the initial approval of the telecommunications facility. No such modification shall be permitted if the antenna array will exceed the maximum height prescribed by this Section (refer to Subparagraphs E.6.a and E.6.b of this Section).

2. Tier 2 Review.

a. A proposed wireless telecommunications facility meeting each of the following criteria shall require Development Plan approval pursuant to Section 4.02.025 (Development Plans) of this Development Code:

- (1) The facility is located within a nonresidential zoning district;
- (2) The facility is more than 500 FT from a residential zoning district, as measured in a straight line from any point along the outer boundaries of the property containing the wireless telecommunications facility;
- (3) The facility complies with all development standards of this Section and the applicable zoning district;
- (4) The facility is of a stealth design so as not to be recognized as a telecommunications facility; and
- (5) All support equipment to the proposed facility is located within a completely enclosed structure or is otherwise screened from public view

b. A new wireless telecommunications facility proposed within a nonresidential zoning district, which is to be collocated with an existing wireless telecommunications facility and complies with all development standards of this Section and the applicable zoning district, shall be reviewed and acted upon by the Development Advisory Board.

3. Tier 3 Review. A proposed wireless telecommunications facility meeting one or more of the following criteria shall require Development Plan approval pursuant to Section 4.02.025 (Development Plans) and public hearing notification pursuant to Table 2.03-1 (Notification Matrix) and the requirements of Section 2.03.010 (Public Hearing Notification) of this Development Code:

- a. Wireless telecommunications facilities not meeting the above-stated Tier 1 or Tier 2 review criteria;
- b. Wireless telecommunications facilities located 500 FT or less (as measured in a straight line from any point along the outer boundaries of the property containing the wireless telecommunications facility) from a residential zoning district;
- c. All nonstealth wireless telecommunications facilities;
- d. Wireless telecommunications facilities proposed in the AG Overlay District, excepting those facilities meeting the Tier 1 review criteria, above. In addition to requiring Development Plan approval, wireless telecommunications facilities proposed in the AG Overlay District shall also require Conditional Use Permit approval pursuant to Table 5.02-1 (Land Use Matrix) and Paragraph C.1.f (Conditionally Permitted Uses) of Section 6.01.035 (Overlay Zoning Districts) of this Development Code;
- e. Wireless telecommunications facilities creating more than a minimal visual impact on surroundings, as determined by the Planning Director. In determining whether more than a minimal visual impact exists, the Planning Director shall consider the facility's location and

size, the view of the facility from the public street and neighboring properties, and the contrast between the facility and other external structural equipment. The applicant may be required to perform tests that would replicate the height of a proposed facility in order to adequately assess potential visual impacts;

f. Wireless telecommunications facilities located within line-of-sight of any scenic corridor identified by the Policy Plan component of The Ontario Plan; and

g. Wireless telecommunications facilities that include a request for an increase in height, which exceeds the maximum height provisions established by Paragraph E.5 of this Section. The Reviewing Authority may consider an increase in height if the strict application of Paragraph E.5 of this Section would prevent a provider of wireless telecommunications services from attaining adequate coverage to a service area due to practical difficulties beyond the control of the service provider. The service provider shall clearly demonstrate the nature of the problem, and that no other reasonable alternative is available to provide adequate coverage to the service area.

B. Additional Submittal Requirements.

1. In addition to the general submittal requirements for plan checks, wireless telecommunication facilities requiring Development Plan and/or Conditional Use Permit approval shall provide the plans and information required by the *Minimum Filing Requirements Checklist* and the *Plan Preparation Guidelines and Minimum Plan Contents Checklist* of the General Application Packet.

2. The City may contract with an independent radio frequency engineering consultant, or other qualified professional with knowledge and expertise regarding wireless telecommunication systems, to verify applicant's technical assertions. Such verification may include, but is not limited to, issues related to transmission coverage requirements, required height of facilities, technical limitations related to collocating facilities, evaluation of new technologies that are available and the potential for interference with other facilities, such as public safety radio communications systems. All costs associated with verification shall be borne by the applicant.

C. Performance Standards for Wireless Telecommunications Facilities. The operator of a wireless telecommunications facility and/or the owner of the property upon which the facility is located is responsible for compliance with the following:

1. No existing or future wireless telecommunications facility shall interfere with any public safety radio communications system including, but not limited to, the 800 MHz radio system operated by the West End Communication Authority (WECA), which provides public safety communications during emergencies and natural disasters. Pursuant to GC Section 38771, a violation of this standard constitutes a public nuisance.

2. If any wireless telecommunications facility is found to interfere with a public safety radio communications system, or any system facilitating the transmission or relay of voice or data information for public safety, the carrier and/or property owner shall immediately cease operation of the radio channel(s) causing system interference. Operation of an offending wireless telecommunications facility shall only be allowed to resume upon removal, or other resolution, of the interference, to the satisfaction of the City.

Any request for an increase in antenna height that would exceed the maximum height provisions established by Paragraph E.6 of this Section in order to resolve interference conflicts with a public safety radio communications system, shall only be considered by the City after the facility operator and/or property owner have sufficiently demonstrated that all feasible methods of eliminating the conflict have been considered.

3. A wireless telecommunications facility, including poles, antennas, materials used to camouflage or stealth the facility, and equipment buildings and enclosures, shall be maintained in a manner so as to ensure that the facility will maintain its original appearance. In the event that over time, with exposure to wind, rain, sunlight, etc., any part of the facility begins to flake, pit, fade, discolor, disintegrate, or otherwise not maintain its original appearance as initially constructed, as determined by the Planning Director, it shall be repaired/replaced at the sole expense of the carrier.

4. The inspection and approval of a wireless telecommunications facility shall be received from the Planning Department prior to Building Department final inspection and the establishment/release of permanent electrical power to the facility.

5. Wireless telecommunications facilities, including landscaping and surface areas, shall be continuously maintained free of weeds, debris, litter, and temporary signage. All graffiti shall be removed from the premises within 48 hours of discovery.

D. Location Guidelines and Criteria. All applications for wireless telecommunications facilities are subject to the following location guidelines and criteria:

1. The preferred order of location for wireless telecommunications facilities is: industrial zoning districts, followed in descending order by commercial, mixed-use, and residential zoning districts. If proposed within an established specific plan area, the preferred order of location, listed in descending order, is:

- a. Industrial zoning/land use districts;
- b. Business park zoning/land use districts;
- c. Commercial zoning/land use districts;
- d. Mixed Use zoning/land use districts; and
- e. Residential zoning/land use districts.

2. Wireless communications facilities located within residential zoning districts shall be allowed only in conjunction with a nonresidential land use, such as, but not limited to, a church, fire station, park, or school.

3. Wireless telecommunications facilities may be located in close proximity to each other; provided, they utilize a stealth design, meet the height requirements of this Section, and are compatible with surrounding development. Wireless telecommunication facilities that are nonstealth in design shall be located a minimum of 1,000 FT from any other nonstealth wireless telecommunication facility, as measured in a straight line from any point along the outer boundaries of the property containing the wireless telecommunications facility.

4. Wireless telecommunication facilities shall not be located within any front or street side setback area.

5. Wireless telecommunications facilities shall not be located so as to create a nonconforming condition, such as reductions in parking, landscaping, loading zones or other applicable development standards.

6. Wireless telecommunications facilities shall be located where existing vegetation, structures, and/or topography provide the greatest amount of screening. Where insufficient screening exists, additional screening shall be provided through the installation of dense landscaping, installation of enhanced architectural treatments, or relocation of the facility so that the massing of existing buildings or vegetation will provide adequate screening. Support structures shall be constructed of galvanized steel and painted an unobtrusive color to neutralize and blend with surroundings or be of a stealth design.

E. Development Standards. It is a goal of the City that wireless telecommunications facilities be developed in harmony with the surrounding environment so as to be as unobtrusive as possible. This is especially true when located in visually prominent locations (e.g., along major thoroughfares, at entry points into the City, near high activity areas, etc.). The following guidelines are intended to ensure that the design of wireless telecommunications facilities is compatible with the community:

1. Wireless telecommunications facilities should:
 - a. Be collocated with another facility, where possible;
 - b. Be stealth in design, or building/structure or roof mounted as an integral architectural element on an existing structure; and
 - c. Utilize state-of-the-art wireless technology.
2. Wireless telecommunications facilities shall meet all applicable zoning and setback regulations of the zoning district in which they are located.
3. Wireless telecommunications facilities shall be installed and maintained in full compliance with all Federal, State and local codes and standards.
4. All proposed nonstealth facilities shall be designed to accommodate co-location of 2 or more service providers. To the extent possible, stealth facilities shall also be designed to accommodate co-location of facilities.
5. The height of wireless telecommunications facility support structures shall be the minimum necessary to provide adequate user coverage; however, an antenna or its support structure shall not exceed the maximum allowed height for wireless telecommunications facilities set forth below, except as provided for in Subparagraph A.3.f of this Section. The height of stealth design "tree" monopoles shall be measured to the top of the antenna arrays, with the branches/fronds extending above antenna arrays, to create a natural appearance.
6. The maximum height for wireless telecommunications facilities shall be as follows:
 - a. Freestanding single-carrier facilities shall not exceed 55 FT in height;

b. Freestanding collocated facilities (two or more carriers) shall not exceed 75 FT within the IL (Light Industrial), IG (General Industrial), and IH (Heavy Industrial) zoning districts, and 65 FT in height within all other zoning districts; and

c. Roof-mounted or building-mounted facilities shall not exceed 10 FT above the height of the building.

7. Prior to the issuance of a building permit for a wireless telecommunications facility, the carrier shall submit a Federal Aviation Administration determination for the proposed facility. Safety lighting or colors, if prescribed by the City or other approving agency, such as the Federal Aviation Administration, may be required for support structures.

8. Wireless communications facilities located within residential zoning districts shall be of stealth design.

9. All accessory equipment associated with the wireless telecommunications facility shall be screened from public view by a decorative fence, wall, landscaping, berming or a combination thereof, or shall be located within a building, enclosure or underground vault, which is designed, colored and textured to match the architecture of adjacent buildings or blend in with surrounding development.

10. All utilities associated with wireless telecommunications facilities shall be undergrounded. Cable connections from equipment structures to any antennae shall not be visible by the public.

11. The design of stealth wireless telecommunications facilities shall be compatible with the surrounding neighborhood. Stealth designs include building mounted designs and freestanding designs. Examples of building mounted designs include architecturally screened roof mounted facilities, facilities attached to a building/structure, bell towers, clock towers, or steeples, installation behind false windows, or other types of architectural features that are designed to camouflage the facility and are integrated into the building design. Examples of stealth freestanding wireless telecommunications facilities include facilities that are camouflaged as freestanding signage, flagpoles, light poles, or "tree" monopoles (such as "monopalms" and "monopines") that are blended with groupings of real trees. The use of "monopalms" should not be the default design if no other live palms are within the immediate surroundings. Wireless telecommunications facilities may be designed as, or within, a piece of public art or a historical monument for public benefit.

12. The use of whip and/or microwave dish antennas shall be permitted only if integrated into the design of a structure and/or if fully screened from public view.

13. Chainlink fencing is not permitted for containment of wireless telecommunications facilities, unless the fencing is located in the interior side or rear portion of property and is out of public view.

14. The use of lattice-type telecommunications towers shall not be permitted within the City.

15. Planning Department approval shall be received prior to any modification or addition to any existing wireless telecommunications facility.

16. Stealth wireless telecommunications facilities utilizing a flagpole monopole design shall comply with the following:

a. The flag to be placed on the flagpole monopole shall be proportionate in size to the height and diameter of the pole and shall be maintained at all times and replaced when needed due to weathering, as determined necessary by the Planning Director.

b. Only the National, State, County or City flags shall be flown on the flagpole. A flag shall be flown on the flagpole at all times, which shall be properly lighted.

c. Covers concealing antenna arrays shall be painted to match the flagpole.

17. Stealth wireless telecommunications facilities utilizing a monopine design shall comply with the following:

a. The branch count shall be a minimum of 3 branches per lineal FT of trunk height. Branches shall be randomly dispersed and of differing lengths to provide a natural appearance.

b. Simulated bark shall extend the entire length of the pole (trunk), or the branch count shall be increased so that the pole is not visible.

c. Branches and foliage shall extend beyond an antenna array a minimum of 2 FT horizontally and 7 FT vertically, in order to adequately camouflage the array, antennas and bracketry. In addition, antennas and supporting bracketry shall be wrapped in artificial pine foliage.

d. The size and spread of antenna arrays shall be the minimum necessary to ensure that they are adequately camouflaged.

e. A minimum of 2 live pine trees shall be planted for each proposed monopine, which shall have the same growth habit as the pine tree being simulated by the monopine and shall be in scale with the height of the monopine. The pine trees may be planted adjacent to the proposed monopine, or elsewhere on the site as deemed appropriate by the Planning Director. The planting of additional trees and tree species may be required for larger project sites.

18. Stealth wireless telecommunications facilities utilizing a monopalm design shall comply with the following:

a. All antennas shall be fully concealed within a "pineapple ball" (also referred to as "growth ball" or "terminal bud ball") located at the end of the trunk. Furthermore, all wires and connectors shall be fully concealed within the trunk, and all unused ports (for co-location) shall have covers installed.

b. Simulated bark shall extend the entire height of the pole (trunk).

c. A minimum of 2 live palm trees shall be planted for each proposed monopalm, which shall have the same growth habit as the type of palm tree being simulated by the monopalm and shall be in scale with the height of the monopalm. The palm trees may be planted adjacent to the proposed monopalm, or elsewhere on the site as deemed appropriate

by the Planning Director. The planting of additional trees and tree species may be required for larger project sites.

19. A sign measuring 2 FT high by 2 FT wide shall be posted at the exterior entrance of wireless telecommunications facilities, and clearly visible to the public, identifying the carrier(s) and contact telephone number(s) for reporting emergency and maintenance issues.

5.03.425: Work/Live Units

A. **Purpose.** The purpose of this Section is to provide for, and make feasible, the construction of new buildings, and the reuse of existing buildings, for joint work/live units occupied by artists, artisans, professionals, and similarly situated individuals, as contemplated by HSC Section 17958.11.

B. **Applicability.** Work/live units shall be allowed pursuant to the provisions of this Section, within the zoning districts designated in Table 5.02-1 (Land Use Matrix) as permitting "work/live units."

C. **Definitions.** As used in this Section, the following words, terms, and phrases are defined as follows:

1. **Adaptability.** The capability of altering or adding to certain building spaces, and/or elements such as kitchen counters, sinks, and grab bars, so as to accommodate the needs of persons with or without disabilities or to accommodate the needs of persons with different types or degrees of disabilities.

2. **Artist or Artisan.** One whose works are subject to aesthetic criteria. An individual who practices one of the fine arts, who works in one of the performing arts including music, or whose trade or profession requires a knowledge of design, drawing, painting, sculpting, writing or similar trades such as the creative and/or applied arts. This definition specifically does not include tattoo applicators, and designers/fabricators of drug and tobacco paraphernalia/accessories.

3. **Commercial Building Use.** An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

4. **Industrial Building Use.** A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials.

5. **Listed or Listing.** Terms referred to equipment and materials that are shown in a list published by an approved testing agency qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions, and which listing states that the material or equipment complies with accepted national standards that are approved, or standards that have been evaluated for conformity with approved standards.

6. **Prevailing Code.** The adopted federal, state, and local laws and regulations to be applied at the time of permit application.

7. **Professional.** One who engages in a pursuit or is active professionally in fields that include architecture, education, law, computer programming, media, and similar fields.

8. Work/Live Unit. An area comprised of one or more rooms or floors in new construction, or in a building originally designed for industrial or commercial occupancy that has been remodeled, which includes each of the following:

- a. Cooking space and sanitary facilities;
- b. Sleeping space; and
- c. Assigned working space in, adjacent to, or near the unit.

D. Administration.

1. Requirements for Application.

a. An application for a work/live unit permit shall be made pursuant to the prevailing Building and Fire Codes. The application shall be accompanied by architectural drawings (drawn pursuant to standards established by the Building Official) depicting the existing uses within the building or new construction, and where the proposed work/live units will be located.

b. The Building Official shall be responsible for distributing a copy of the submitted application and architectural drawing to all affected departments for review and approval.

c. A Certificate of Appropriateness shall be required for properties that meet the State or local criteria for historic resources.

2. Work/Live Units Permit Required. No building shall be used for work/live units unless a work/live permit has first been obtained from the Building Department.

3. Building Permit Required. No building or structure regulated by this Section shall be constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building, or portion thereof, has first been obtained from the Building Official.

4. Business License Requirement. No work/live unit shall be occupied without obtaining an appropriate business license pursuant to OMC Title 3 (Finance), Chapter 1 (Business License Regulations), commencing with Section 3-1.101.

5. Certificate of Occupancy.

a. *Use and Occupancy*. No work/live unit shall be used or occupied until the Building Official and the Fire Marshall have completed and approved their final inspection of the unit, and a certification of occupancy has been requested for the work/live unit. In a complex with multiple work/live units, an individual unit or units can receive final inspection(s), request a certificate of occupancy, and be occupied, prior to all units being completed and receiving final inspection.

b. *Occupancy Violations*. Whenever any portion of a building designated as work/live is being used contrary to the provisions of this code, the Building Official may order such use discontinued within the unit or specified portion of the building. Provided the violation is not life threatening to the occupants within the building, such person shall discontinue the use within

7 days after the receipt of such notice, as prescribed by the Building Official, to make the structure, or portion thereof, comply with the requirements of this code

E. Development Criteria. The following criteria shall be imposed upon the development of work/live units:

1. Work/live units may be located in upper stories, basements (below grade), or within the first floor of all commercial and industrial buildings.

2. Work/live developments that have frontage along Holt Boulevard or Euclid Avenue, where the City has designated a historic retail corridor, the first 20 FT of floor area depth at the street level frontage shall be devoted to pedestrian-oriented gallery, showroom, retail, or similar commercial activity, except that if the 20 FT of floor area depth exceeds 30 percent of the primary ground floor area, less than 20 FT of depth is allowed as determined appropriate by the Reviewing Authority.

3. Each work/live unit shall be provided a primary entry from common areas, such as hallways, corridors, and/or exterior portions of the building, including courtyards, breezeways, parking areas, common open spaces, and public spaces.

4. Where any unit containing a work/live occupancy is adjacent to any other unit containing a separate work/live occupancy, such units shall be separated by one-hour fire resistant floors and walls, except that if 2 or more work-live units are combined into a single suite, then the partition walls and floors do not need to be fire rated.

5. Doors opening into corridors shall be protected by 20-minute fire assemblies or solid wood doors, not less than 1.75 inches thick. Where an existing frame will not accommodate a 1.75-inch thick door, a 1.375-inch thick solid, bonded wood core door, or equivalent insulated steel door, shall be permitted. The doors shall be provided with a gasket so installed as to provide a seal where the door meets the stop on both sides and across the top.

6. The minimum area of a work/live unit shall be 700 SF. No more than 50 percent of the primary floor or level (i.e., excluding mezzanines, upper levels, and raised sleeping areas) of any individual work/live unit shall be used or arranged for residential purposes, such as a sleeping area and kitchen, except that in new construction, work/live units on upper floors, or on ground floors without public street frontage, do not have a minimum area set aside for work purposes.

7. The residential occupancy in any work/live unit shall not exceed 4 persons.

8. For the purposes of determining the minimum number of persons for which the building exiting system shall be designed, the occupant load factors prescribed by the California Building Code shall be used.

9. Each work/live unit shall have one openable window accessible for exiting, with an opening of not less than 20 inches wide by 30 inches high, or a second exit door. Any security bars placed over required window openings shall be operable and have an opening not less than 20 inches wide by 30 inches high. Work/live units are not required to meet light and ventilation standards for habitable spaces if no life-safety hazard is created.

10. The life-safety requirements contained in the Building Code shall apply to all work/live units. For the purpose of providing a reasonable degree of life-safety for individuals occupying work/live units, the code provisions regarding dwelling units shall apply.

11. All work/live units shall be provided with single station smoke detectors, which shall receive their primary power from the building's wiring system and provided with a battery backup. Smoke detectors shall be installed pursuant to approved manufacturer's instructions, and shall be mounted on the ceiling at a point centrally located in the residential portion of the unit and in each sleeping room separated by floor to ceiling walls. In the working area of the work/live unit, one hardwired smoke detector shall be centrally located on the ceiling. Where the working area is subdivided into separate rooms by floor to ceiling walls, one smoke detector shall be installed on the ceiling of each workroom.

12. Any new commercial or industrial building developed with work/live units shall retain its industrial or commercial classification. Any building converted or partly converted to work/live units shall not be considered to have changed occupancy classification (i.e., there is no intensification of use).

13. All work/live units, including any alteration to a work/live unit, shall be required to meet the minimum life-safety standards set forth in this Section, and the following requirements:

a. Each work/live unit shall have a kitchen area consisting of a sink and garbage disposal, with ground fault interrupted circuit outlets provided.

b. Each work/live unit shall have sanitation facilities consisting of a toilet, lavatory, and shower and/or bathtub.

c. Each work/live unit shall have an approved UL listed heating system in the residential portion of the unit.

d. Habitable space shall have a dimension of not less than 7 FT.

e. Restrooms and bathrooms located on the primary floor area of a work/live unit shall be designed and equipped to be adaptable to ADA compliance, and shall include the following:

(1) 36-inch doors.

(2) Inside 60-inch diameter clear wheelchair turning radius.

(3) Water closet meeting ADA fixture specifications.

(4) Water closet with ADA clearances from adjacent walls.

(5) Walls shall include necessary blocking for the installation of ADA grab bars.

(6) Sinks shall meet ADA height and clearance specifications.

(7) All switches and outlets shall meet ADA specifications.

f. Restrooms and bathrooms located on the second level of a work/live unit (e.g., mezzanines or upper levels) can follow residential standards for bathrooms if an ADA compliant restroom is available to visitors within the building and on an accessible path of travel from the unit. Table 5.03-9 (Minimum Number of Work/Live Units to be Equipped with a Shower

Adaptable for ADA Compliance), below, prescribes the number of all work/live units within the building that shall be equipped with a shower that can be adapted for ADA compliance.

Table 5.03-9: Minimum Number of Work/Live Units to be Equipped with a Shower Adaptable for ADA Compliance

<i>Number of Work/Live Units</i>	<i>Number of Units With Adaptable Showers</i>
Fewer Than 5 Units:	None
5 to 12 Units:	One Unit
13 to 20 Units:	2 Units
More than 20 Units:	2 Units, Plus One Unit for Each 7 Work/Live Units in Excess of 20 Units

14. Energy insulation need not be installed, nor energy audits and mitigations provided, resulting from work/live units being developed within an existing building. In addition, sound mitigations need not be provided or installed resulting from work/live units being developed within an existing building, unless otherwise required by a Conditional Use Permit. However, all new buildings shall comply with current Building Code requirements for new construction.

15. Stairways serving a mezzanine or second level of a work/live unit shall comply with the City’s Building Code; stairs are to have an 8-inch maximum rise a 9-inch minimum run and a 30-inch minimum width. In addition, mezzanines of less than 400 SF may be accessed by spiral stairways or other similar reduced tread, open riser alternative stairways. A mezzanine can cover up to 50 percent of the primary floor area of a work/live unit without being considered a story or triggering additional exiting requirements.

16. An elevator need not be provided resulting from work/live units being developed within an existing building; however, all new buildings shall comply with current Building Code requirements for new construction.

17. Modifications that create a life-safety hazardous condition shall not be authorized by the Building Official. The Building Official shall have the power to render interpretations of this Section and to adopt and enforce rules and supplemental regulations, which are in conformance with the intent and purpose of this Section, in order to clarify the application of its provisions.

18. Existing buildings that are renovated to include work/live units shall be presumed to have adequate parking for both the renovated and unaltered portions of the building. Stalls for work/live units are not required to be covered or secured.

19. New construction of work/live units shall provide off-street parking facilities pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code. The intent is to provide lower, flexible parking standards wherever possible and appropriate. Consideration shall be given to shared parking systems, on and off street parking resources, compatibility with historic patterns of development, and the availability of mass transit resources.

F. Conditions of Approval. The following conditions of approval shall be imposed upon any work/live units established pursuant to this Section:

1. Business hours shall be clearly posted within the main lobby area of the building containing work/live units.

2. Sales of artists’ materials shall be restricted to products of the occupant and similar or related items. Sales of drug and tobacco related paraphernalia/accessories are prohibited.

3. Work/live units shall be occupied and used only by an artist, artisan, professional, or a similarly situated individual and their family, consisting of not more than 4 unrelated persons.

Division 6.01—District Standards and Guidelines

Sections:

- [6.01.000](#): Purpose
- [6.01.005](#): Applicability
- [6.01.010](#): Residential Zoning Districts
- [6.01.015](#): Commercial Zoning Districts
- [6.01.020](#): Mixed Use Zoning Districts
- [6.01.025](#): Industrial Zoning Districts
- [6.01.030](#): Specialized Use Zoning Districts
- [6.01.035](#): Overlay Zoning Districts

6.01.000: Purpose

This Division addresses development standards and guidelines, to ensure that proposed development produces an environment of stable and desirable character, is compatible with existing and future development in the vicinity, and protects the use and enjoyment of neighboring properties consistent with the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.

6.01.005: Applicability

A. New Development Projects and Land Uses. The requirements of this Chapter shall apply to all proposed development projects and subdivisions, and new land uses, except as specified in Division 3.01 (Nonconforming Lots, Uses, Structures, and Signs), and shall be considered in combination with the provisions of Division 5.03 (Standards for Specific Land Uses, Activities, and Facilities). If any provision of this Division conflicts with the standards contained in Division 5.03 (Standards for Specific Land Uses, Activities, and Facilities), the standards contained in Division 5.03 (Standards for Specific Land Uses, Activities, and Facilities) shall control.

B. Conformity with District Regulations.

1. No site or structure shall be used for any purpose or in any manner other than in conformity with the regulations of the zoning district in which the site or structure is located.

2. No structure is to be erected and no existing structure is to be moved, altered or enlarged, except in conformity with the regulations of the zoning district in which the structure or use is located.

3. No required yard or open space area related to any structure or use shall be used, encroached upon, or reduced in any manner, except in conformity with the regulations of the zoning district in which the yard or open space is located.

4. No lot or parcel shall be reduced in area to less than the minimum area prescribed for the district in which the site is located, unless a Variance is granted pursuant to Section 4.02.020 (Departures from Development Standards) of this Development Code.

5. Any lot that is shown on a recorded map prior to November 5, 1947, and that had a legal area, width, and frontage at the time the subdivision map was recorded or the lot was legally created, may be used for an allowed land use, and shall be subject to all other regulations applicable to the zoning district in which the site is located.

6.01.010: Residential Zoning Districts

A. Purpose. The purpose of the provisions of this Section is to ensure that development within residential zoning districts of the City will contribute toward an urban environment of stable, desirable character; which is harmonious with existing and future development; and is consistent with the goals and policies of the Policy Plan (General Plan) component of The Ontario Plan. These regulations are further established to:

1. Assist in implementing the goals and objectives of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan;

2. Reserve appropriate areas for residential living in a variety of dwelling types and tenures, at reasonable ranges of population densities, that will accommodate the City's future population growth;

3. Encourage the continued vitality of existing neighborhoods, and, where appropriate, encourage the revitalization of neighborhoods by the use of appropriate standards and incentives;

4. Provide a physical environment that contributes to, and enhances, the quality of life;

5. Promote stable neighborhoods that are well designed, safe, and pleasant places to live, and that contributes to the establishment of Ontario as a "complete community;"

6. Ensure adequate light, air, privacy, and open space for dwellings;

7. Establish architectural and design guidelines to encourage a high quality appearance of new and remodeled structures;

8. Establish standards ensuring that new infill residential construction is consistent with the character and fabric of existing neighborhoods, including densities, design and exterior appearance;

9. Protect residential properties from the hazards of traffic congestion, noise, fire, explosion, noxious fumes, and other hazards;

10. Facilitate the provision of public utilities and services commensurate with their need; and

11. Allow for innovative and flexible methods of implementing the goals and policies of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.

B. Applicability. The standards and guidelines established by this Section shall apply to each of the City's residential zoning districts. The provisions of this Section shall apply to all residential

land subdivision and any new residential construction, addition, remodel, or reallocation requiring a building permit or other similar entitlement by the City.

C. Development Standards. The design and development of residentially zoned properties shall comply with the following:

1. Traditional Single-Family Residential Development Standards.

a. Traditional single-family residential development projects shall comply with the requirements of Table 6.01-1 (Traditional Single-Family Residential Development Standards), which specifies development standards within the AR-2, RE-2, RE-4, LDR-5, MDR-11, MDR-18, MDR-25, and HDR-45 zoning districts.

b. Traditional single-family residential development projects consist of the construction of one or more single-family (detached) dwellings within zoning districts that allow for such development pursuant to Table 5.01-1 (Land Use Matrix) of this Development Code and which meet or exceed the minimum lot size (area and dimensions) of the affected zoning district, as prescribed in Table 6.01-1 (Traditional Single-Family Residential Development Standards) of this Division. Examples of traditional single-family residential development are contained in Figure 6.01-1A (Example Development—Traditional Single-Family Residential) and Figure 6.01-1B (Example Development—Traditional Single-Family Residential with Public Alley Access) of this Division.

2. Small Lot Traditional Single-Family Residential Development Standards.

a. Small lot traditional single-family residential development projects shall comply with the requirements of Table 6.01-2A (Small Lot Traditional Single-Family Residential Development Standards), which specifies development standards within the LDR-5, MDR-11, MDR-18, MDR-25, and HDR-45 zoning districts.

b. Small lot traditional single-family residential development projects consist of the construction of single-family (detached) dwellings in zoning districts that allow for such development pursuant to Table 5.01-1 (Land Use Matrix) of this Development Code, and which meet or exceed the minimum lot size (area and dimensions) of the affected zoning district, as prescribed in Table 6.01-2A (Small Lot Traditional Single-Family Residential Development Standards) of this Division. Examples of traditional single-family residential development are contained in Figure 6.01-2A (Example Development—Small Lot Traditional Single-Family Residential) of this Division.

3. Small Lot Alley-Loaded Single-Family Residential Development Standards.

a. Small lot alley-loaded single-family residential development projects shall comply with the requirements of Table 6.01-2B (Small Lot Alley-Loaded Single-Family Residential Development Standards), which specifies development standards within the LDR-5, MDR-11, MDR-18, MDR-25, and HDR-45 zoning districts.

b. Small lot alley-loaded single-family residential development projects consist of the construction of one or more single-family (detached) dwellings, which take garage access from a private lane/alleyway or public alley, and are located within zoning districts that allow for such development pursuant to Table 5.01-1 (Land Use Matrix) of this Development Code, and which meet or exceed the minimum lot size (area and dimensions) of the affected zoning district, as prescribed in Table 6.01-2B (Small Lot Alley-Loaded Single-Family Residential Development Standards) of this Division. An example of small lot alley-loaded single-family residential

development is contained in Figure 6.01-2B (Example Development—Small Lot Alley-Loaded Single-Family Residential) of this Division.

4. Cluster Single-Family Residential Development Standards.

a. Cluster single-family residential development projects shall comply with the requirements of Table 6.01-2C (Cluster Single-Family Residential Development Standards), which specifies development standards within the LDR-5, MDR-11, MDR-18, MDR-25, and HDR-45 zoning districts.

b. Cluster single-family residential development projects consist of the construction of 3 or more single-family (detached) dwellings, which take garage access from a private lane/alleyway or public alley, and are located within zoning districts that allow for such development pursuant to Table 5.01-1 (Land Use Matrix) of this Development Code, and which meet or exceed the minimum lot size (area and dimensions) of the affected zoning district, as prescribed in Table 6.01-2C (Cluster Single-Family Residential Development Standards) of this Division. An example of cluster single-family residential development is contained in Figure 6.01-2C (Example Development—Cluster Single-Family Residential) of this Division.

5. Multiple-Family Residential Development Standards.

a. Multiple-family (attached) residential development projects shall comply with the requirements of Table 6.01-3 (Multiple-Family Residential Development Standards), which specifies development standards within the MDR-11, MDR-18, MDR-25, and HDR-45 zoning districts.

b. Multiple-family (attached) residential development projects consist of the construction of multiple-family (attached) dwellings in zoning districts that allow for such development pursuant to Table 5.01-1 (Land Use Matrix) of this Development Code, and which meet or exceed the development standards prescribed in Table 6.01-3 (Multiple-Family Residential Development Standards) of this Division. Examples of multiple-family residential development are contained in Figure 6.01-3A (Example Multiple-Family Development—MDR-11 (5.1 to 11.0 DU/Acre) Zoning District), Figure 6.01-3B (Example Multiple-Family Development—MDR-18 (11.1 to 18.0 DU/Acre) Zoning District), Figure 6.01-3C (Example Multiple-Family Development—MDR-25 (18.1 to 25.0 DU/Acre) Zoning District), and Figure 6.01-3D (Example Multiple-Family Development—HDR-45 (25.1 to 45.0 DU/Acre) Zoning District) of this Division.

6. Nonresidential Land Uses within Residential Zoning Districts. Nonresidential land uses allowed within residential zoning districts pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code shall comply with the setback requirements applicable to multiple-family developments, except as follows:

a. The minimum building setback from any exterior (front and street side) property line that abuts a street or public alley shall meet the requirements of the zoning district upon which the building is located.

b. The minimum building setback from any interior residential property line (a property line that abuts another residentially zoned property) shall be 25-FT.

c. The minimum off-street parking space, drive aisle, or driveway setback, from any exterior property line or from any interior residential property line, shall be 10-FT. Off-street parking facilities shall not be located adjacent to a Euclid Avenue property line.

Table 6.01-1: Traditional Single-Family Residential Development Standards

Requirements	Residential Zoning Districts					Additional Regulations
	AR-2	RE-2	RE-4	LDR-5	MDR-11, MDR-18, MDR-25 & HDR-45	
A. SITE DEVELOPMENT STANDARDS						
1. Density Range (minimum to maximum, in dwelling units per acre)	0 to 2.0	0 to 2.0	2.1 to 4.0	2.1 to 5.0	MDR-11: 5.1 to 11.0 MDR-18: 11.1 to 18.0 MDR-25: 18.1 to 25.0 HDR-45: 25.1 to 45.0	Notes 2, 4 & 5
2. Minimum Lot Size						
a. Minimum (in SF)	18,000	10,000		7,200	5,000	Note 1
b. Average (in SF)		18,000		8,000	6,000	
3. Maximum Lot Coverage	30%	40%		50%	60%	
4. Minimum Lot Dimensions						
a. Lot Width						
(1) Interior Lots	100 FT	70 FT		60 FT	50 FT	Note 1
(2) Corner Lots	120 FT	80 FT		65 FT	50 FT	Note 1
(3) Cul-de-Sac Lots						
Property Line (a) At Front	40 FT					Note 1
Building Setback (b) At Front	70 FT			60 FT	40 FT	Note 1
b. Lot Depth	135 FT	100 FT		75 FT	100 FT	Note 1
5. Equestrian Trails Required	Yes		No			If yes, see Section 6.01.010. G.9
6. Walls, Fences, and Obstructions	Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts).					
7. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading).					
8. Landscaping	Refer to Division 6.05 (Landscaping) and Paragraph 6.01.010.G.6 (Landscaping).					
9. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance).					
10. Historic Preservation	Certain portions of residential zoning districts are identified as historic or potentially historic and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.					
11. Signs	Refer to Division 8.1 (Sign Regulations).					
12. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).					

Table 6.01-1: Traditional Single-Family Residential Development Standards

Requirements	Residential Zoning Districts					Additional Regulations
	AR-2	RE-2	RE-4	LDR-5	MDR-11, MDR-18, MDR-25 & HDR-45	
13. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).					
14. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.					
B. BUILDING DEVELOPMENT STANDARDS						
1. Minimum Setback from Street and Alley Property Lines						Note 9
a. From Freeways	20 FT					
b. From Arterial Streets	30 FT – Front For street side and rear setbacks, refer to the Collector and Local Streets standards, below.					Note 7
c. From Collector and Local Streets	30 FT	20 FT – Front 10 FT – Front Garage Other (side-on condition) 10 FT – Street Side 10 FT – Street Rear 1st Floor 20 FT – Street Rear 2nd/3rd Floor				Note 7
d. From Rear Alleys	10 FT – 1st Floor 20 FT – 2nd/3rd Floor 5 FT –Garage Entry (1st Floor Only) 10 FT –Garage Other (1st Floor Only) For side alley conditions, refer to the Interior Property Lines standards, below.					Note 8
2. Minimum Setbacks from Interior Property Lines						
a. From Side Property Lines	10 FT	5 FT				Note 3
b. From Rear Property Lines	25 FT	10 FT – 1st Floor Living Area 20 FT – 2nd/3rd Floor Living Area 10 FT – Patio Covers				
3. Minimum Separation Between Buildings	6 FT (from buildings on the same lot)					
4. Maximum Height	35 FT					
5. Minimum Setback from Major Pipelines	50 FT (to any habitable structures)					Note 6

Notes:

1. An existing lot of record that is substandard as to minimum "lot" area and/or dimension(s) shall be granted all development rights of the zoning district in which it is located (refer to Subsection 3.01.010.B of this Development Code).

2. *A density bonus and other incentives pursuant to GC 65915 through 65918 may be granted by the Approving Authority. Refer to Subsection 6.01.010.H (Density Bonus and Other Incentives) of this Section.*
 3. *When vehicle parking is provided at the rear of a lot (whether within a garage or carport, or uncovered) that does not have alley access, a minimum 10-FT interior side building setback, which is clear of meters and mechanical equipment, shall be provided to ensure clear vehicular access to the rear of the lot.*
 4. *Lots with a maximum density calculation of less than one dwelling shall be allowed the construction of one dwelling unit.*
 5. *A residentially zoned lot shall be developed at no less than the minimum number of dwelling units allowed within the specified density range for the applicable zoning district, except that if, as a result of the configuration/design of a lot, the minimum residential density cannot be achieved, the lot may be developed with a maximum of one dwelling unit.*
 6. *Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:*
 - a. *Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and*
 - b. *Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.*
 7. *On a lot having a street adjacent rear property line (arterial, collector and local streets, only), for the purpose of wall placement, each wall shall be setback a minimum of 5 FT behind the street property line to allow for landscaping beyond any required parkway landscaping.*
 8. *A traditional single-family lot shall maintain a useable rear yard area having minimum horizontal dimension of 20 FT in any direction and a clear vertical dimension of 8 FT.*
 9. *The minimum setback from private streets shall be measured from a line running parallel to the street, which is located 12 FT behind face-of-curb (a.k.a., "parkway").*
-



Figure 6.01-1A: Example Development—Traditional Single-Family Residential



Figure 6.01-1B: Example Development—Traditional Single-Family Residential with Public Alley Access

Table 6.01-2A: Small Lot Traditional Single-Family Residential Development Standards

Requirements	Residential Zoning Districts			Additional Regulations
	LDR-5	MDR-11	MDR-18, MDR-25 & HDR-45	
A. SITE DEVELOPMENT STANDARDS				
1. Density Range (minimum to maximum, in dwelling units per acre)	2.1 to 5.0	5.1 to 11.0	MDR-18: 11.1 to 18.0 MDR-25: 18.1 to 25.0 HDR-45: 25.1 to 45.0	Notes 2, 3 & 4
2. Minimum Project Area	One acre			Note 1
3. Minimum Lot Size	4,000 SF – Interior Lot 4,500 SF – Corner Lot		2,800 SF – Interior Lot 3,200 SF – Corner Lot	
4. Maximum Lot Coverage	55%	60%	70%	
5. Minimum Lot Dimensions				
a. Lot Width	40 FT – Interior Lots 45 FT – Corner Lots		35 FT – Interior Lots 40 FT – Corner Lots	
b. Lot Depth	75 FT		70 FT	
6. Minimum Parking Space (Uncovered), Drive Aisle, and Driveway Setbacks				
a. From Project Boundary Street Property Lines	20 FT - Freeways 30 FT – Arterial Streets 20 FT – All Other Streets			
b. From Project Boundary Interior Property Lines	5 FT			
7. Equestrian Trails Required	No			
8. Walls, Fences, and Obstructions	Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts).			
9. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading).			
10. Open Space and Recreation Amenities	Refer to Subsection 6.01.010.E (Open Space Requirements for Small Lot Traditional and Alley-Loaded Development Projects, Cluster Single-Family Development Projects, and Multiple-Family and Mixed-Use Development Projects).			
11. Landscaping	Refer to Division 6.05 (Landscaping) and Paragraph 6.01.010.G.6 (Landscaping).			
12. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance).			
13. Historic Preservation	Certain portions of residential zoning districts are identified as historic or potentially historic and are listed on the City’s Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.			
14. Signs	Refer to Division 8.1 (Sign Regulations).			
15. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).			

Table 6.01-2A: Small Lot Traditional Single-Family Residential Development Standards

Requirements	Residential Zoning Districts			Additional Regulations
	LDR-5	MDR-11	MDR-18, MDR-25 & HDR-45	
16. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).			
17. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.			
B. BUILDING DEVELOPMENT STANDARDS				
1. Minimum Setback from Street Property Lines				Note 7
a. From Freeways	20 FT			
b. From Arterial Streets	30 FT – Front For street side, rear, and alley setbacks, refer to the Collector and Local Streets standards, below.			
c. From Collector and Local Streets				
(1) From Street Front	14 FT – Living Area 18 FT – Garage Entry 10 FT – Other Garage (side-on condition)			
(2) From Street Side	10 FT			Note 6
(3) From Street Rear	10 FT – 1st Floor 15 FT – 2nd/3rd Floors 18 FT – Garage Entry 5 FT –Garage Other (1st Floor Only) 5 FT – Patio Covers			Note 6
d. From Alley Rear	5 FT –Garage (1st Floor Only) 10 FT – Rear 2nd/3rd Floors For side alley conditions, refer to the Interior Property Lines standards, below.			
2. Minimum Setback from Interior Property Lines				
a. From Side Property Lines	5/4 FT			Note 8
b. From Rear Property Lines	10 FT - Living Area 5 FT –Garage (1st Floor Only) 5 FT – Patio Cover to Side or Rear			
3. Minimum Separation Between Buildings	6 FT (from buildings on the same lot)			
4. Maximum Building Height	35 FT			
5. Minimum Setback from Major Pipelines	50 FT (to habitable structures)			Note 5

Notes:

1. *An existing lot of record that is substandard as to minimum “project” area and/or dimension(s) shall be permitted the development rights of the zone in which it is located, except that the maximum density shall be limited to the minimum allowed within the density range.*
 2. *A density bonus and other incentives pursuant to GC 65915 through 65918 may be granted by the Approving Authority. Refer to Subsection 6.01.010.H (Density Bonus and Other Incentives).*
 3. *Lots with a maximum density calculation of less than 1.00 may be developed with one dwelling unit.*
 4. *A residentially zoned lot shall be developed at no less than the minimum number of dwelling units allowed within the specified density range for the applicable zoning district, except that if, as a result of the configuration/design of a lot, the minimum residential density cannot be achieved, the lot may be developed with a maximum of one dwelling unit.*
 5. *Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:*
 - a. *Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and*
 - b. *Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.*
 6. *On a lot having a street adjacent side or rear property line, for the purpose of wall placement, each wall shall be setback a minimum of 5 FT behind the street property line to allow for landscaping beyond any required parkway landscaping.*
 7. *The minimum setback from private streets shall be measured from a line running parallel to the street, which is located 12 FT behind face-of-curb (a.k.a., “parkway”).*
 8. *The interior side property line setback may be reduced to 4 FT if the setback area is combined with the side setback area of the adjacent property to create a single minimum 8-FT wide outdoor use area clear of walls, thereby allowing a minimum 8-FT wide side to side building separation.*
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Small Lot Traditional Single-Family Residential; 4,000/4,500 SF Lots

Small Lot Traditional Single-Family Residential; 2,800/3,200 SF Lots



Figure 6.01-2A: Example Development—Small Lot Traditional Single-Family Residential

Table 6.01-2B: Small Lot Alley-Loaded Single-Family Development Standards

Requirements	Residential Zoning Districts			Additional Regulations
	LDR-5	MDR-11	MDR-18, MDR-25 & HDR-45	
A. SITE DEVELOPMENT STANDARDS				
1. Density Range (minimum to maximum, in dwelling units per acre)	2.1 to 5.0	5.1 to 11.0	MDR-18: 11.1 to 18.0; MDR-25: 18.1 to 25.0; HDR-45: 25.1 to 45.0	Notes 2, 3 & 4
2. Minimum Project Area	One acre			Note 1
3. Minimum Project Dimensions	200 FT – Width 200 FT - Depth			Note 1
4. Minimum Lot Size				
a. Lot width	40 FT – Interior Lots 45 FT – Corner Lots		35 FT – Interior Lots 40 FT – Corner Lots	
b. Lot Depth	75 FT		70 FT	
5. Maximum Lot Coverage	55%	60%	70%	
6. Minimum Lot Dimensions	N/A			
7. Minimum Parking Space (Uncovered) and Private Street, Drive, or Lane/Alleyway Setbacks				
a. From Project Boundary Street Property Lines	20 FT - Freeways 30 FT – Arterial Streets 20 FT – Other Streets			
b. From Project Boundary Interior Property Lines	5 FT			
8. Equestrian Trails Required	No			
9. Walls, Fences, and Obstructions	Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts).			
10. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading).			
11. Open Space and Recreation Amenities	Refer to Subsection 6.01.010.E (Open Space Requirements for Small Lot Traditional and Alley-Loaded Development Projects, Cluster Single-Family Development Projects, and Multiple-Family and Mixed-Use Development Projects).			
12. Landscaping	Refer to Division 6.05 (Landscaping) and Paragraph 6.01.010.G.6 (Landscaping).			
13. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance).			
14. Historic Preservation	Certain portions of residential zoning districts are identified as historic or potentially historic and are listed on the City’s Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.			
15. Signs	Refer to Division 8.1 (Sign Regulations).			
16. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).			

Table 6.01-2B: Small Lot Alley-Loaded Single-Family Development Standards

Requirements	Residential Zoning Districts			Additional Regulations
	LDR-5	MDR-11	MDR-18, MDR-25 & HDR-45	
17. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Tile 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).			
18. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.			
B. BUILDING DEVELOPMENT STANDARDS				
1. Minimum Setback from Street Property Lines				Note 8
a. From Freeways	20 FT			
b. From Arterial Streets	30 FT			Note 5
c. From Collector and Local Streets	10 FT - Front 10 FT – Street Sides 15 FT – Street Rear			Note 5
2. Minimum Setback from Project Boundary Property Lines	10 FT – Project Boundaries 5/4 FT – Side 10 FT – Rear 5 FT – Patio Cover			Note 6
3. Minimum Setback from Private Drives	10 FT – Living Area 6 FT – Porch (Single-Story) 18 FT – Garage Entry 10 FT – Other Garage (side/rear)			Note 8
4. Minimum Setback from Private Lanes/Alleyways	10 FT – Living Area 5 FT – Garage			
5. Minimum Setback from Parking Spaces	10 FT			
6. Minimum Separations Between Buildings				
a. Dwelling Front to Front	25 FT			
b. Dwelling Front to Side	20 FT			
c. Dwelling Side to Side	10/8 FT			Note 6
d. Dwelling Rear to Rear	20 FT			
e. Garage to Garage	30 FT – Entry to Entry 30 FT – Entry to Side 10/8 FT – Side to Side 10/8 FT – Side to Rear			Note 6
7. Maximum Building Height	35 FT			
8. Minimum Setback from Major Pipelines	50 FT (to habitable structures)			Note 7

Notes:

1. *An existing lot of record that is substandard as to minimum "project" area and/or dimension(s) shall be permitted the development rights of the zone in which it is located, except that the maximum density shall be limited to the minimum allowed within the density range.*
 2. *A density bonus and other incentives pursuant to GC 65915 through 65918 may be granted by the Approving Authority. Refer to Subsection 6.01.010.H (Density Bonus and Other Incentives).*
 3. *Lots with a maximum density calculation of less than 1.00 may be developed with one dwelling unit.*
 4. *A residentially zoned lot shall be developed at no less than the minimum number of dwelling units allowed within the specified density range for the applicable zoning district, except that if, as a result of the configuration/design of a lot, the minimum residential density cannot be achieved, the lot may be developed with a maximum of one dwelling unit.*
 5. *On lot having a street-adjacent side or rear property line, for the purpose of wall placement, each wall shall be setback a minimum of 5 FT behind the street property line to allow for landscaping beyond any required parkway landscaping.*
 6. *The interior side property line setback may be reduced to 4 FT if the setback area is combined with the side setback area of the adjacent property to create a single minimum 8-FT wide outdoor use area clear of walls, thereby allowing a minimum 8-FT wide side to side building separation.*
 7. *Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:*
 - a. *Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and*
 - b. *Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.*
 8. *The minimum setback from private streets shall be measured from a line running parallel to the street, which is located 12 FT behind face-of-curb (a.k.a., "parkway").*
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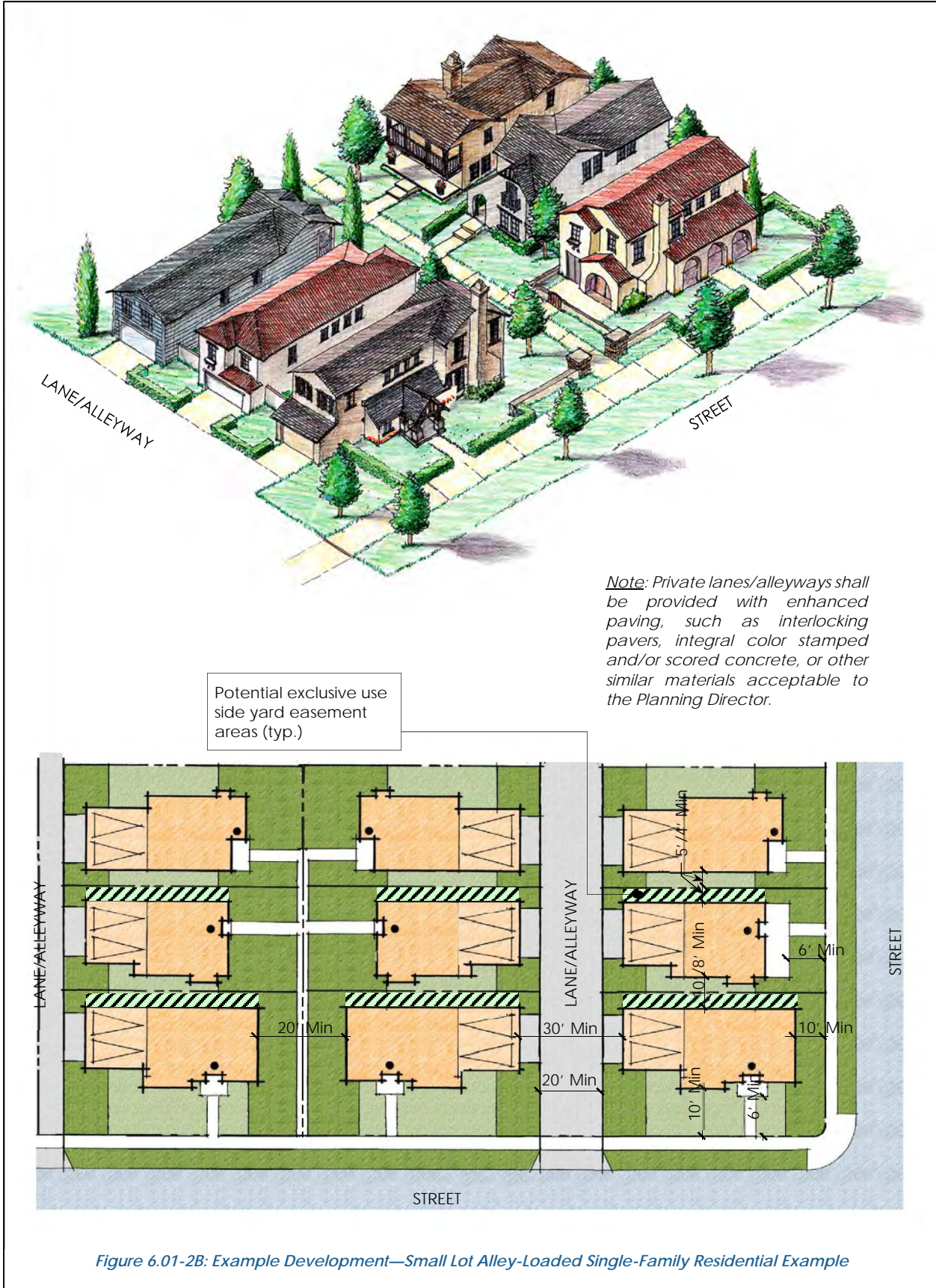


Figure 6.01-2B: Example Development—Small Lot Alley-Loaded Single-Family Residential Example

Table 6.01-2C: Cluster Single-Family Residential Development Standards

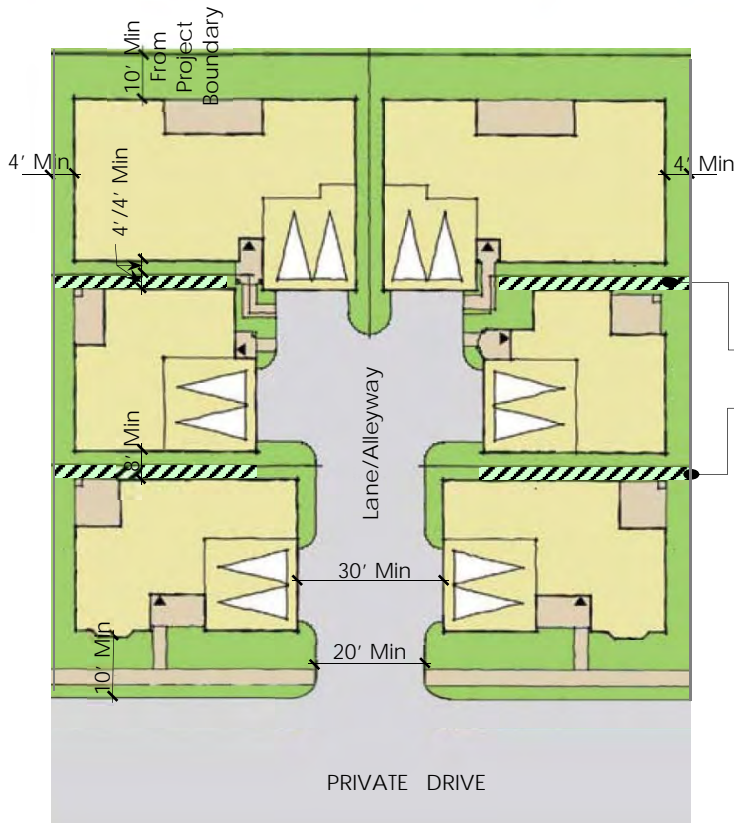
Requirements	Residential Zoning Districts			Additional Regulations
	LDR-5	MDR-11	MDR-18, MDR-25 & HDR-45	
A. SITE DEVELOPMENT STANDARDS				
1. Density Range (minimum to maximum, in dwelling units per acre)	2.1 to 5.0	5.1 to 11.0	MDR-18: 11.1 to 18.0 MDR-25: 18.1 to 25.0 HDR-45: 25.1 to 45.0	Notes 2, 3 & 4
2. Minimum Project Area	One acre			Note 1
3. Minimum Project Dimensions	200 FT - Width 200 FT - Depth			Note 1
4. Minimum Lot Size	N/A			
5. Maximum Lot Coverage	N/A			
6. Minimum Lot Dimensions	N/A			
7. Minimum Parking Space (Uncovered) and Private Street, Drive, or Lane/Alleyway Setbacks				
a. From Project Boundary Street Property Lines	20 FT - Freeways 30 FT - Aerial Streets 20 FT - Other Streets			
b. From Project Boundary Interior Property Lines	5 FT			
8. Equestrian Trails Required	No			
9. Walls, Fences, and Obstructions	Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts).			
10. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading).			
11. Open Space and Recreation Amenities	Refer to Subsection 6.01.010.E (Open Space Requirements for Small Lot Traditional and Alley-Loaded Development Projects, Cluster Single-Family Development Projects, and Multiple-Family and Mixed-Use Development Projects).			
12. Landscaping	Refer to Division 6.05 (Landscaping) and Paragraph 6.01.010.G.6 (Landscaping).			
13. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance).			
14. Historic Preservation	Certain portions of residential zoning districts are identified as historic or potentially historic and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.			
15. Signs	Refer to Division 8.1 (Sign Regulations).			
16. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).			
17. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).			

Table 6.01-2C: Cluster Single-Family Residential Development Standards

Requirements	Residential Zoning Districts			Additional Regulations
	LDR-5	MDR-11	MDR-18, MDR-25 & HDR-45	
18. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.			
B. BUILDING DEVELOPMENT STANDARDS				
1. Minimum Setback from Public Street Property Lines				Note 8
a. Freeways	20 FT			
b. Arterial Streets	30 FT			Note 5
c. Collector and Local Streets	20 FT - Front 10 FT – Street Sides 15 FT – Street Rear			Note 5
2. Minimum Setback from Interior Property Lines	10 FT – Project Boundaries 4 FT – Side 4 FT – Rear 4 FT – Patio Cover			Note 6
3. Minimum Setback from Private Drives	10 FT – Living Area 5 FT – Porch (Single-Story) ≤ 5 FT or ≥ 18 FT – Garage Entry 10 FT – Garage Other			Note 8
4. Minimum Setback from Lanes/Alleyways (measured from back-of-curb)	5 FT – Living Area 5 FT – Porch (Single-Story) 5 FT – Garage			
5. Minimum Setback from Parking Spaces	10 FT – Living Area 8 FT – Porch (Single-Story) 5 FT - Garage			
6. Minimum Separation Between Buildings				
a. Dwelling Front to Front	30 FT			
b. Dwelling Front to Side	14 FT			Note 6
c. Dwelling Side to Side	8 FT			Note 6
d. Dwelling Side to Rear	8 FT			
e. Dwelling Rear to Rear	16 FT			
f. Garage to Garage	30 FT – Entry to Entry 30 FT – Entry to Side 8 FT – Side to Side 8 FT – Side to Rear			Note 6
7. Maximum Building Height	35 FT			
8. Minimum Setback from Major Pipelines	50 FT (to habitable structures)			Note 7

Notes:

1. *An existing lot of record that is substandard as to minimum “project” area and/or dimension(s) shall be permitted the development rights of the zone in which it is located, except that the maximum density shall be limited to the minimum allowed within the density range.*
 2. *A density bonus and other incentives pursuant to GC 65915 through 65918 may be granted by the Approving Authority. Refer to Subsection 6.01.010.H (Density Bonus and Other Incentives).*
 3. *Lots with a maximum density calculation of less than 1.00 may be developed with one dwelling unit.*
 4. *A residentially zoned lot shall be developed at no less than the minimum number of dwelling units allowed within the specified density range for the applicable zoning district, except that if, as a result of the configuration/design of a lot, the minimum residential density cannot be achieved, the lot may be developed with a maximum of one dwelling unit.*
 5. *On a lot having a street-adjacent side or rear property line, for the purpose of wall placement, each wall shall be setback a minimum of 5 FT behind the street property line to allow for landscaping beyond any required parkway landscaping.*
 6. *The interior side property line setback may be combined with the side setback area of the adjacent property to create a single minimum 8-FT wide outdoor use area clear of walls, which is defined in the project CC&Rs.*
 7. *Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:*
 - a. *Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and*
 - b. *Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.*
 8. *The minimum setback from private streets and drives shall be measured from a line running parallel to the street/drive, which is located 12 FT behind face-of-curb (a.k.a., “parkway”).*
-



Note: Private lanes/alleyways shall be provided with enhanced paving, such as interlocking pavers, integral color stamped and/or scored concrete, or other similar materials acceptable to the Planning Director.

Potential exclusive use side yard easement areas (typ.)

Figure 6.01-2C: Example Development—Cluster Single-Family Residential

Table 6.01-3: Multiple-Family Residential Development Standards

Requirements	Residential Zoning Districts				Additional Regulations
	MDR-11	MDR-18	MDR-25	HDR-45	
A SITE DEVELOPMENT STANDARDS					
1. Density Range (minimum to maximum, in dwelling units per acre)	5.1 to 11.0	11.1 to 18.0	18.1 to 25.0	25.1 to 45.0	Notes 1, 2, 6 & 7
2. Minimum Project Area	0.23 Acre (10,000 SF)			1.0 AC	Note 1
3. Minimum Project Dimensions					
a. Width	100 FT			180 FT	Note 1
b. Depth	100 FT			200 FT	Note 1
4. Maximum Project Coverage	60%			100%	
5. Minimum Lot Size	N/A				
6. Maximum Lot Coverage	N/A				
7. Minimum Lot Dimensions					
a. Lot Width	Refer to Subsection 6.08.045.C (Common Interest Subdivisions are Exempt from Minimum Lot Area and Building Setback Requirements)				
b. Lot Depth					
8. Minimum Parking Space (Uncovered), Drive Aisle and Driveway Setbacks					
a. From Project Boundary Street Property Line	20 FT – Freeways 20 FT – Arterial Streets 10 FT – Collector and Local Streets			10 FT – Freeways 10 FT – Arterial Streets 10 FT – Collector and Local Streets	
b. From Project Boundary Interior Property Line	5 FT				
9. Equestrian Trails Required	No				
10. Walls, Fences and Obstructions	Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts).				
11. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading).				
12. Open Space and Recreation Amenities	Refer to Subsection 6.01.010.E (Open Space Requirements for Small Lot Traditional and Alley-Loaded Development Projects, Cluster Single-Family Development Projects, and Multiple-Family and Mixed-Use Development Projects).				
13. Landscaping	Refer to Division 6.05 (Landscaping) landscape standards. Also refer to Paragraph 6.01.010.G.6.c (Single-Family Cluster and Multiple-Family Development) for additional standards addressing multiple-family development within commercial zoning districts				
14. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance).				

Table 6.01-3: Multiple-Family Residential Development Standards

Requirements	Residential Zoning Districts				Additional Regulations
	MDR-11	MDR-18	MDR-25	HDR- 45	
15. Historic Preservation	Certain portions of residential zoning districts are identified as historic or potentially historic and are listed on the City’s Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.				
16. Signs	Refer to Division 8.1 (Sign Regulations).				
17. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).				
18. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).				
19. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.				
B BUILDING DEVELOPMENT STANDARDS					
1. Minimum Setback from Public Street Property Lines	20 FT – Freeways 30 FT – Arterial Streets 20 FT – Collector and Local Streets			10 FT	Notes 3 & 9
2. Minimum Setback from Interior Project Boundary Property Lines	5 FT				Note 4
3. Minimum Setback from Public Alley Property Lines	5 FT				
4. Minimum Setback from Private Drives/Alleyways (from edge of drive aisle)					
a. Living Area	15 FT				
b. Garages and Other Nonhabitable Structures	5 FT				
5. Minimum Setback from Dwellings to Parking Spaces					
a. Living Area	10 FT				
b. Garages and Other Nonhabitable Structures	5 FT				
6. Minimum Setback from Parking Space or Drive Aisle to Wall or Fence	5 FT				
7. Minimum Separation Between Detached Buildings					
a. Dwelling Front to Front	≤ 2-Stories: 25 FT; ≥ 3 Stories: 30 FT				
b. Dwelling Front to Rear	≤ 2-Stories: 25 FT; ≥ 3 Stories: 30 FT				
c. Dwelling Front to Side	≤ 2-Stories: 25 FT; ≥ 3 Stories: 30 FT				
d. Dwelling Side to Side	≤ 2-Stories: 10 FT; ≥ 3 Stories: 15 FT				

Table 6.01-3: Multiple-Family Residential Development Standards

Requirements	Residential Zoning Districts				Additional Regulations
	MDR-11	MDR-18	MDR-25	HDR- 45	
e. Dwelling Side to Rear	15 FT				
f. Dwelling Rear to Rear	20 FT				
g. Garage to Garage (or other nonhabitable structures)	30 FT – Entry to Entry 30 FT – Entry to Side 10 FT – Side to Side 10 FT – Side to Rear				
8. Minimum Storage Space	240 CF				Note 5
9. Maximum Building Height	35 FT	45 FT	60 FT	75 FT	
10. Minimum Setback from Major Pipelines	50 FT (to habitable structures)				Note 8

Notes:

1. An existing lot of record that is substandard as to minimum “project” area and/or dimension(s), shall be permitted all of the development rights of the zone in which it is located, except that the maximum density shall be limited to the minimum number of dwelling units allowed within the specified density range for the applicable zoning district.
2. A density bonus and other incentives pursuant to GC Sections 65915 through 65918, may be granted by the Approving Authority. Refer to Subsection 6.01.010.H (Density Bonus and Other Incentives).
3. A health risk assessment shall be required for multiple-family development projects located within close proximity to a freeway, as determined by the Zoning Administrator.
4. A dwelling having the primary entry facing onto an interior property line shall maintain a minimum 10-FT setback from the corresponding interior property line.
5. Adequate lockable private storage space shall be provided within a garage or storage building, or a space directly accessible from the dwelling. Exterior closets accessed from patios or balconies may be used if screened from public view.
6. Lots with a maximum density calculation of less than 1.00 may be developed with one dwelling unit.
7. A residentially zoned lot shall be developed at no less than the minimum number of dwelling units allowed within the specified density range for the applicable zoning district, except that if, as a result of the configuration/design of a lot, the minimum residential density cannot be achieved, the lot may be developed with a maximum of one dwelling unit.
8. Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:
 - a. Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and
 - b. Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.
9. The minimum setback from private streets shall be measured from a line running parallel to the street, which is located 12 FT behind face-of-curb (a.k.a., “parkway”).

Triplex Townhomes — 5.1 to 11 DU/Acre

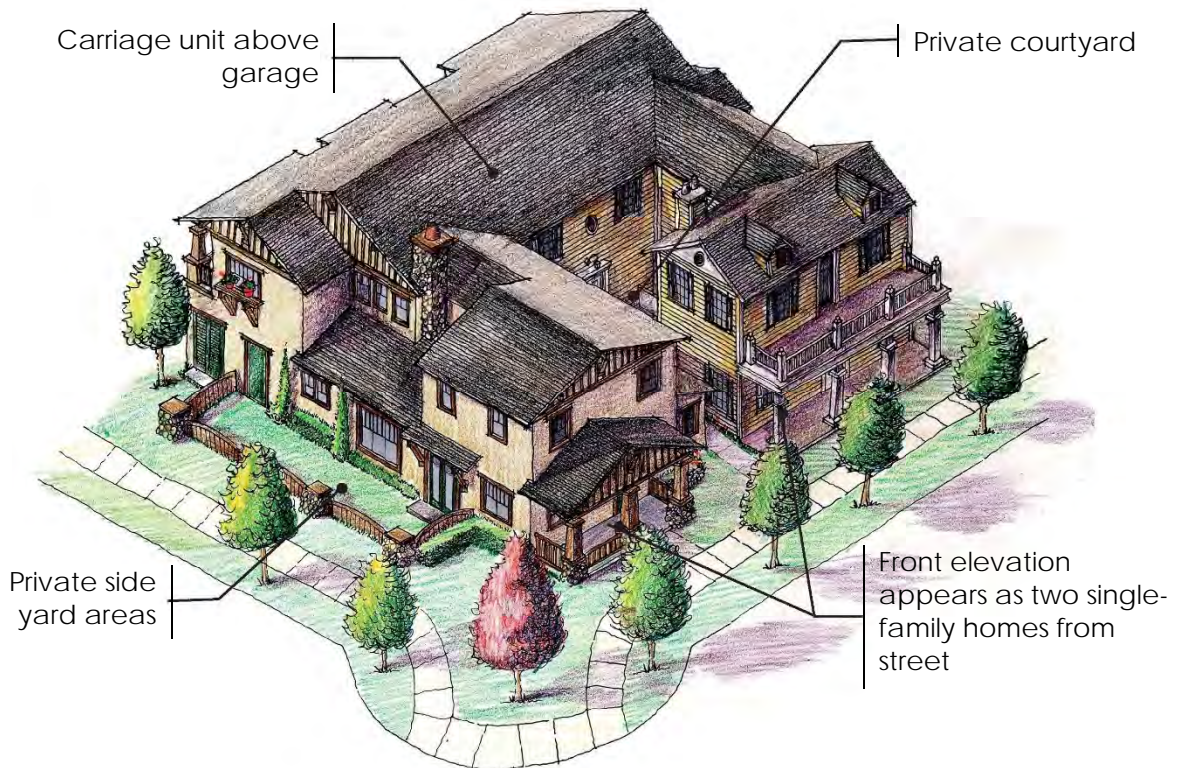
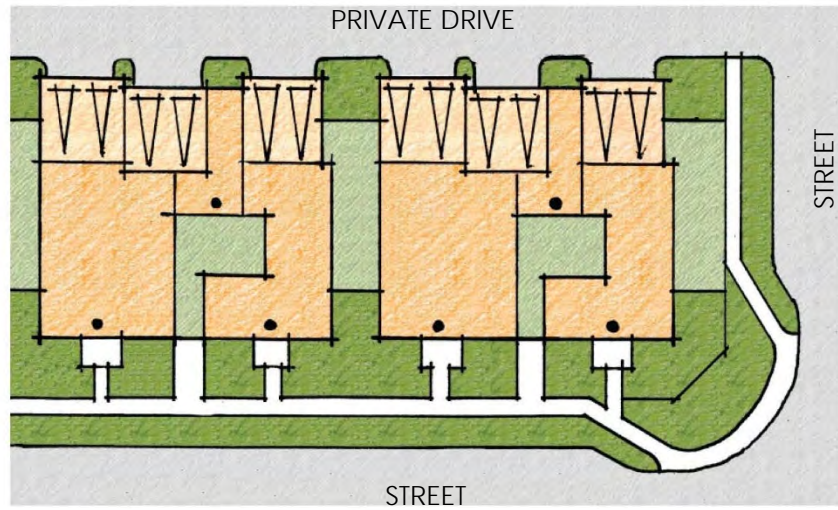
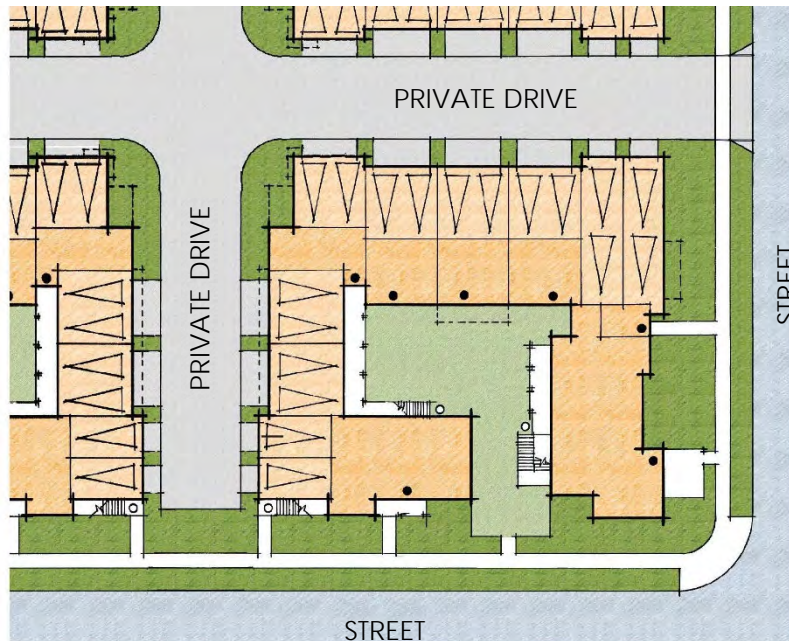


Figure 6.01-3A: Example Multiple-Family Development — MDR-11 (5.1 to 11.0 DU/Acre) Zoning District

Courtyard Townhomes — 11.1 to 18 DU/Acre



One, two and three-story elements create human scale

Building articulation continues along private drive

Front doors face street and interior courtyard

Common courtyard

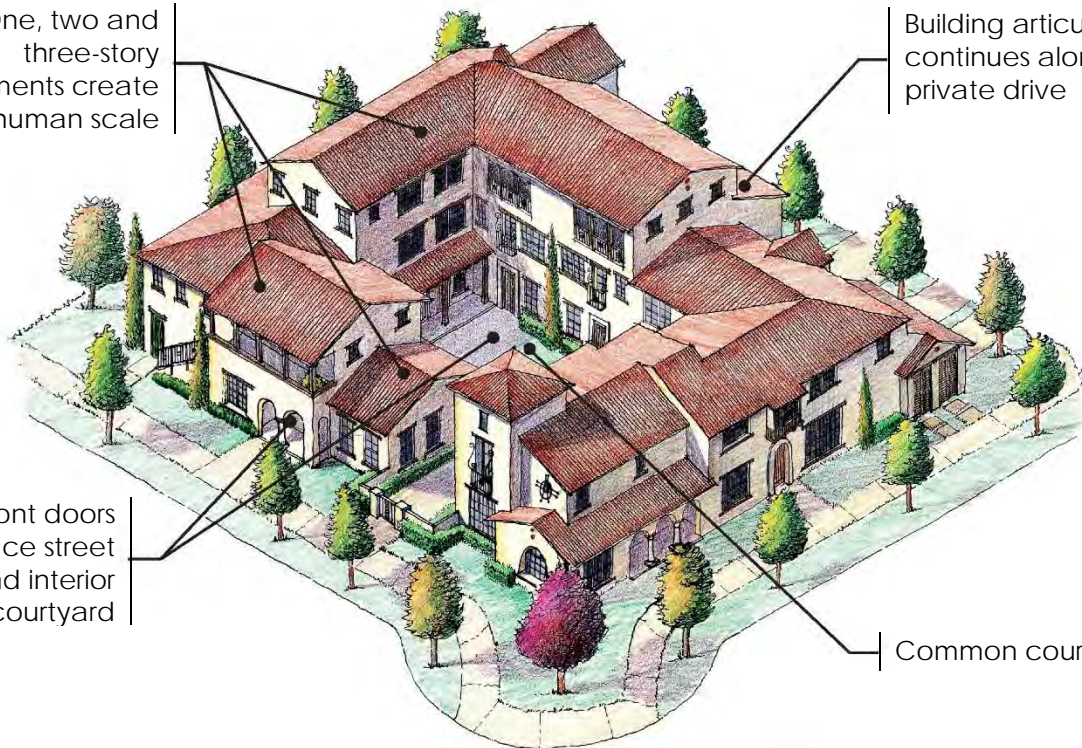


Figure 6.01-3B: Example Multiple-Family Development — MDR-18 (11.1 to 18.0 DU/Acre) Zoning District

Motorcourt Townhomes — 18.1 to 25 DU/Acre

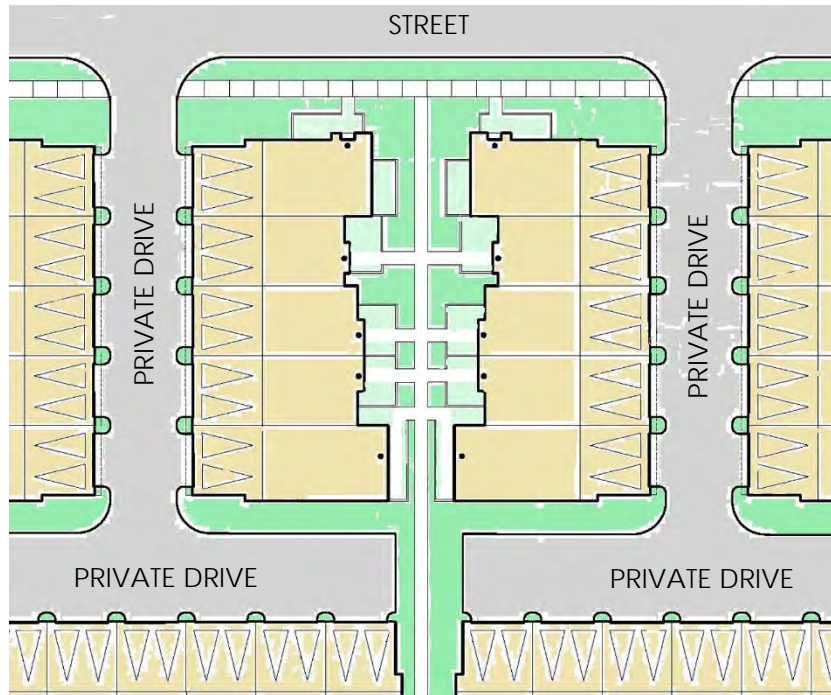


Figure 6.01-3C: Example Multiple-Family Development — MDR-25 (18.1 to 25.0 DU/Acre) Zoning District

Stacked Flats Condominiums Over Podium Parking — 25.1 to 45 DU/Acre

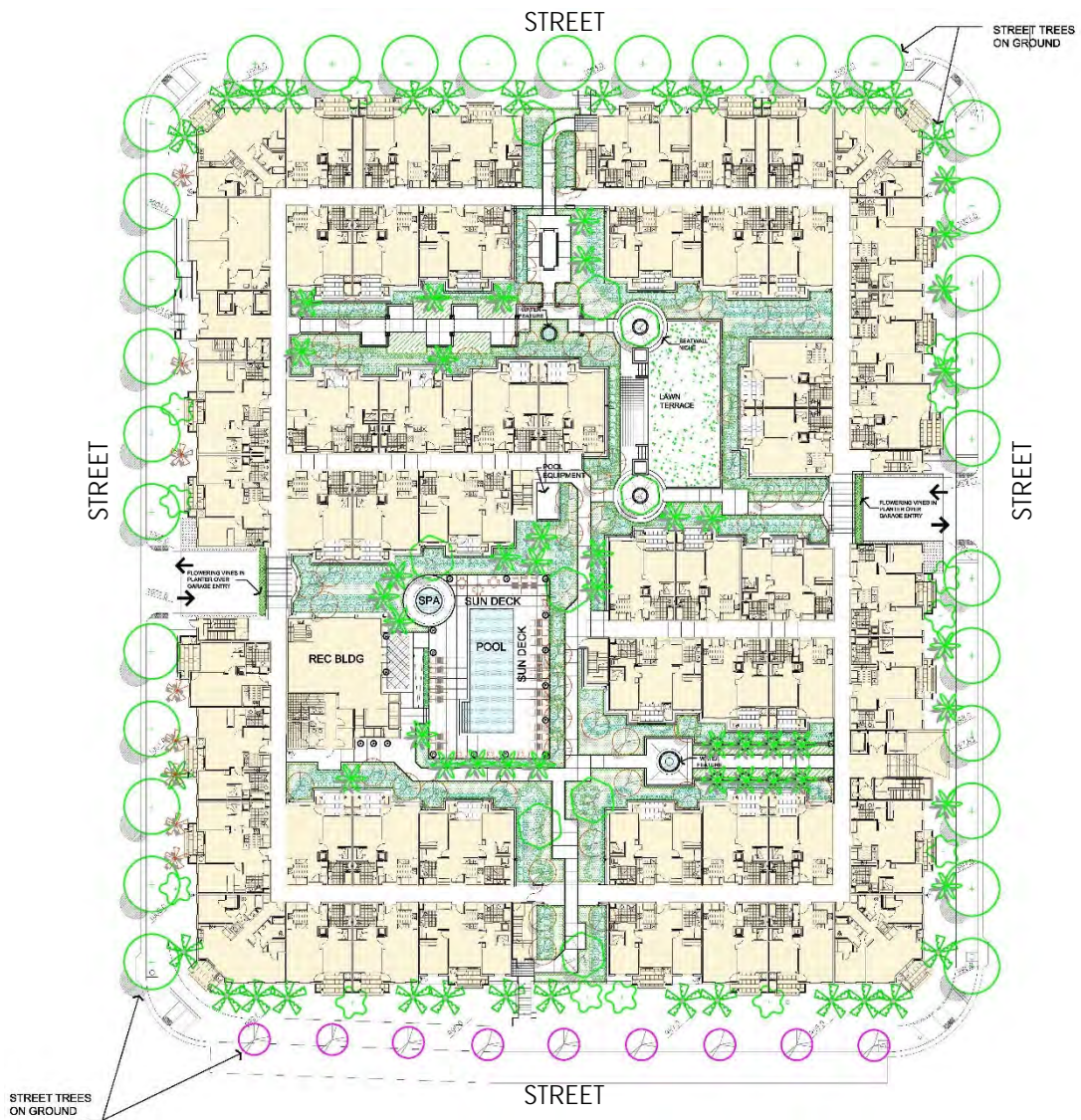


Figure 6.01-3D: Example Multiple-Family Development — HDR-45 (25.1 to 45.0 DU/Acre) Zoning District

D. Exceptions to Development Standards. The following exceptions from the maximum height and minimum setback requirements stipulated in Table 6.01.010-1 (Traditional Single-Family Residential Development Standards), Table 6.01.010-2 (Single-Family Residential Small Lot and Cluster Development Standards), and Table 6.01.010-3 (Multiple-Family Residential Development Standards) shall be permitted:

1. Height.

a. *Aerials and Antennas, Chimneys, Cupolas, Elevator Penthouses, Flagpoles, Monuments, Parapet Walls, Spires, Towers, Water Tanks, and Other Similar Structures.* Aerials and antennas, chimneys, cupolas, elevator penthouses, flagpoles, monuments, parapet walls, spires, towers, water tanks, and other similar structures may be erected to a height of up to 25 percent above the prescribed height limit of the base zoning district.

b. *Amateur (HAM) Radio Antennas.* HAM radio antennas may exceed the maximum prescribed height limit of a zoning district by a maximum of 10 FT. The Zoning Administrator, however, may allow HAM radio antennas to exceed this height limitation if it is necessary to accommodate amateur radio service communications. A HAM radio antenna that exceeds the maximum prescribed height limit of the zoning district in which it is located shall not exceed the minimum height and dimensions necessary to accommodate amateur radio service communications.

c. *Wireless Telecommunication Facilities.* Wireless telecommunication facilities shall comply with Section 5.03.420 (Wireless Telecommunications Facilities) of this Development Code.

2. Encroachments into Required Setback Areas.

a. *Attached Porte Cocheres.* Porte cocheres attached to the main dwelling may extend into a required front setback a maximum of 30 percent of the required setback depth and may extend into a side setback a maximum of 50 percent of the required setback width, provided the porte cochere is no greater than 20 FT in width. In no case, however, shall the side setback width be reduced to less than 3 FT.

b. *Cornices, Eaves, Canopies, Decorative Wall Elements, and Similar Architectural Features.* Cornices, eaves, canopies, decorative wall elements, and similar architectural features may extend into a required front, street side, or rear setback area, a maximum of 50 percent of the required setback, not to exceed 2.5 FT.

c. *Fireplaces and Chimneys.* Fireplaces and chimneys may extend a maximum of 2 FT into a required front, rear, side, or street side setback area; however, in no case shall the side setback be reduced to less than 3 FT.

d. *Porches, Patios, and Decks.* A porch, patio, or deck, may extend up to 30 percent into a required street setback area, provided the porch, patio, or deck, is no greater than 20 FT in width.

e. *Decorative Archways, Pergolas, and Porticos.* Decorative archways, pergolas, and porticos may be located within a front or street side setback area, provided the structure does not exceed 5 FT in width, 4 FT in depth, and 8 FT in height, and a minimum clear interior vertical dimension of 7 FT is maintained.

f. *Patio Covers.* Support structure for patio covers (i.e., columns, beams and lintels) attached to single-family dwellings may extend into a required rear setback, to within 10 FT of the rear property line, to within 5 FT of an interior property line and to within 5 FT of a street side property line.

g. *Signs.* Signs allowed pursuant to Division 8.1 (Sign Regulations) of this Development Code may encroach into a required front or street side setback area, or rear setback area of a through-lot.

h. *Single-Story Additions to Single-Family Dwellings.* Single-story additions to single-family dwellings may extend into a required rear setback to within 10 FT of the rear property line, provided the building addition does not occupy more than 25 percent of the required rear setback area.

i. *Stairwells and Balconies.* Open, unenclosed stairways and balconies, which are not covered by a roof or canopy, may extend a maximum of 4 FT into a required setback area; however, in no case shall the side setback be reduced to less than 2.5 FT.

j. *Walls, Fences, and Obstructions.* Walls, fences, and obstructions may be permitted within required setback areas pursuant to the provisions of Division 6.02 (Fences, Walls and Obstructions) of this Chapter.

k. *Utility and Storage Closets.* Utility and storage closets may extend a maximum of 2 FT into a required rear or side setback area. In no case, however, shall the setback be reduced to less than 3 FT.

E. Open Space Requirements for Small Lot Traditional and Alley-Loaded Development Projects, Cluster Single-Family Development Projects, and Multiple-Family and Mixed-Use Development Projects.

1. It is the intent of this section to ensure sufficient open space areas for the active enjoyment of recreational activities by residents and guests of small lot single-family and cluster development projects, and multiple-family and the residential portion of mixed-use development projects. In this regard, active open space elements shall be of sufficient size and location, and easily accessible to each dwelling unit.

2. Active open space areas that feature recreational amenities, such as pools, spas, court activities, etc., shall be placed and managed so as not to infringe upon the peacefulness of any neighboring traditional single-family development. The following open space areas shall contribute to the open space requirements for single-family small lot and cluster development projects, and multiple-family and the residential portion of mixed-use development projects:

a. *Minimum Open Space Requirements.*

(1) Small Lot Traditional and Alley-Loaded Development Projects, and Cluster Single-Family Development Projects—Small lot traditional, small lot alley-loaded, and cluster single-family development projects, which consist of more than 3 dwellings, shall devote a minimum of 20 percent of the project site to open space (private and common area), and shall include common recreation amenities and facilities pursuant to Paragraph E.2.c (Common Active Open Space Area) et seq., of this Section.

(2) Minimum Open Space Requirements for Multiple-Family and Mixed-Use Development Projects—

(a) Table 6.01-4 (Minimum Open Space Requirements for Multiple-Family and Mixed-Use Development Projects), below, establishes the minimum open space requirements for multiple-family development projects and the multiple-family residential portion of mixed-use development projects consisting of more than 3 dwellings. The required open space area shall be calculated on a on a per unit basis and includes [i] private open space for the exclusive use of a dwelling's occupants and guests, and [ii] common open space areas for the enjoyment of all residents within a development project. Common open space consists of active areas, with recreation facilities, and passive areas incorporating features that enhance the appearance and desirability of a development project, such as turf areas, exotic plantings, pathways, waterscape, hardscape, rockscapes, benches, gazebos, raised planters, and other unique features.

Table 6.01-4: Minimum Open Space Requirements for Multiple-Family and Mixed-Use Development Projects

Open Space Type	Zoning Districts		
	MDR-11 & MDR-18	MDR-25	HDR-45
Private Open Space	200 SF (40%)	150 SF (37.5%)	60 SF (20%)
Common Open Space	300 SF (60%)	250 SF (62.5%)	250 SF (80%)
Total Open Space	500 SF (100%)	400 SF (100%)	310 SF (100%)

(b) The ratios of “private” open space area to “common” open space area specified Table 6.01-4 (Minimum Open Space Requirements for Multiple-Family and Mixed-Use Development Projects), above, are recommended and may be adjusted by the developer, based upon the housing market the proposed development is intended to serve, and subject to approval by the Approving Authority for the project. At a minimum, the “required total” open space for each zoning district shall be provided by all single-family residential small lot and cluster development projects, and multiple-family development projects.

(c) Off-street parking spaces, drive aisles, driveways, loading areas, or service areas, shall not be included in minimum open space calculations.

b. Private Open Space Areas.

(1) For small lot and cluster single-family development projects, a contiguous useable private open space area shall be provided for each dwelling at ground level, with a minimum clear horizontal dimension of 15 FT in depth by 15 FT in width (225 SF), and a minimum clear vertical dimension of 8 FT.

(2) For multiple-family dwellings, contiguous useable private open space located at the dwelling’s main living level shall be provided, having a minimum contiguous clear area of 60 SF, a minimum clear horizontal dimension of 7 FT, and a minimum clear vertical dimension of 8 FT. Other open space areas located on balconies or roof decks shall have a minimum contiguous clear area of 50 SF, a minimum clear horizontal dimension of 6 FT, and a minimum clear vertical dimension of 8 FT.

(3) Private ground level open spaces located on the street side of a structure shall be screened from street public view by a decorative wall or fence, and densely planted landscaping.

(4) Private open spaces shall be permanently maintained in an orderly manner, and kept clear of weeds and refuse, debris, rubble, or any other waste.

c. *Common Active Open Space Area.*

(1) Common active open space areas containing recreation facilities shall be provided pursuant to Table 6.01-5 (Minimum Requirements for Common Recreation Amenities). For the purpose of this provision, required recreation facilities shall be categorized as follows:

(a) **Major Recreation Facilities**—A major recreation facility is intended to be a significant recreation node or focal point for residents, and include recreation buildings, swimming or wading pools, splash pads and water play fountains, tennis courts, childcare facilities, and other major amenities requiring significant investment and of appropriate size to serve the project residents, as determined by the City. (Note: For projects consisting of 25 or fewer dwellings, two minor recreation facilities may be provided in place of one major recreation facility.)

(b) **Minor Recreation Facilities**—A minor recreation facility is intended to augment the variety and availability of recreation facilities, and include tot lots for ages 2 to 5 and/or play areas/equipment for ages 5 to 12, spas or saunas, picnic and barbecue areas, cabanas and shade structures, basketball courts, volleyball courts, community gardens, and other similar amenities requiring significant investment and appropriate to serve project residents, as determined by the City.

Table 6.01-5: Minimum Requirements for Common Recreation Amenities

Type	No. of Dwelling Units							
	4-10	10-25	26-100	101-150	151-200	201-250	251-300	> 300
Major Facilities:	0	1	1	1	2	2	3	One per 100 DUs
Minor Facilities:	1	0	1	2	2	3	3	One per 50 DUs

(2) Common active open space areas shall not be located within required setback areas from public or private streets.

(3) Common active open space areas shall be located a minimum of 10 FT from any habitable structures, and shall have a minimum contiguous area of 300 SF, with no horizontal dimension less than 15 FT, and no clear vertical dimension less than 8 FT.

(4) All common active open space areas shall be planted with permanent landscaping or be devoted to recreational facilities, such as swimming pools, tennis courts, tot lots, patios, or similar open space and recreational facilities.

(5) Common active open space areas are to be permanently maintained in an orderly manner.

d. *Common Passive Open Space Area.*

(1) Common passive open space areas shall not be located within required setback areas from public or private streets.

(2) Passive common open space areas shall be located a minimum of 5 FT from the habitable portion of any dwelling on the project site.

(3) Passive common open space areas shall have a minimum dimension of 5 FT; however, not more than 50 percent of the passive areas having a dimension less than 10 FT may be counted toward the minimum open space requirements of this Section.

F. **General Provisions.** The following general provisions are applicable within all residential zoning districts:

1. Single-Family Dwellings.

a. *Minimum Dwelling Width.* All traditional single-family residential dwellings units, including mobile homes constructed outside of mobile home parks, shall have a minimum overall width of 24 FT, excepting accessory detached residential structures and second dwellings.

b. *Variety of Floor Plans and Elevations.* For the development of 5 or more single-family dwellings, a variety of floor plans and building elevations shall be provided pursuant to Table 6.01-6 (Minimum Requirements for Floor Plan and Exterior Elevation Variation), below.

Table 6.01-6: Minimum Requirements for Floor Plan and Exterior Elevation Variation for Single-Family Dwellings

<i>No. of Dwellings Proposed</i>	<i>Minimum No. of Differing Floor Plans Required</i>	<i>Minimum No. of Elevations for Each Floor Plan Required</i>
5 to 10	2	2
11 to 25	2	3
26 to 50	3	3
51 to 75	3	4
76 to 100	4	4
> 100	Requirement for 76 to 100 dwellings, plus one additional floor plan with 4 elevations for each additional 25 units exceeding 100	

2. Roofing Materials on Sloped Roofs. Roofing materials used on sloped roofs, whether new construction or replacement roofing, shall be of clay or concrete tile, architectural grade dimensional composition shingle, or decorative metal shingle. Built-up/rock, roll-roofing, or other material shall not be permitted.

3. Temporary Structures. No temporary structure shall be located within a front or street side yard area. A temporary structure may be located within the rear or interior side yard area, provided it is screened from view by a solid 6-FT high fence or wall with appropriate view-obstructing access gate.

4. Refuse Storage Areas.

a. Within all residential zoning districts, refuse and recyclable materials shall be stored in an appropriate container, out of view from public streets and adjacent properties.

b. Any new dwelling unit or residential development project, for which a building permit has been issued, shall provide adequate, accessible, and convenient areas and facilities for the collection and storage of refuse and recyclable materials.

c. All animal keeping uses within residential zoning districts that generate a substantial amount of waste or refuse, as determined by the Ontario Municipal Utilities Company, shall provide refuse enclosures conforming to City standards.

d. New dwellings that have individual trash pick-up shall include an area for the storage of recyclable materials within a garage, or side or rear yard area. Furthermore, developers shall provide areas or systems containing recyclable materials receptacles, such as under-cabinet rollout drawers within kitchens, to make recycling more convenient and accessible to residents.

e. Single-family small lot and cluster developments, and multiple-family development projects that have not been approved by the City for individual dwelling unit pick-up of refuse and recyclable materials, shall provide trash enclosures for the storage of refuse and recyclable materials containers, as follows:

(1) The number of enclosures, and their precise locations, dimensions, and design shall be provided consistent with City standards.

(2) Trash enclosures shall be designed to contain separate containers for the collection of refuse and recyclable materials, with an adequate number of containers provided to allow for the collection of both refuse and recyclable materials generated by the development, pursuant to standards established by the Ontario Municipal Utilities Company.

(3) Trash enclosures shall meet the minimum design standards depicted in the standard drawings adopted by the City, which shall include: [i] a minimum 6-FT high decorative masonry wall, with appropriate view-obstructing gates for container access, [ii] separate pedestrian access that is designed to screen the interior of the enclosure from view from the exterior and prevent refuse dispersion, and [iii] a decorative overhead roof structure to protect bins containing recyclable materials from adverse environmental conditions, which might render the collected materials unusable, and screen trash bins from view of the upper floors of adjacent dwellings. Furthermore, trash enclosures shall be architecturally enhanced, and shall be consistent with the architectural design of adjacent buildings.

(4) Trash enclosure dimensions shall be of adequate size to accommodate containers consistent with the City's current methods of collection within the area in which the project is located.

(5) Signs clearly identifying all recycling and refuse collection areas, and the materials accepted for recycling shall be posted adjacent to all points of access to each trash enclosure.

(6) Trash enclosures shall be located a minimum of 10 FT from the interior project boundary/property line.

(7) Care shall be given when placing trash enclosures immediately adjacent to dwelling units; however, in no case should a trash enclosure be located within 10 FT of the livable portion of a structure.

(8) Trash enclosures shall be bordered by a minimum 5-FT wide planter and screened with landscaping on all exposed sides, excluding the side with bin access gates.

(9) Prior to the issuance of an occupancy permit, a developer or homeowners association may be required to develop a written recycling plan, which specifies the identification of targeted materials to be recycled, and methods of recycling program promotion to tenants or homeowners.

5. Stored Automobiles, Recreational Vehicles, Light Trucks, Trailers, and Other Similar Vehicles.

a. Automobiles, boats, recreational vehicles, trucks, trailers, and other similar vehicles stored within a front or street side yard area, is prohibited. For the purposes of this Section, the term “stored” means continuously parked in the same location for more than 72 hours.

b. Automobiles, boats, recreational vehicles, trucks, trailers, and other similarly used vehicles that are not stored within an enclosed structure, shall comply with the following:

(1) Vehicles shall be stored on a paved surface and screened from public view by buildings, decorative screen walls or fences, or a combination thereof.

(2) Vehicles shall only be stored on property owned by the owner of the vehicle or on property where the registered owner resides.

(3) Vehicles shall bear current vehicle registration (as required by state law).

(4) Vehicles shall not be stored in a wrecked, dismantled, or inoperative condition.

(5) Vehicles stored within side and rear yard areas shall be limited to 5 percent of the total lot area.

c. Recreational vehicles shall not be occupied or otherwise used as a living unit.

6. Landscaping.

a. *Traditional and Small Lot Single-Family Development.* The front and street side yards of lots developed with single-family dwellings shall be fully landscaped and provided with an automatic irrigation system irrigated prior to Certificate of Occupancy issuance.

b. *Maximum Allowed Area Devoted to Hardscape.* A maximum of 45 percent of the front yard of traditional single-family lots, including the street side yard area of corner lots, that is open to public view may be comprised of hardscape materials, including, but not limited to, paved porches, patios, courtyards, walkways, and driveways, areas of gravel and/or decomposed granite, and areas of artificial turf.

c. *Single-Family Cluster and Multiple-Family Development.* All areas of a development project not covered by structures, drive aisles, off-street parking facilities, or hardscape, shall be fully landscaped and provided with a permanent automatic irrigation system prior to Certificate of Occupancy issuance, excepting private open space areas that are enclosed by a minimum 6-FT high decorative wall or fence.

7. Drive Approaches, Driveways, and Drive Aisles. Residential drive approaches, driveways, and drive aisles shall comply with the following:

a. *Drive Aisles and Driveways.*

(1) Drive aisles and driveways shall be allowed solely for the purpose of providing access to off-street parking facilities, and emergency vehicle access to a property.

(2) For lots developed with single-family dwellings:

(a) A driveway shall lead to a garage or carport, and shall not exceed the overall width of the garage or carport, except that vehicular access (maximum 10 FT in width) may be provided to the side or rear yard area of lot used for vehicle storage pursuant to Paragraph 6.01.010.G.5 (Storage of Automobiles, Recreational Vehicles, Light Trucks, Trailers, and Other Similar Vehicles) of this Section; and

(b) Temporary off-street parking within a front or street side yard area shall only be allowed on a driveway leading to a garage or carport, or on an approved circular driveway constructed pursuant to Subparagraph 6.01.010.G.7.b (Circular Driveways) of this Section.

(c) Corner lots may have a rear yard access drive from a side street, subject to Planning Director and City Engineer approval. The rear yard access drive shall not exceed 10 FT in width and shall lead to a parking area that is screened by a view-obstructing wall or fence, with appropriate view-obstructing gate.

b. *Circular Driveways.* Circular driveways shall be permitted on lots developed with a single-family dwelling, which meet all of the following:

(1) The lot is located within the AR-2, RE-2, RE-4, or LDR-5 zoning district, or AG overlay zoning district, and is at least 10,000 SF in area;

(2) The property takes vehicular access from an arterial street, as identified on Exhibit M1 (Mobility Plan Map) of the Policy Plan component of The Ontario Plan, and does not front onto, or take vehicular access from, Euclid Avenue;

(3) The dwelling is setback at least 30 FT behind the front property line;

and

(4) The proposed circular driveway does not exceed 10 FT in width.

c. *Maximum Drive Approach Width.*

(1) Driveway Access for Traditional Single-Family Developments—A drive approach on a public street shall not exceed the maximum widths prescribed by Table 6.01-

7 (Maximum Single-Family Residential Drive Approach Widths), below, based upon the lot width range.

Table: 6.01-7: Maximum Single-Family Residential Drive Approach Widths

<i>Lot Width Range</i>	<i>Maximum Drive Approach Width</i>
Less than 51 FT	12 FT
51 to 80 FT	16 FT
Greater than 80 FT	20 FT

(2) Drive Aisle Access for Single-Family Cluster and Multiple-Family Developments—A drive approach providing street access to an intersecting drive aisle shall not exceed the width of the corresponding drive aisle, not to exceed 26 FT in width, unless otherwise required by the City Engineer.

d. *Drive Approaches, Driveways, and Drive Aisles Serving Developments with Multiple Dwellings.*

(1) Drive approaches serving a development project of 5 or more dwellings shall be delineated with enhanced paving treatment, such as interlocking pavers, textured and color pigmented concrete, or stamped concrete. Such treatment shall extend from the back of the drive approach to the first intersecting drive aisle or parking space.

(2) Single-family and multiple-family development projects that include dwellings configured into one or more motorcourts, shall incorporate enhanced paving treatments consisting of interlocking pavers, and textured and/or color pigmented concrete, throughout all motorcourt drives.

(3) Pedestrian pathways that cross driveways and drive aisles shall be delineated by enhanced paving treatments, such as interlocking pavers, and textured and/or color pigmented concrete.

8. Conversion of Garages. No garage shall be converted to another use unless a replacement garage is constructed on-site, which meets the minimum requirements of Division 6.03 (Off-Street Parking and Loading) of this Chapter.

9. Equestrian Trails and Related Facilities. The following standards shall govern the establishment of equestrian trails and easements within the City:

a. If required by Table 6.01-1 (Traditional Single-Family Residential Development Standards) of this Section, an unobstructed 8-FT wide easement for equestrian trail purposes shall be dedicated immediately adjacent to the front property line. Furthermore, if determined necessary by the Planning Director, additional 8-FT wide equestrian trail easements may be required at the end of blocks, and along interior side, street side, or rear property lines, to create connections to adjacent public streets or equestrian trail easements. Moreover, if determined by the Planning Director that providing equestrian easements on both sides of a street is not necessary or practical, the requirement to provide equestrian trail easements may be waived.

b. Trails shall not be surfaced with hard materials such as concrete or asphalt. Preferred surface materials include wood chips, decomposed granite, and shale;

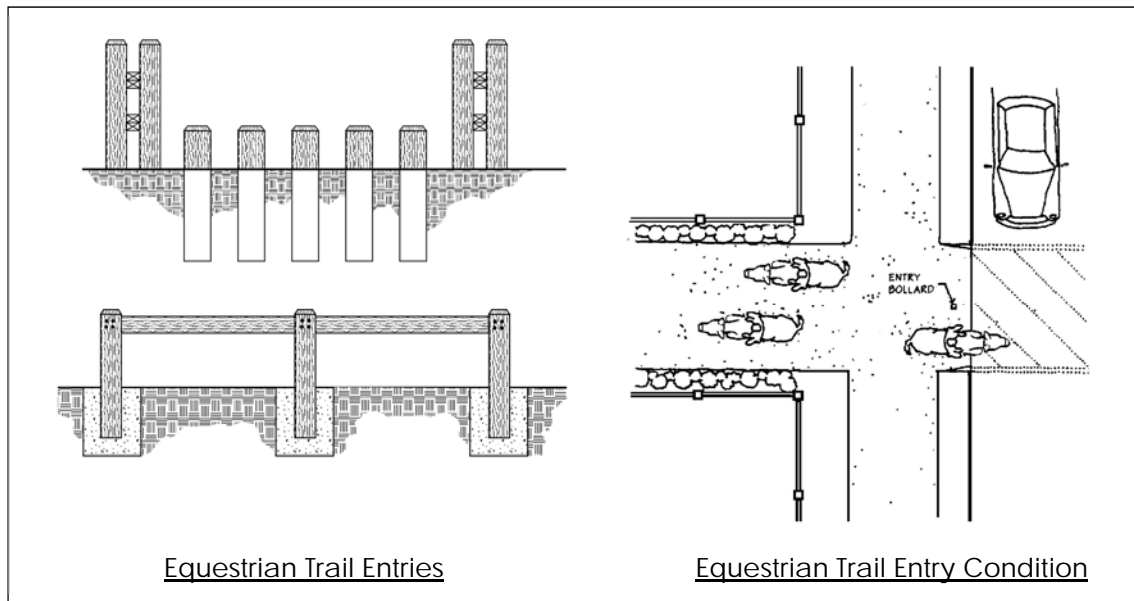


Figure 6.01-2: Equestrian Trail Step-Through Entry Design

c. Fencing built at the edge of an easement shall not be over 48 inches in height; an additional inch of height shall be allowed for every 2 inches that the fence is setback from the easement. Within 4 FT of the easement, fences shall not be opaque for more than 50% of their surface area. Wooden rail and wood plank fencing are preferred, while chainlink and wrought iron fencing should be avoided. Entries to individual properties should be accentuated with hitching posts and gates;

d. Entrances to an equestrian trail from the street shall allow the free movement of pedestrians and equestrians. Vehicular access to the trail may be limited by removable bollards or a gate, and should be designed to permit emergency vehicle access and occasional vehicular access by residents, as shown in Figure 6.01-2 (Equestrian Trail Step-Through Entry Design) and Figure 6.01-3 (Equestrian Trail Steel Barrier Gate Entry Design). Street crossing by pedestrians and equestrians should be facilitated at the street-trail entry by restricting on-street

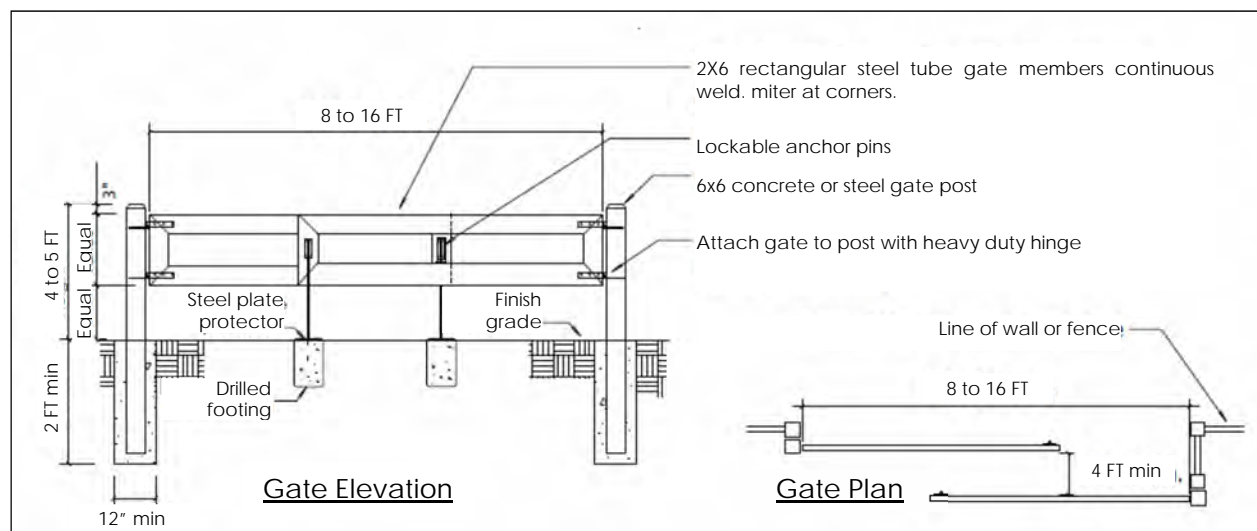


Figure 6.01-3: Equestrian Trail Steel Barrier Gate Entry Design

parking, narrowing paved widths (to minimize crossing distances), and marking the crossing with striping and signs.

10. Infill Traditional Single-Family Dwellings. Infill traditional single-family dwellings within existing residential neighborhoods are to be complementary with the character of the surrounding neighborhood in which they are proposed in terms of building height, setbacks, general architectural style, and use of exterior finish materials, and shall comply with the following standards:

a. New infill traditional single-family dwellings constructed within existing residential neighborhoods shall be integrated with existing surrounding homes to protect, enhance, and preserve the physical integrity of the existing neighborhood.

b. The area, dimensions, lot coverage, height, bulk, and scale of a proposed infill traditional single-family dwellings shall be compatible with existing residential development in the surrounding neighborhood.

c. Infill traditional single-family dwellings shall be plotted on a lot in a manner consistent with the pattern of development in the surrounding residential neighborhood. The front door should be oriented toward the frontage street and any secondary entrances and side yard facing windows should be situated in such a way that the privacy of adjacent homes is not substantially impacted. Placing side yard facing windows across from side yard facing windows of adjacent houses is discouraged.

d. Garages shall be oriented consistent with garage orientations within the surrounding neighborhood. Garages shall be oriented with access off an alley on lots with alley access.

e. New street curb cuts should not be permitted on lots with alley access. If permitted, new curb cut locations should not compromise street trees, visibility, or neighborhood consistency.

f. Separation of pedestrian and vehicular circulation within the lot is encouraged. Exterior doors should not exit onto a driveway unless a porch or landing is provided.

11. Mobile Homes and Manufactured Housing on Residential Lots Not Constructed Within a Mobile Home Park. The following standards shall govern the development of mobile homes and manufactured housing on residential lots not constructed within a mobile home park:

a. Each housing unit shall meet and be certified under the standards set forth in the National Manufactured Housing Construction and Safety Act (42USC5401 et. seq.), as amended, at the time of any application for the placement of a mobile home or a manufactured housing unit;

b. The mobile home or manufactured housing unit shall be placed on a permanent foundation system;

c. The mobile home is to be covered with exterior finish materials similar in appearance to new, conventionally constructed dwellings within area surrounding the project site;

d. The exterior finish material shall extend to the ground. If a solid concrete or masonry perimeter foundation is used, the exterior finish material need not extend below the top of the foundation. Alternative skirting materials commonly found on conventionally built residential structures shall be considered compatible;

e. The roofing material shall be of a type commonly found on conventionally built residential structures located within the area surrounding the project site;

f. Electricity, water and natural gas service, and sewer connections are to be made in a permanent manner, as typically required for permanent buildings. Gas shut-off valves, meters, and regulators shall not be located beneath a mobile home or manufactured housing structure; and

g. An attached or detached garage, which is similar to conventionally built residential structures within the area surrounding the project site, shall be provided for each mobile home or manufactured housing unit. The roof material and exterior wall finishes of the garage or carport shall exactly match the mobile home or manufactured housing unit.

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

13. Swimming Pools, Hot Tubs, Spas, Ponds, and Decorative Bodies of Water. Swimming pools, hot tubs, spas, ponds, and decorative bodies of water shall be permitted ancillary to those land uses allowed within residential zoning districts pursuant Table 5.02-1 (Land Use Matrix), subject to the following regulations governing their placement, construction, and security:

a. Swimming pools, hot tubs, spas, ponds, and decorative bodies of water that are 1.5 FT or more in depth, shall be secured by a decorative fence or wall pursuant to the requirements of Section 6.02.020.A.3 (Ponds and Swimming Pools) of this Development Code.

b. All gates or doors within the fence or wall shall be kept securely closed at all times when not in use.

c. A clear path, minimum of 3 FT wide, shall be provided around the entire perimeter of a swimming pool, hot tub, spa, pond, or decorative body of water to permit emergency access. For properties containing 2 or fewer dwellings, a clear path shall be provided around at least 50 percent of said perimeter;

d. Swimming pools, hot tubs, spas, ponds, and decorative bodies of water that are 1.5 FT or more in depth shall not be constructed within a front yard area and shall be setback a minimum of 3 FT from any side or rear property line.

e. Diving boards, slides, waterfalls, fountains, decorative rockscapes, and other similar appurtenances shall be setback a minimum of 5 FT from side and rear property lines, except that appurtenances that exceed 6 FT in height, measured from adjacent grade to the highest point of the structure, shall comply with the minimum building setback requirements of the applicable zoning district.

f. Swimming pools, hot tubs, spas, ponds, and decorative bodies of water shall comply with all applicable provisions of the City's building code.

14. **Lighting.** Exterior light fixtures shall be designed and/or located to eliminate adverse impacts of light spillover on to adjacent properties and promote safe vehicular and pedestrian access.

a. Exterior light fixtures shall prevent glare and light spillover on to adjacent properties, buildings, and public and private streets and roadways.

b. Parking lot lighting shall comply with Section 6.03.050 (Parking Lot Lighting) of this Development Code, and OMC Section 4-11.09(j).

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

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

e. Steps, ramps, and seatwalls shall be illuminated with built-in light fixtures, where possible.

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

a. Exterior building colors shall be low-reflecting and subtle. Furthermore, overly intense, overly bright, or fluorescent or Day-Glo colors, shall not be used on a building exterior, as determined by the Planning Director.

b. The exterior building color of a new development project shall be reviewed and approved in conjunction with the approval of the structure by the Approving Authority. Development projects consisting of multiple buildings shall incorporate colors that are coordinated between structures, utilizing compatible hues and intensities. The final review and approval of paint colors, utilizing a color test, may be required by the City, prior to painting a building.

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

G. Small Lot Infill Subdivisions.

1. **Purpose.** The purpose of this Subsection is to regulate the development and subdivision of existing lots within certain residential and mixed use zoning districts, with infill small lots as an alternative form of fee simple homeownership.

2. **Applicability.** Small Lot Infill Subdivisions are permitted within residential and mixed use zoning districts specified in Table 5.02-1 (Land Use Matrix) of this Development Code.

3. Development Standards.

(a) *Site Development Standards.* A Small Lot Infill Single-Family Subdivision shall comply with the following site development standards:

(1) **Maximum Number of Dwelling Units.** A Small Lot Infill Single-Family Subdivision shall contain no more than 45 dwelling units.

(2) **Density Range.** A Small Lot Infill Single-Family Subdivisions shall comply with the density requirements of the underlying zoning district in which it is located.

(3) **Lot Area and Dimension.** Each individual lot established by a Small Lot Infill Single-Family Subdivision shall have a minimum area of 480 SF and a minimum lot width of 16 FT.

(4) **Lot Coverage and Open Space.**

(a) There shall be a maximum lot coverage of 80 percent for each individual lot established by a Small Lot Infill Subdivision.

(b) As an alternative to Subdivision (a), above, a Small Lot Infill Subdivision may provide common open space amenities within a common open space easement, which is equal to at least 20 percent of the total subdivision area, and having no horizontal dimension less than 5 FT. Furthermore, each dwelling shall be provided a minimum of 50 SF of private open space (patios and/or balconies) having no horizontal dimension less than 5 FT.

(5) **Lot Access.** Access to a lot containing a dwelling unit and its required parking shall be by way of a public or private street, alley, or access easement.

(6) **Off-Street Parking.** Refer to Division 6.03 (Off-Street Parking and Loading) for off-street parking requirements. For Small Lot Infill Subdivisions, there shall be no limitations on the use of tandem parking spaces, except that tandem parking shall be no more than 2 parking spaces in depth.

(7) **Fences, Walls, and Obstructions.** Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts).

(8) **Landscaping.** Refer to Division 6.05 (Landscaping) and Paragraph 6.01.010.G.6 (Landscaping).

(9) ***Historic Preservation.*** Certain portions of residential and mixed use zoning districts are identified as historic or potentially historic and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.

(10) **Security Standards.** Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).

(11) Noise. Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Tile 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

(12) Airport Safety Zones. Properties within the Airport Influence Area (AIA) established by the Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.

(b) *Building Development Standards.*

(1) Minimum Setbacks.

(a) No front, side, or rear yard setback is required between interior lots within an approved Small Lot Infill Single-Family Subdivision; however, a minimum 5-FT setback shall be provided where a lot abuts a lot that is not created pursuant to this Section.

(b) The front yard setback required by the underlying zoning district shall apply to the front lot line of a Small Lot Infill Subdivision that abuts a public street.

(c) Any Small Lot Infill Subdivision sharing a property line with a LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Ac) or higher density residentially zoned property, shall provide front, side, and rear yard setbacks along the subdivision perimeter that are consistent with the requirements of the underlying residential zoning district.

(d) Any Small Lot Infill Single-Family Subdivision not sharing a property line with a LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Ac) or higher density residentially zoned property shall provide a minimum 5-FT setback along the side lot line of the subdivision perimeter and a minimum 10-FT setback along the rear lot line of the subdivision perimeter.

(2) Building Separations. There shall be a minimum 6-FT separation between buildings, except that a minimum 10-FT separation shall be provided between the front face (contains the primary entry) of a Small Lot Home and the adjacent building wall of a neighboring Small Lot Home. Chimneys may extend up to 2 FT into the minimum building separation area.

(3) Maximum Height. Within a Small Lot Infill Subdivision, the maximum allowed building height is 40 FT.

(4) Driveway Length. Straight-in driveways to garages shall have a minimum length of 18 FT, measured from the right-of way of a public or private street, or from the edge of a private drive. No driveways shall be more than 5 FT in length if parking is not provided in front of a garage.

4. Building Design.

(a) *Dwelling Orientation.*

(1) Small Lot Dwelling Units that abut a public or private street shall orient the primary entryway (front door) toward the street. Where there is a physical site constraint, provide a clearly identifiable pedestrian entry to the site from the street.

(2) Small Lot Dwelling Units located in the interior of the subdivision shall orient the primary entryway toward, and be visible from, a pedestrian pathway that is connected to a public or private street.

(3) Small Lot Dwelling Units that abut an alley shall orient the primary entryway toward the alley or shall be connected to a pedestrian pathway that leads directly to a public or private street.

(b) *Small Lot Dwelling Primary Unit Entries.*

(1) All Small Lot Dwelling Units shall have a primary entry. All primary entries shall be provided with the address or unit identification, ornamental low-level lighting to illuminate the entry area, and a porch or landing.

(2) All primary entries shall incorporate all of the following elements:

(a) The entry shall be recessed at least 3 FT behind the building façade to create a covered porch or landing area.

(b) The entry shall be designed with an overhead projection of at least 12 inches (awning, canopy, roof, or other design features) in depth, which distinguish the entry area from the rest of the building façade.

(c) The entry shall be clearly marked with a side lite window panel, adjacent window, or a door with a window.

(d) The entry porch or landing area shall be raised at least one stair step (6-inch riser) above the pedestrian pathway, except as otherwise required by the Building Code, Americans with Disabilities Act, or Universal Design Standards.

(e) The entry porch or landing area shall be enhanced with decorative paving, texture, pattern, or color that is differentiated from the pedestrian pathway.

(c) *Façade Articulation.* Façades facing a public or private street, the project perimeter, and all portions of exterior building elevations located greater than 7 FT from an adjacent Small Lot Dwelling Unit, shall be treated with an equal level of detail and articulation, and shall incorporate all of the following façade articulation techniques:

(1) Change in exterior building materials to include at least two high-quality building façade materials that accentuate or correspond to variations in building massing. Building materials may include, but are not limited to wood, glass, brick, metal spandrel, cement board siding, tile, or other material acceptable to the Approving Authority.

(2) Porticos, awnings, terraces, balconies, eyebrows, or trellises of at least 12 inches in depth that provide variations in the building plane.

(3) Window treatments that are recessed behind the building façade a minimum of 4 inches. Windows or doors that are flush with the plane of the building (rather than recessed at least 4 inches) will not qualify as facade articulation.

(4) A break in the façade plane of at least 8 inches in depth, which is applied to at least 10 vertical FT of the facade.

(5) Other additional architectural enhancements that create a human scale to the building. Examples include handrails, fixed planters, and ornamental details such as lighting, molding, tiles, or other similar design elements acceptable to the Approving Authority.

(d) *Varied Roofline.* Any Small Lot Dwelling Unit façade exceeding two stories in height, which faces a public or private street, shall be provided with an articulated roofline incorporating at least two of the following design elements:

(1) A roof with a slope equal to or greater than 3 inches of rise for every 12 inches of run, including but not limited to a sloped or curved roofline at the top of the dwelling.

(2) An open deck having a minimum clear area of 6 FT in depth and 8 FT in width.

(3) A flat roof with a minimum of 2 FT vertical height difference for a minimum of 10 horizontal FT along the roofline of each building façade.

(4) A vertical break in the façade plane of at least 1.5 FT in depth, which extends up and through the roofline.

(5) Any form of roofline variation incorporating a change or break in roof plane, such as horizontal recesses, incorporation of dormers, or other similar design elements acceptable to the Approving Authority.

(e) *Roof Decks.* All roof decks shall be stepped back a minimum of 5 FT from the roof edge to prevent direct views of abutting residential neighbors, except that roof decks facing a street are not required to be stepped back.

(f) *Building Massing Variation.*

(1) Small Lot Dwelling Units shall be grouped into clusters to avoid long spans of building wall, not to exceed six dwelling units in a single continuous row or 180 linear FT, whichever is less. Clusters of Small Lot Dwelling Units shall be separated with a building gap of at least 6 FT, which shall be treated with a combination of landscaping, open space, common walkways, or driveways.

(2) Small Lot Dwelling Units in a single row shall provide a horizontal change in plane in the building façade of at least 1.5 feet for every 3 dwelling units, or every 90 linear FT, whichever is less. The Approving Authority may approve alternate exterior building designs that achieve the City's desired variation in building massing

(3) The exterior design of adjoining Small Lot Dwelling Units shall be unique, so as to provide architectural variety within a subdivision. A Small Lot Infill Subdivision containing more than 5 dwelling units in a single row shall provide at least two variations in building design, such as changes in dwelling orientation, primary entryways, fenestration patterns, façade articulation, and rooflines. A Small Lot development of 10 or more dwelling units shall provide at least 3 variations in exterior building design.

5. Pedestrian Connectivity and Access.

(a) *Pedestrian Pathways.*

(1) Pedestrian pathways, minimum 3 FT in width, shall be provided from the public street to all primary entryways and common areas.

(2) A pedestrian pathway located within or parallel to a common driveway shall be constructed and/or treated with a change of material, finish, pattern, or paving that distinguishes the pathway from vehicular traffic.

(3) Small Lot Infill Subdivisions shall provide pedestrian and bicycle access to surrounding neighborhood streets.

(b) *Walls and Fences.*

(1) Walls and fences abutting a public or private street or alley, or common open space area, shall be decorative. Walls shall be finished with a decorative masonry material, such as brick, natural or cultured stone, or stucco, or be constructed of decorative concrete block, such as split-face, slump, burnished, or shot block. Fences shall be constructed of ornamental tube steel or iron.

(2) Garden walls and fences, maximum 3 FT in height, that abut a public or private street shall provide a point of entry into each individual lot that abuts the street.

(c) *Landscaping, Common Open Space Areas, and Amenities.*

(1) All areas of a Small Lot Infill Subdivision not used for buildings, parking areas, driveways, pedestrian pathways, utilities, or common open space areas shall be automatically irrigated, and fully landscaped and maintained.

(2) Required common open space areas shall have a minimum area of 300 SF, with no horizontal dimension less than 15 FT, measured perpendicular from any point on each of the boundaries of the open space area. Driveways, parking spaces, or pedestrian pathways cannot be counted toward the open space requirement.

(3) Required common open space areas shall be open to the sky and have no structures that project into the common open space area, excepting structures provided as a common open space enhancement pursuant to Subparagraph G.3(c)(5), below.

(4) Common open space areas shall be located at grade level, contiguous or connected, and readily accessible to all residents of the Small Lot Infill Subdivision.

(5) Common open space areas shall be multi-functional and designed to accommodate a range of passive, active, or social uses, and may include enhancements such as activity lawns, swimming pools, spas, picnic tables, benches, children's play areas, ball courts, barbecue areas, sitting areas, decorative bike racks, and/or dog washing stations. Enhanced common side and rear yards that meet the minimum area and dimension specified in Subparagraph G.3(c)(2), above, may be counted toward common open space requirements.

(6) All yards of a subdivision abutting the right-of-way shall be improved with landscaping (combination of groundcover, shrubs, and trees) and amenities. Amenities may

include decorative fencing, uncovered patios, enhanced pedestrian pathways, garden walls, seating areas, and/or decorative bike racks.

6. Small Lot Infill Subdivisions with Existing Dwellings. Small Lot Infill Subdivisions incorporating existing dwelling units, such as, but not limited to, multiple detached single-family structures or historic detached bungalow courts on a single lot, may be subdivided. The conversion of an existing structure to a Small Lot Infill Subdivision shall be required to comply with the following design standards:

(a) *Common Access Driveway*. Existing common access driveways, pedestrian pathways, and central common open space areas shall be maintained and not reduced in size.

(b) *Pedestrian Pathway*. Pedestrian pathways, minimum 3 FT in width, shall be provided from the public street to all primary entryways and common areas, such as centralized trash enclosures, guest parking, and open space easements, etc. If narrower pathways exist, they may be maintained in the same footprint and area and shall not be further reduced in width.

(c) *Existing Structures*. New dwelling unit construction or building additions affecting designated or identified historic structures shall be in conformance with the Secretary of the Interior's Standards for Rehabilitation.

(d) *New Dwelling*. All new dwelling units shall meet all applicable design standards in Paragraphs G.3 (Development Standards) and G.4 (Building Design) of this Subsection.

(e) *Landscaping*. All areas of the Small Lot Infill Subdivision not used for buildings, parking areas, driveways, pedestrian pathways, utilities, or amenity areas shall be fully landscaped and maintained, and automatically irrigated.

H. Density Bonus and Other Incentives.

1. Purpose. The purpose of these provisions is to establish a process whereby the City may provide a density bonus and other incentives to a developer agreeing or proposing to produce affordable housing within the City. The density bonus and incentives allowed by these regulations are used by the City as a means of meeting its commitment to encouraging the provision of affordable housing to all economic groups living within the City.

2. Applicability. A developer may request a density bonus and other incentives as prescribed in GC Section 65915, et seq. These density bonus provisions shall apply to single-family and multiple-family residential development projects, and mixed-use development projects, which contain a minimum of 5 dwelling units, excluding dwellings units granted as a density bonus.

3. Procedure. A request for a density bonus and other incentives shall be filed, processed, and acted upon following the procedures for Development Agreements contained in Section 4.01.015 (Development Agreements) of this Development Code, and shall require the approval and adoption of a Development Agreement and a Density Bonus Agreement for its implementation. The Density Bonus Agreement shall be filed, processed, and acted upon following the procedures for Development Agreements.

4. Findings and Decision. In considering a proposed density bonus and other incentives, the Approving Authority shall consider and clearly establish that the density bonus and other incentives are consistent with the Vision, Policy Plan (General Plan), and City Council Priorities

components of The Ontario Plan, and any applicable specific plans, giving reasons as to how the proposed density bonus and other incentives are consistent. Furthermore, the Approving Authority shall grant the requested concession or incentive, unless one or more of the following findings is established, based upon substantial evidence:

a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in HSC Section 50052.5, or for rents for the targeted units to be set as specified in GC Section 659159(c).

b. The concession or incentive would have a specific adverse impact, as defined in GC Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

c. The concession or incentive would be contrary to state or federal law.

I. Residential Design Guidelines.

1. The City Council shall establish by resolution, residential design guidelines applicable to all residential zoning districts, which are intended as a reference to assist the designer in understanding the City's goals and objectives for residential development. The guidelines shall compliment the mandatory residential development regulations contained in this Section, by providing examples of potential design solutions, and by providing design interpretations of the various mandatory regulations contained herein.

2. The design guidelines authorized herein shall be enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

6.01.015: Commercial Zoning Districts

J. Purpose. The purpose of the provisions of this Section is to ensure that development within commercial zoning districts of the City will contribute toward an urban environment of stable, desirable character; which is compatible with existing and future development; and is consistent with the goals and policies of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. These regulations are further established to:

1. Promote the construction of well-designed professional office buildings.

2. Reserve certain areas of the City, consistent with the Policy Plan (General Plan) component of The Ontario Plan, allowing the establishment of a full range of retail stores, business and professional offices, personal and business service establishments, transportation related service establishments, and certain wholesale establishments, which are scaled to meet the needs of City neighborhood dwellers, residents of the City as a whole, residents of the nearby region and visitors.

3. Establish appropriate standards for the siting of neighborhood convenience retail stores, helping foster neighborhood cohesion, and reducing the need for vehicular traffic.

4. Encourage the construction of attractive and functional community shopping centers at strategic locations throughout the City, consistent with the Policy Plan (General Plan) component of The Ontario Plan.

5. Ensure adequate space on commercial lots to meet the needs of commercial development, including on-site parking, loading, and landscaping.

6. Provide a strong economic and financial base, and to increase employment opportunities for City residents and those of the surrounding area.

7. Ensure a high quality of exterior appearance for commercial uses and structures is maintained in harmony with the visual character of the area in which they are located, and at the same time, minimize the impact of uses and structures on surrounding residential neighborhoods.

8. Provide specific design guidelines that will result in well-designed and high quality commercial development projects.

K. Applicability. The standards and guidelines established by this Section shall apply to each of the City's commercial zoning districts. Furthermore, the provisions of this Section shall apply to all commercial land subdivisions and any new commercial construction, addition, remodel, or reallocation requiring a building permit or other similar entitlement by the City.

L. Commercial Zoning District Development Standards. Development within commercial zoning districts shall comply with the requirements of Table 6.01-8 (Commercial Zoning District Development Standards), below, which specifies standards for the development of structures within the CS, CN, CC, CR, CCS, OL, and OH zoning districts.

Table 6.01-8: Commercial Zoning District Development Standards

Requirements	Commercial Zoning Districts							Additional Regulations
	CS	CN	CC	CR	CCS	OL	OH	
A SITE DEVELOPMENT STANDARDS								
1. Minimum Lot Size	10,000 SF			20,000 SF	7,200 SF			Note 1
2. Maximum Floor Area Ratio (FAR)	0.4			1.0	0.75			Note 5
3. Minimum Lot Dimensions								
a. Lot Width	100 FT				60 FT			Note 1
b. Lot Depth	100 FT							Note 1
4. Minimum Landscape Coverage	Refer to Division 6.05 (Landscaping) landscape standards. Also refer to Paragraph 6.01.010.G.6.c (Single-Family Cluster and Multiple-Family Development) for additional standards addressing multiple-family development within commercial zoning districts.							
a. Interior Lots	15%		10%		15%			Notes 2 and 3
b. Corner Lots	18%		13%		18%			Notes 2 and 3
c. Off-Street Parking Areas	7%							Section 6.05.030.D (Landscaping of Off-Street Parking Facilities)

Table 6.01-8: Commercial Zoning District Development Standards

Requirements	Commercial Zoning Districts							Additional Regulations
	CS	CN	CC	CR	CCS	OL	OH	
5. Minimum Parking Space and Drive Aisle Separations								
a. Parking Space or Drive Aisle to Street Property Line								
(1) Freeway	20 FT							
(2) Arterial Street	20 FT				25 FT	20 FT		
(3) Collector and Local Street	20 FT				15 FT	10 FT		
b. Parking Space or Drive Aisle to Interior Property Line	10 FT	5 FT						
Exception: Property line common to a residential zoning district	10 FT (area shall be densely landscaped)							
c. Parking Space or Drive Aisle to Buildings, Walls, and Fences	5 FT							Note 4
6. Walls, Fences and Obstructions	Refer to Section 6.02.025 (Design Standards for Nonresidential Zoning Districts).							
7. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading).							
8. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance).							
9. Historic Preservation	Certain portions of commercial zoning districts are identified as historic or potentially historic and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.							
10. Signs	Refer to Division 8.1 (Sign Regulations).							
11. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).							
12. Noise	Buildings shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).							
13. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.							
B BUILDING DEVELOPMENT STANDARDS								
1. Minimum Street Setback								
a. From Freeway Property Line	20 FT							
b. From Arterial Street Property Line	20 FT				25 FT	20 FT		
c. From Collector and Local Street Property Line	20 FT				15 FT	10 FT		

Table 6.01-8: Commercial Zoning District Development Standards

Requirements	Commercial Zoning Districts						Additional Regulations	
	CS	CN	CC	CR	CCS	OL		OH
2. Minimum Interior Property Line Setback	10 FT	5 FT	0 FT			5 FT	0 FT	
<u>Exception:</u> Setback at a property line common to a residential zoning district	15 FT		20 FT			15 FT		
3. Maximum Height	Pursuant to the requirements of ALUCP Appendix J						Note 5	
<u>Exception:</u> Project contains properties having one or more property lines common with, or across the street from, a residential zoning district	Same as the adjacent residential zoning district							
4. Minimum Setback From Major Pipelines (to habitable structures)	50 FT						Note 6	

Notes:

1. There is no minimum lot area or dimension for common interest subdivisions established pursuant to Section 6.08.010 (Common Interest Subdivisions) of this Development Code.
2. Landscaped areas with a minimum dimension of 5 FT or more shall contribute toward the “minimum landscape coverage” calculation.
3. The “minimum landscape coverage” calculation for interior and corner lots shall exclude all landscaped areas located within public rights-of-way.
4. The minimum separation area between a building, wall or fence, and a parking space or drive aisle, shall be fully landscaped. The separation area may include pedestrian walkways, as necessary; however, a minimum 3-FT wide planter area shall be maintained between a building wall and a pedestrian walkway. The minimum separation dimension does not include any area devoted to vehicle overhang.
5. The maximum building height and FAR may be restricted pursuant to the Ontario International Airport Land Use Compatibility Plan (ALUCP). Refer to the ALUCP for properties affected by airport safety zones and refer to Appendix J (High Terrain Zone and Existing Airspace Obstructions Study) of the ALUCP for maximum building/structure heights.
6. Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:
 - a. Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and
 - b. Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.

M. Exceptions to Development Standards.

1. Building Height.

a. *Aerials and Antennas, Chimneys, Cupolas, Elevator Penthouses, Flagpoles, Monuments, Parapet Walls, Spires, Towers, Water Tanks, and Other Similar Structures.* Aerials and antennas, chimneys, cupolas, elevator penthouses, flagpoles, monuments, parapet walls, spires, towers, water tanks, and other similar structures may be erected to a height of up to 25 percent above the prescribed height limit of the base zoning district.

b. *Amateur (HAM) Radio Antennas.* HAM radio antennas may exceed the maximum prescribed height limit of a zoning district by a maximum of 10 FT. The Zoning Administrator, however, may allow HAM radio antennas to exceed this height limitation if it is necessary to accommodate amateur radio service communications. A HAM radio antenna that exceeds the maximum prescribed height limit of the zoning district in which it is located shall not exceed the minimum height and dimensions necessary to accommodate amateur radio service communications.

c. *Wireless Telecommunication Facilities.* Wireless telecommunication facilities shall comply with Section 5.03.420 (Wireless Telecommunications Facilities) of this Development Code.

2. Encroachments into Required Setback Areas.

a. *Balconies.* Balconies may extend into a required street or interior property line setback area a maximum of 50 percent of the required setback, not to exceed 4 FT.

b. *Cornices, Eaves, Canopies, Decorative Wall Elements, and Similar Architectural Features.* Cornices, eaves, canopies, decorative wall elements, and similar architectural features may extend into a required street or interior property line setback area a maximum of 50 percent of the required setback, not to exceed 4 FT.

c. *Signs.* Signs and advertising structures may encroach into a required front setback area, street side setback area, or rear setback area of a through-lot, pursuant to Division 8.1 (Sign Regulations) of this Development Code.

d. *Walls, Fences, and Obstructions.* Walls, fences, and obstructions may be permitted within required setback areas pursuant to the provisions of Division 6.02 (Walls, Fences, and Obstructions) of this Chapter.

N. General Provisions.

1. Building Setback Areas Adjoining Streets. Except as otherwise specifically provided by this Development Code, required setback areas adjoining streets shall only be used for the placement of landscaping and irrigation installed pursuant to Division 6.05 (Landscaping); public art works installed pursuant to Division 6.07 (Public Art); vehicular and pedestrian accesses, off-street parking and vehicular circulation, and site lighting pursuant to Division 6.03 (Off-Street Parking and Loading), walls and fences installed pursuant to Division 6.02 (Walls, Fences, and Obstructions), and signs installed pursuant to Division 8.1 (Sign Regulations) of this Development Code.

2. Location of Off-Street Parking Lots on Properties that Front or Have Direct Access to Euclid Avenue. Proposed off-street parking lots on properties with Euclid Avenue frontage, or having direct access to Euclid Avenue, shall be located at the side or rear of the buildings they serve, excepting shared off-street parking lots serving shopping centers. This provision shall not preclude the City approval of access driveways to parking lots on properties with Euclid Avenue frontage, or having direct access to Euclid Avenue.

3. Parking Space and Drive Aisle Setback Areas. Parking space and drive aisle setback areas required pursuant to Table 6.01-7 (Commercial Zoning District Development Standards) of this Division shall only be used for landscaping and irrigation installed pursuant to

Division 6.05 (Landscaping), walls and fences installed pursuant to Division 6.02 (Walls, Fences, and Obstructions), public art works installed pursuant to Division 6.07 (Public Art), and signs installed pursuant to Division 8.1 (Sign Regulations) of this Development Code.

4. Compatibility with Existing Surrounding Development. New buildings shall respect and enhance the qualities and features of the existing neighborhood or area in which they are built. In-fill development projects within existing developed areas that have an established character shall be compatible with, or complement, the established architectural character of the area in terms of [i] consistency of rooflines, materials, and colors; [ii] similar window and door patterns; and [iii] similar decorative elements.

5. Compatibility within a Complex or Center. Development projects consisting of multiple buildings within a complex or center shall be designed as a distinct place or district, establishing a cohesive identity for the development, which differentiates it from other commercial development projects within the area.

6. 360-Degree Architecture. Buildings shall not have the appearance of a false facade attached to the front of a uniform building shell. A building shall be designed to ensure that its massing and proportion, along with its colors and architectural detailing, are consistent on all building walls, giving a four-sided (360-degree) appearance.

7. Corporate Architecture. A building within a complex or center, or an in-fill building within a developed area that has an established character, shall not be dominated by corporate or trademark architectural details, or building forms intended to serve as signing and marketing elements.

a. Individual corporate image, trademark, or design elements and colors intended to market the occupant of a building shall be incorporated only as secondary design elements, and not as dominant features of the building. These secondary design elements shall be compatible with the surrounding development and shall not define the character or style of the building or development.

b. The City hereby reserves the right to require significant departures from “corporate architecture,” which is proposed for the purpose of marketing or branding the occupant of a structure, when such architectural features are determined by the Approving Authority, to dominate the established architectural theme or character of a complex or center, or that of a developed area that has an established architectural character.

8. Building Materials. Building exteriors shall be finished with attractive and durable materials, which are of high quality and require minimal maintenance.

a. *Acceptable Exterior Building Finishes*. Exterior building finishes shall be classified according to their visual weight and are listed in Table 6.01-9 (Acceptable Exterior Building Finishes), below. The list of finishes is not all-inclusive but is intended to describe the types of finishes applicable to each weighted category.

Table 6.01-9: Acceptable Exterior Building Finishes

<i>Heavy Materials</i>	<i>Intermediate Materials</i>	<i>Light Materials</i>
Natural Stone	Stucco	Natural Wood
Integrally-Colored Decorative Masonry Block	Exterior Insulation and Finishing System (EIFS)	Cement Board

Table 6.01-9: Acceptable Exterior Building Finishes

<i>Heavy Materials</i>	<i>Intermediate Materials</i>	<i>Light Materials</i>
Brick	Smooth Textured Tilt-Up or Precast Concrete Panels	Synthetic Wood
Cast and Synthetic Stone		Architectural Metal
Richly Textured Tilt-Up or Precast Concrete Panels		Glass Curtain Wall

b. *Hierarchy of Materials.*

(1) **Heavy Materials**—Heavy materials shall be principally located: (a) at the base of the structure, as a foundation material that visually carries the weight of the structure; and/or (b) on significant architectural elements of a structure, to define those elements or suggest that the building has been built and added to, over time. Generally, heavy materials comprise the foundation (most visually significant) materials used on the exterior wall surface area.

(2) **Intermediate Materials**—Intermediate materials shall be situated so as to be visually supported by heavy materials. Generally, intermediate materials comprise the body (primary building material) of a building.

(3) **Light Materials**—Light materials shall be positioned above intermediate materials, at the top of the structure, and visually supported by the intermediate and heavy materials below.

c. *Manufactured Materials.* The use of manufactured materials, such as synthetic, cast, and cultured materials is allowed, provided the materials are identical in appearance and of equal or greater durability to the natural materials they are intended to emulate.

9. Use of Structural Masonry and Masonry Veneers. Concrete block, brick, stone, and other types of structural masonry or masonry veneer shall be detailed as masonry bearing walls, especially at openings. Proper masonry detailing allows the building to be more pleasing to the eye, as the openings appear to be structurally supported.

a. *Exterior Corners.* Stone and brick used on exterior walls shall not terminate at exterior corners, except where such termination would be consistent with the architectural style being represented.

b. *Masonry Openings.* Openings in a block, brick, or stone façade, including all windows and doors, shall have a lintel, arch, or soldier course at the top of the opening, which appears to structurally support the area of masonry above the opening.

c. *Horizontal Change in Material.* A horizontal change in material from masonry to another material shall include a decorative cap or sill that projects from the face of the building.

10. Parapets and Cornices.

a. A parapet wall and decorative cornice shall be used to visually terminate an exterior wall on a building with a flat roof and shall be used as the primary method for screening roof-mounted mechanical equipment.

b. The parapet and cornice design shall be in proportion to the size and scale of the building and shall reflect the architectural style and detailing of the building.

11. Gutters and Downspouts.

a. Gutters and downspouts shall be concealed from public view, unless designed as a continuous architectural feature.

b. Exposed gutters and downspouts used as architectural features should be colored to match the fascia or wall material to which they are attached.

c. Care shall be taken to avoid locating downspouts near building public entrances and openings.

12. Glazing. The ground floor glazing of a building shall be transparent. Ground floor transparency guarantees a visual connection to the casual observer located at the building exterior, which is an essential feature of commercial structures. By exposing the ground floor to the exterior, there is an invitation to participate with the activity inside. Furthermore, the use of transparent glazing provides the City's public safety personnel the ability to view inside a building without having to first enter the structure.

a. The minimum glazing required on all primary building façades shall be equal to at least 60 percent of the view plane area, with at least 50 percent of the view plane area being transparent.

b. For the purposes of these regulations governing glazing on a building, the following words, terms, and phrases are defined as follows:

(1) *Primary Facade.* Primary facade shall mean any exterior building elevation that faces a street, access way, pedestrian walkway, or drive aisle internal to a complex or center. For the purposes of this requirement, alleys and service drives shall not be considered a street, access way, or internal drive aisle.

(2) *View Plane Area.* View plane area shall mean the wall area on the primary façade of a building, which is located between 2 FT and 10 FT above the adjacent exterior grade.

(3) *Transparent.* Transparent shall mean glazing that is see-through from both the exterior and the interior of the building. This does not, however, preclude the use of tinted glazing.

c. This standard shall not apply if the Approving Authority determines that the required transparency is inconsistent with the operational or design needs of the building.

13. Lighting. Commercial development shall incorporate lighting fixtures that are decorative and are designed to eliminate adverse impacts of light spillover and promote safe vehicular and pedestrian access.

a. Light fixtures shall be full cut-off fixtures to prevent glare and light spill off the project site onto adjacent properties, buildings, and roadways.

b. Parking lot lighting shall comply with Section 6.03.050 (Parking Lot Lighting) of this Development Code and OMC Section 4-11.09(j).

c. Lighting fixtures shall be color-correct types, such as halogen, metal halide, or LED, to ensure true-color at night, visual comfort for pedestrians, and energy efficiency.

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

e. Steps, ramps, and seatwalls shall be illuminated with built-in light fixtures, where possible.

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

a. Exterior building colors shall be low-reflecting and subtle. Furthermore, overly intense, overly bright, or fluorescent or Day-Glo colors, shall not be used on a building exterior, as determined by the Planning Director.

b. The exterior building color of a new development project shall be reviewed and approved in conjunction with the approval of the structure by the Approving Authority. Development projects consisting of multiple buildings shall incorporate colors that are coordinated between structures, utilizing compatible hues and intensities. The final review and approval of paint colors, utilizing a color test, may be required by the City, prior to painting a building.

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

15. Roof Access Ladders. Ladders for roof access shall be mounted on the inside of the building, or if located on the building exterior, shall be completely concealed from public view.

16. Equipment Screening.

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 by landscaping and/or decorative low garden walls.

17. Refuse Storage Areas (Trash Enclosures).

a. Within commercial zoning districts, refuse and recyclable materials shall be stored in an appropriate container, out of view of public or private streets, and adjacent properties.

b. Refuse and recyclable materials container storage shall be within City-approved enclosures designed to contain separate containers for the collection of refuse and recyclable materials. The number of trash enclosures required, their precise locations and dimensions, and their design shall be pursuant to the City's Refuse and Recycling Planning Manual. The requirement for refuse container storage areas may be reduced or waived by the Approving Authority if a trash compactor is used, which is screened from public view.

c. Trash enclosures shall consist of a minimum 6-FT high decorative masonry wall, with appropriate view-obstructing gates for container access, and separate pedestrian access, which is designed to screen the interior of the enclosure from view from the exterior and prevent refuse dispersion. The enclosure design shall be consistent with the architectural design of adjacent buildings and shall include a decorative overhead roof structure to protect bins containing recyclable materials from adverse environmental conditions, which might render the collected materials unusable.

d. To the extent practicable, trash enclosures shall be located away from property lines common with sensitive uses, such as, but not limited to, dwellings, schools, playgrounds, childcare centers, health care facilities, rehabilitation centers, convalescent centers, and retirement homes.

e. Trash enclosure dimensions shall be of adequate size to accommodate containers consistent with the City's current methods of collection within the area in which the project is located.

f. Signs clearly identifying all recycling and refuse collection areas, and the materials accepted for recycling, shall be posted adjacent to all points of access to each trash enclosure.

g. Trash enclosures shall be bordered by a minimum 5-FT wide planter and screened with landscaping on all exposed sides, excluding the side with bin access gates, except when located out of public view.

h. Prior to the issuance of an occupancy permit, a developer or property owner(s) may be required to develop a written recycling plan, which specifies the identification of targeted materials to be recycled, and methods of recycling program promotion to tenants.

18. Trip Reduction. All new development projects shall fully implement trip reduction measures in compliance with Division 6.04 (Congestion Management and Trip Reduction) of this Chapter.

19. Outdoor Loading and Storage Areas.

a. Loading facilities shall be designed and constructed pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code.

b. Areas designated for open space, landscaping, off-street parking, loading, and vehicular circulation and maneuvering shall not be used for the outdoor storage of materials or equipment.

c. The outdoor storage of materials and equipment shall be permitted only within the CC and CR zoning districts in conjunction with, and ancillary to, the primary allowed

land use. Outdoor loading and storage areas, and loading doors, shall be fully enclosed by a masonry screen wall with view-obstructing gates pursuant to Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) of this Development Code. Walls and gates visible to the public shall be decorative. Chain link fencing with a screening material shall not be used to screen loading and storage activities and areas.

20. Outdoor Activities. All business activities shall be conducted entirely within a completely enclosed structure, except for the following:

a. Sale or display of new or used automobiles, boats, trucks, recreational vehicles and similar large equipment;

b. Outdoor cafes and eating areas;

c. Sale or display of building material, lumber, nursery stock and similar bulk stock, subject to the location and screening requirements of this Section;

d. Temporary activities, such as Christmas tree sales, sidewalk sales and other temporary or seasonal activities, subject to the issuance of an Administrative Use Permit for temporary uses, activities, and facilities pursuant Section 4.03.015 (Administrative Use Permits) of this Development Code;

e. Off-street parking facilities, and outdoor loading and storage areas, which are properly screened pursuant to Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) of this Chapter; and

f. As allowed pursuant to the standards contained in Division 5.03 (Standards for Specific Land Uses, Activities as Facilities) of this Development Code.

21. Noise. Within all commercial zoning districts, structures and equipment shall be designed, located, constructed, and operated in a manner so as not to exceed the maximum interior and exterior noised levels set forth in OMC Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

22. Airport Safety Zones. Within commercial zoning districts, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.

23. Security Standards. Within commercial zoning districts, any lot, and any building or structures thereon, shall comply with all applicable requirements of OMC Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings).

O. Commercial Design Guidelines.

1. The City Council shall establish by resolution, commercial design guidelines applicable to all commercial zoning districts, which are intended as a reference to assist the designer in understanding the City's goals and objectives for commercial development. The guidelines shall compliment the mandatory commercial development regulations contained in this Section, by providing examples of potential design solutions and by providing design interpretations of the various mandatory regulations contained herein.

2. The design guidelines authorized herein shall be enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

6.01.020: Mixed-Use Zoning Districts

A. Purpose.

1. The purpose of this Section is to establish regulations intended to encourage innovative mixed-use development as an alternative to the typical suburban, use-segregated developments found throughout the Inland Empire, which is consistent with the goals and policies of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. Generally, mixed-use districts are intended for the creation of development projects that:

- a. Create a dynamic, walkable, mixed-use environment;
- b. Provide for a development pattern that encourages the use of public transportation;
- c. Provide for a mix of housing types that are within close proximity to retail and service uses;
- d. Establish high standards for the design and development of buildings, infrastructure, and landscaping;
- e. Ensure a high degree of pedestrian and vehicular connectivity, and enhance the vitality of commercial corridors within the City;
- f. Facilitate the development of housing, retail, and office uses within close proximity to one another, allowing residents to walk to retail and service uses, and transit services; and
- g. In selected areas, locate buildings close to the street, so that streets and squares feel enclosed, establishing outdoor rooms.

2. The intent of each established mixed-use district is as follows:

a. *Downtown Mixed-Use Area.* The Downtown Mixed-Use District (MU-1 zoning district) is intended to accommodate an intensive mixture of vertical and horizontal retail and office uses at a development intensity of up to 2.0 FAR, and residential uses at a density of 25 to 75 DU/AC. The Downtown Mixed-Use District is intended to encourage the development and revitalization of the City's historic downtown district in such manner as to achieve the District's full potential as a unique shopping and residential area, as well as the City's focus for governmental, cultural, and educational activities.

b. *East Holt Mixed-Use Area.* The East Holt Mixed-Use District (MU-2 zoning district) is intended to accommodate the intensification of the East Holt Boulevard Corridor with low-rise (up to 5 stories) buildings housing a mixture of retail and office uses at a development intensity of up to 2.0 FAR and 1.0 FAR, respectively, and residential uses at a density of 14 to 40 DU/AC. The intent of this zoning district is to create identity and place along the Holt Boulevard Corridor and provide a connection between the Downtown Mixed Use Area and the Ontario Airport Metro Center.

c. *Euclid/Francis Mixed-Use Area.* The Euclid/Francis Mixed-Use District (MU-11 zoning district) is intended to accommodate a low-rise (up to 3 stories) mixture of retail uses at an intensity of up to 1.0 FAR, and residential uses at a density of 14 to 25 DU/AC, that will create identity and place along the Euclid Avenue corridor.

B. **Applicability.** The standards and guidelines established by this Section shall apply to each of the City's mixed-use zoning districts. Furthermore, the provisions of this Section shall apply to all land subdivisions for mixed-use purposes, and any new mixed-use construction, addition, remodel, or reallocation requiring a building permit or other similar entitlement by the City.

C. **Mixed Use Zoning District Development Standards.** Development within the MU-1, MU-2, and MU-11 mixed-use zoning districts shall comply with the following standards:

1. MU-1 (Downtown Mixed Use Area) Zoning District.

a. *Planned Unit Development Required.* Within the MU-1 zoning district, development shall occur only after a Planned Unit Development has first been adopted for the affected property pursuant to Section 4.01.030 (Planned Unit Developments and Amendments) of this Development Code.

b. *Area Plan and Form-Based Development Standards In Lieu of Planned Unit Development Adoption.* In lieu of Planned Unit Development adoption, the City may elect to prepare and adopt an Area Plan to provide additional policy-level guidance for development within MU-1 zoning district, in conjunction with the inclusion of appropriate form-based development standards within this Section, to be established on a minimum per block basis.

c. *Allowed Development Density/Intensity.* Within the MU-1 zoning district, residential development shall range from a minimum allowed density of 25 dwelling units per acre, to a maximum allowed density of 75.0 dwelling units per acre. Commercial-retail and/or office development shall not exceed 2.0 FAR.

d. *Zoning District Buildout Limits.* Within the MU-1 zoning district, buildout shall not exceed the maximum number of dwelling units and nonresidential building area allotted for the Downtown Mixed-Use District, as prescribed by Exhibit LU-3 (Future Buildout) of The Ontario Plan.

e. *Downtown Ontario Design Guidelines.* In August 1998, the City Council adopted the Downtown Ontario Design Guidelines, included as Reference "C" of this Development Code, which establishes a set of architectural, graphic, and lighting design principles, to provide guidance to business owners, homeowners, City staff, and design professionals, for the development and/or rehabilitation of properties within the City's historic original downtown area (project area). The project area is bordered by "I" Street on the north, Vine Street on the west, Sultana Avenue on the east, and railroad tracks on the south, and is defined in Figure 1.4 (Land Use Districts) of the Downtown Ontario Design Guidelines. The design guidelines also apply to those properties located across the street from, and directly abut, the project area.

2. MU-2 (East Holt Mixed-Use Area) Zoning District.

a. *Planned Unit Development Required.* Within the MU-2 zoning district, development shall occur only after a Planned Unit Development has first been adopted for the

affected property pursuant to Section 4.01.030 (Planned Unit Developments and Amendments) of this Development Code.

b. Allowed Development Density/Intensity. Within the MU-2 zoning district, residential development shall range from a minimum allowed density of 14.1 dwelling units per acre, to a maximum allowed density of 40.0 dwelling units per acre. Commercial-retail development shall not exceed 1.0 FAR and commercial-office development shall not exceed 2.0 FAR.

c. Zoning District Buildout Limits. Within the MU-2 zoning district, buildout shall not exceed the maximum number of dwelling units and nonresidential building area allotted for the East Holt Mixed-Use Area, as prescribed by Exhibit LU-3 (Future Buildout) of The Ontario Plan.

3. MU-11 (Euclid/Francis Mixed-Use Area) Zoning District.

a. Residential Development. Within the MU-11 zoning district, residential development shall be allowed pursuant to the standards of the HDR-25 zoning district and shall range from a minimum allowed density of 14.0 dwelling units per acre, to a maximum allowed density of 25.0 dwelling units per acre.

b. Nonresidential Development. Within the MU-11 zoning district, nonresidential development shall be allowed pursuant to the requirements of the CN zoning district, and shall not exceed 1.0 FAR.

c. Zoning District Buildout Limits. Within the MU-11 zoning district, buildout shall not exceed the maximum number of dwelling units and nonresidential building area allotted for the Euclid/Francis Mixed-Use Area, as prescribed by Exhibit LU-3 (Future Buildout) of the Policy Plan (General Plan) component of The Ontario Plan.

6.01.025: Industrial Zoning Districts

A. Purpose. The purpose of this Section is to ensure that development within the industrial zoning districts of the City will contribute toward an urban environment of stable, desirable character, which is harmonious with existing and future development, and is consistent with the goals and policies of the Policy Plan (General Plan) component of The Ontario Plan. These regulations are further established to:

1. Reserve appropriate areas in the community for a full range of industrial uses, which are grouped to achieve maximum compatibility with respect to the characteristics of the various types of industrial activities and processes;

2. Encourage the development of all types of industrial establishments in a manner that is consistent with sound standards of public health and safety;

3. Allow certain types of light industrial uses that are relatively free of nuisance or hazardous features, which may be located in areas nearest to residential, office, and commercial areas, while providing space for industrial uses with more severe impacts in more remote locations;

4. Protect areas appropriate for industrial development from intrusion by residences and other incompatible uses, while providing opportunities for various types of industrial establishments and similar uses to concentrate in mutually beneficial relationships to each other;

5. Ensure the provision of adequate space to meet the needs of industrial development, including landscaped setbacks, off-street parking and truck loading areas;

6. Strengthen the City's economic base and jobs-housing balance by increasing employment opportunities close to home for residents of the City and surrounding communities;

7. Ensure that the appearance of industrial buildings and uses is compatible with the visual character of the area in which they are located; and

8. Provide a sufficient number of appropriately located sites for adult businesses within the IH (Heavy Industrial) zoning district.

B. Applicability. The standards and guidelines established by this Section shall apply to each of the City's industrial zoning districts. Furthermore, the provisions of this Section shall apply to all industrial land subdivisions and any new industrial construction, addition, remodel, or reallocation requiring a building permit or other similar entitlement by the City.

C. Development Standards. Development within industrial zoning districts shall comply with the requirements of Table 6.01-10 (Industrial Zoning District Development Standards), below, which specifies standards for the development of structures within the BP, IP, IL, IG, and IH zoning districts.

Table 6.01-10: Industrial Zoning District Development Standards

Requirements	Industrial Zoning Districts					Additional Regulations
	BP	IP	IL	IG	IH	
A. SITE DEVELOPMENT STANDARDS						
1. Minimum Lot Area	1.0 AC		10,000 SF			Note 1
2. Maximum Floor Area Ratio (FAR)	0.60		0.55			Note 7
3. Minimum Lot Dimensions	100 FT – Lot Width 100 FT – Lot Depth					Note 1
4. Minimum Landscape Coverage	Refer to Division 6.05 (Landscaping)					
a. Interior Lots	15%	10%				Notes 2 and 3
b. Corner Lots	20%	15%				Notes 2 and 3
c. Off-Street Parking Areas	7%					See Section 6.05.030.D (Landscaping of Off-Street Parking Facilities)
5. Minimum Parking Space and Drive Aisle Separations						
a. Parking Space or Drive Aisle to Street Property Line	20 FT		10 FT			
b. Parking Space or Drive Aisle to Interior Property Line	5 FT					Notes 4 and 5

Table 6.01-10: Industrial Zoning District Development Standards

Requirements	Industrial Zoning Districts					Additional Regulations
	BP	IP	IL	IG	IH	
<u>Exception:</u> From property line common with residential district	10 FT (area shall be densely landscaped)			n/a		
c. Parking Space to Buildings, Walls, and Fences	10 FT - Areas adjacent to public entries and office areas 5 FT - Areas adjacent to other building areas					Note 5
<u>Exception:</u> Within screened loading and storage yard areas	0 FT					
d. Drive Aisles to Buildings, Walls, and Fences	10 FT					Note 5
<u>Exception:</u> Within screened loading and storage yard areas	0 FT					
6. Minimum Screened Loading and Storage Yard Separations						
a. Enclosed Loading and Storage Yard to Street Property Line	20 FT - Freeways 20 FT - Arterial Streets 10 FT - Collector/Local Streets					
b. Screened Loading and Storage Yard to Interior Property Line	0 FT					
<u>Exception:</u> From interior property line common with residential district	10 FT (area shall be densely landscaped)			n/a		
c. Screened Loading and Storage Yard to Buildings, Walls, and Fences	0 FT					
7. Walls, Fences and Obstructions	Refer to Section 6.02.025 (Design Standards for Nonresidential Zoning Districts).					
8. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading).					
9. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance).					
10. Historic Preservation	Certain portions of commercial zoning districts are identified as historic or potentially historic, and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.					
11. Signs	Refer to Division 8.1 (Sign Regulations).					
12. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).					
13. Noise	Buildings shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).					

Table 6.01-10: Industrial Zoning District Development Standards

Requirements	Industrial Zoning Districts					Additional Regulations
	BP	IP	IL	IG	IH	
14. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.					
B. BUILDING DEVELOPMENT STANDARDS						
1. Maximum Area Per Building	45,000 SF - Single-Tenant 60,000 SF - Multi-Tenant		See Note 9	n/a		
2. Minimum Street Setback						
a. From Freeway Property Line	20 FT					
b. From Arterial Street Property Line	10 FT - Holt Boulevard 20 FT - All Other Arterial Streets					
c. From Collector and Local Street Property Line	10 FT					
3. Minimum Interior Property Line Setback	0 FT					Note 6
<u>Exception:</u> Property line common with residential districts	30 FT					
4. Maximum Height	45 FT		55 FT			Note 7
5. Minimum Setback From Major Pipelines (to habitable structures)	50 FT					Note 8

Notes:

1. *There is no minimum lot area or dimension for common interest subdivisions established pursuant to Section 6.08.010 (Common Interest Subdivisions) of this Development Code.*
2. *Landscaped areas with a minimum dimension of less than 5 FT shall not contribute toward the “minimum landscape coverage” calculation.*
3. *The “minimum landscape coverage” calculation for interior and corner lots shall exclude all landscaped areas located within public rights-of-way.*
4. *Within yard areas fully screened by a decorative wall, there shall be no minimum drive aisle or parking space setback required, unless adjacent to residentially zoned properties.*
5. *The minimum separation area between a building, wall, or fence, and a parking space or drive aisle, shall be fully landscaped. The separation area may include pedestrian walkways, as necessary; however, a minimum 3-FT wide planter area shall be maintained between a building wall and a pedestrian walkway. The minimum separation dimension does not include any area devoted to vehicle overhang.*
6. *There shall not be a minimum required building setback from property lines that are interior to a business park, or industrial park or complex.*
7. *The maximum building height and FAR may be restricted pursuant to the Ontario International Airport Land Use Compatibility Plan (ALUCP). Refer to the ALUCP for properties affected by airport safety zones.*
8. *Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:*
 - a. *Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and*

- b. *Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.*
- 9. *Within the IL zoning district, lots abutting, or directly across the street from, a residentially zoned property, shall comply with the "Maximum Area Per Building" and "Maximum Height" applicable to the BP and IP zoning districts.*

D. **Exceptions to Development Standards.** The following exceptions from the industrial zoning district development standards stipulated in Table 6.01-8 (Industrial Zoning District Development Standards) shall be permitted:

1. Building Height.

a. *Aerials and Antennas, Chimneys, Cupolas, Elevator Penthouses, Flagpoles, Monuments, Parapet Walls, Spires, Towers, Water Tanks, and Other Similar Structures.* Aerials and antennas, chimneys, cupolas, elevator penthouses, flagpoles, monuments, parapet walls, spires, towers, water tanks, and other similar structures may be erected to a height of up to 25 percent above the prescribed height limit of the base zoning district.

b. *Amateur (HAM) Radio Antennas.* HAM radio antennas may exceed the maximum prescribed height limit of a zoning district by a maximum of 10 FT. The Zoning Administrator, however, may allow HAM radio antennas to exceed this height limitation if it is necessary to accommodate amateur radio service communications. A HAM radio antenna that exceeds the maximum prescribed height limit of the zoning district in which it is located shall not exceed the minimum height and dimensions necessary to accommodate amateur radio service communications.

c. *Wireless Telecommunication Facilities.* Wireless telecommunication facilities shall comply with Section 5.03.42 (Wireless Telecommunications Facilities) of this Development Code.

2. Encroachments into Required Setback Areas.

a. *Cornices, Eaves, Canopies, Decorative Wall Elements, and Similar Architectural Features.* Cornices, eaves, canopies, decorative wall elements, and similar architectural features may extend into a required street or interior property line setback area a maximum of 50 percent of the required setback, not to exceed 4 FT.

b. *Signs.* Signs and advertising structures may encroach into a required front street setback area pursuant to Division 8.1 (Sign Regulations) of this Development Code.

c. *Walls, Fences, and Obstructions.* Walls, fences, and obstructions may be permitted within required setback areas pursuant to the provisions of Division 6.02 (Fences, Walls, and Obstructions) of this Chapter.

E. **General Provisions.** The following general regulations shall be applicable to all land uses, activities, and facilities within each industrial zoning district:

1. Building Setback Areas Adjoining Streets. Except as otherwise specifically provided by this Development Code, required setback areas adjoining streets shall only be used for the placement of landscaping and irrigation installed pursuant to Division 6.05 (Landscaping); public art works installed pursuant to Division 6.07 (Public Art); vehicular and pedestrian accesses, off-

street parking and vehicular circulation, and site lighting pursuant to Division 6.03 (Off-Street Parking and Loading), walls and fences installed pursuant to Division 6.02 (Walls, Fences, and Obstructions), and signs installed pursuant to Division 8.1 (Sign Regulations) of this Development Code.

2. Parking Space and Drive Aisle Setback Areas. Parking space and drive aisle setback areas required pursuant to Table 6.01-9 (Industrial Zoning District Development Standards) shall only be used for landscaping and irrigation installed pursuant to Division 6.05 (Landscaping), walls and fences installed pursuant to Division 6.02 (Walls, Fences, and Obstructions), public art works installed pursuant to Division 6.07 (Public Art), and signs installed pursuant to Division 8.1 (Sign Regulations) of this Development Code.

3. Refuse Storage Areas (Trash Enclosures).

a. Within industrial zoning districts, refuse and recyclable materials shall be stored in an appropriate container, out of view of public or private streets, and adjacent properties.

b. Refuse and recyclable materials container storage shall be within City-approved enclosures designed to contain separate containers for the collection of refuse and recyclable materials. The number of trash enclosures required, their precise locations and dimensions, and their design shall be pursuant to the City's Refuse and Recycling Planning Manual. The requirement for refuse container storage areas may be reduced or waived by the Approving Authority if a trash compactor is used, which is screened from public view.

c. Trash enclosures shall consist of a minimum 6-FT high decorative masonry wall, with appropriate view-obstructing gates for container access, and separate pedestrian access, which is designed to screen the interior of the enclosure from view from the exterior and prevent refuse dispersion. The enclosure design shall be consistent with the architectural design of adjacent buildings and shall include a decorative overhead roof structure to protect bins containing recyclable materials from adverse environmental conditions, which might render the collected materials unusable.

d. To the extent practicable, trash enclosures shall be located away from property lines common with sensitive uses, such as, but not limited to, dwellings, schools, playgrounds, childcare centers, health care facilities, rehabilitation centers, convalescent centers, and retirement homes.

e. Trash enclosure dimensions shall be of adequate size to accommodate containers consistent with the City's current methods of collection within the area in which the project is located.

f. Signs clearly identifying all recycling and refuse collection areas, and the materials accepted for recycling shall be posted adjacent to all points of access to each trash enclosure.

g. Trash enclosures shall be bordered by a minimum 5-FT wide planter and screened with landscaping on all exposed sides, excluding the side with bin access gates, except when located out of public view.

h. Prior to the issuance of an occupancy permit, a developer or property owner(s) may be required to develop a written recycling plan, which specifies the identification of targeted materials to be recycled, and methods of recycling program promotion to tenants.

4. Lighting. Commercial development shall incorporate lighting fixtures that are decorative and are designed to eliminate adverse impacts of light spillover and promote safe vehicular and pedestrian access.

a. Light fixtures shall be full cut-off fixtures to prevent glare and light spill off the project site onto adjacent properties, buildings, and roadways.

b. Parking lot lighting shall comply with Section 6.03.050 (Parking Lot Lighting) of this Development Code and OMC Section 4-11.09(j).

c. Lighting fixtures shall be color-correct types, such as halogen, metal halide, or LED, to ensure true-color at night, visual comfort for pedestrians, and energy efficiency.

d. Pedestrian-level pole-mounted lighting, bollard lighting, ground-mounted lighting, or other low, glare-controlled fixtures mounted on buildings or walls shall be used to light pedestrian walkways. Pole-mounted, building-mounted, or tree-mounted lighting fixtures shall be no more than 14 FT in height. Bollard-type lighting shall be no more than 4 FT in height.

e. Steps, ramps, and seatwalls shall be illuminated with built-in light fixtures, where possible.

5. Equipment Screening.

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.

6. Outdoor Loading and Storage Areas.

a. Loading facilities shall be designed and constructed pursuant to Division 6.03 (Off-Street Parking and Loading) of this Chapter.

b. Areas designated for open space, landscaping, off-street parking, loading, and vehicular circulation and maneuvering, shall not be used for the outdoor storage of materials or equipment.

c. The outdoor storage of materials and equipment shall be permitted only within the IL, IG, IH, and ONT zoning districts in conjunction with, and ancillary to, the primary allowed land use, except as otherwise allowed pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

d. Outdoor loading and storage areas, and loading doors, shall be screened from public view by a decorative masonry wall with view-obstructing gates, pursuant to Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) of this Development Code. Furthermore, loading and storage areas, and loading doors, shall not face a freeway, Euclid Avenue, or Mission Boulevard, unless fully screened from view of the freeway or street.

e. The outdoor storage of materials or equipment shall not be allowed within the BP and IP zoning districts.

7. Outdoor Manufacturing and Processing.

a. Manufacturing and processing activities shall be conducted within a wholly enclosed building, except that outdoor manufacturing and processing activities may be allowed within the IG, IH, and ONT zoning districts in conjunction with, and ancillary to, the primary allowed land use, subject to the approval of a Conditional Use Permit pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code.

b. Outdoor manufacturing and processing activities allowed pursuant to Subparagraph C.7.a, above, shall be screened from public view by buildings and/or decorative masonry walls with view-obstructing gates.

8. Outdoor Sales and Display. Within industrial zoning districts, all sales and display activities shall be conducted within a wholly enclosed building, except as follows:

a. Sale or display of new or used automobiles, boats, trucks, recreational vehicles and similar large equipment;

b. Outdoor cafes and eating areas;

c. Sale or display of building material, lumber, nursery stock and similar bulk stock, subject to the location and screening requirements of this Section;

d. Temporary activities, such as Christmas tree sales, sidewalk sales and other temporary or seasonal activities, subject to the issuance of an Administrative Use Permit for temporary uses, activities, and facilities pursuant Section 4.03.015 (Administrative Use Permits) of this Development Code;

e. Off-street parking facilities, and outdoor loading and storage areas, which are properly screened pursuant to Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) of this Chapter; and

f. As allowed pursuant to the standards contained in Division 5.03 (Standards for Specific Land Uses, Activities as Facilities) of this Development Code.

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

a. Exterior building colors shall be low-reflecting and subtle. Furthermore, overly intense, overly bright, or fluorescent or Day-Glo colors, shall not be used on a building exterior, as determined by the Planning Director.

b. The exterior building color of a new development project shall be reviewed and approved in conjunction with the approval of the structure by the Approving Authority. Development projects consisting of multiple buildings shall incorporate colors that are coordinated between structures, utilizing compatible hues and intensities. The final review and approval of paint colors, utilizing a color test, may be required by the City, prior to painting a building.

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

10. Roof Access Ladders. Ladders for roof access shall be mounted on the inside of the building, or if located on the building exterior, shall be completely concealed from public view.

11. Gutters and Downspouts. Gutters and downspouts shall be concealed from public view, unless designed as a continuous architectural feature. Exposed gutters and downspouts used as architectural features should be colored to match the fascia or wall material to which they are attached.

12. Trip Reduction. All new development projects shall fully implement trip reduction measures in compliance with Division 6.04 (Congestion Management and Trip Reduction) of this Chapter.

13. Noise. Within all industrial zoning districts, structures and equipment shall be designed, located, constructed, and operated in a manner so as not to exceed the maximum interior and exterior noised levels set forth in OMC Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

14. Airport Safety Zones. Industrially zoned properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.

15. Security Standards. Within industrial zoning districts, any lot, and any building or structures thereon, shall comply with all applicable requirements of OMC Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings).

F. Industrial Design Guidelines.

1. The City Council shall establish by resolution, industrial design guidelines applicable to all industrial zoning districts, which are intended as a reference to assist the designer in understanding the City's goals and objectives for industrial development. The guidelines shall compliment the mandatory industrial development regulations contained in this Section, by providing examples of potential design solutions and by providing design interpretations of the various mandatory regulations contained herein.

2. The design guidelines authorized herein shall be enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

6.01.030: Specialized Use Zoning Districts

A. **Purpose.** The purpose of this Section is to ensure that development within each Special Purpose zoning district of the City will contribute toward an urban environment of stable, desirable character, which is harmonious with existing and future development, and is consistent with the goals and policies of the Policy Plan (General Plan) component of The Ontario Plan.

B. **Applicability.** The standards and guidelines established by this Section shall apply to each of the City's special purpose zoning districts. Furthermore, the provisions of this Section shall apply to all subdivisions of land and any new construction, addition, remodel, or reallocation requiring a building permit or other similar entitlement by the City, within a Special Purpose zoning district.

C. **Specialized Use Zoning District Standards.** The design and development of properties located within specialized use zoning districts shall comply with the following:

1. **CIV (Civic) Zoning District.** The CIV zoning district is established to accommodate permanent public facilities such as City Hall, public libraries, public schools, police and fire stations, and other similar facilities utilized by the public. Properties within the CIV zoning district shall be developed pursuant to the standards and guidelines applicable to the OH zoning district (see Section 6.01.015 (Commercial Zoning District) of this Division).

2. **MHP (Mobile Home Park) Zoning District.** The MHP zoning district is established to accommodate communities consisting of mobile homes and manufactured housing. All development within the MHP zoning district shall be designed and constructed pursuant to the requirements of Section 5.03.295 (Mobilehome Parks) of this Development Code.

3. **ONT (Ontario International Airport) Zoning District.** The ONT zoning district is established to accommodate on-going development of Ontario International Airport and surrounding properties directly impacted by airport operations. All development within the ONT zoning district shall be designed and constructed pursuant to the applicable requirements of Section 5.03.020 (Air Transportation) of this Development Code.

4. **OS-C (Open Space-Cemetery) Zoning District.** The OS-C zoning district is established to accommodate cemetery sites. Properties within the OS-C zoning district shall be developed pursuant to the standards and guidelines applicable to the OL zoning district (see Section 6.01.015 (Commercial Zoning District) of this Division).

5. **OS-R (Open Space-Recreation) Zoning District.** The OS-R zoning district is established to accommodate open space uses, such as public parks and recreation centers. Properties within the OS-R zoning district shall be developed pursuant to the standards and guidelines applicable to the OL zoning district (see Section 6.01.015 (Commercial Zoning District) of this Division).

6. **PUD (Planned Unit Development) Zoning District.** The PUD zoning district is established to accommodate the development and use of properties that require Planned Unit Development approval pursuant to Exhibit LU-05 (Additional Plans Map) of the Policy Plan component of The Ontario Plan. All development within the PUD zoning district shall only be allowed pursuant the applicable Planned Unit Development document.

7. **RC (Rail Corridor) Zoning District.** The RC zoning district is established to accommodate permanent rail or fixed transit corridors through the City, as well as stations and similar ancillary facilities. Properties within the RC zoning district shall be developed pursuant to the

standards and guidelines applicable to the IH zoning district (see Section 6.01.025 (Industrial Zoning District) of this Division).

8. SP (Specific Plan) Zoning District. The SP zoning district is established to accommodate the adoption of Specific Plans pursuant to Exhibit LU-05 (Additional Plans Map) of the Policy Plan component of The Ontario Plan. All development within the SP zoning district shall be designed and constructed pursuant to the standards and guidelines of the applicable Specific Plan document. (Note: If no specific plan has been adopted for a property within the SP zoning district, a new specific plan shall be adopted for the property, or the property shall be annexed to an existing neighboring specific plan, prior to the issuance of any grading or building permits.)

9. UC (Utility Corridor) Zoning District. The UC zoning district is established to accommodate flood control channels, retention and detention basins, electrical transmission corridors, and landfills, and may include ancillary recreational facilities in conjunction with the primary use of the site. Properties within the UC zoning district shall be developed pursuant to the standards and guidelines applicable to the OL zoning district (see Section 6.01.015 (Commercial Zoning District) of this Division).

6.01.035: Overlay Zoning Districts

A. **Purpose.** The purpose of this Section is to ensure that development within each Overlay zoning district of the City will contribute toward an urban environment of stable, desirable character, which is harmonious with existing and future development, and is consistent with the goals and policies of the Policy Plan (General Plan) component of The Ontario Plan.

B. **Applicability.** The standards and guidelines established by this Section shall apply to each of the City's overlay districts. Furthermore, the provisions of this Section shall apply to all subdivisions of land and any new construction, addition, or remodel requiring a building permit or other similar entitlement by the City, within an overlay district.

C. **Overlay Zoning District Standards.** The design and development of properties located within overlay zoning districts shall comply with the following:

1. AG (Agricultural) Overlay District.

a. *Purpose.* The purpose of the AG Overlay District is to accommodate the continuation of agricultural uses within the City, on an interim basis, until such time that the Overlay District is developed consistent with the goals and policies of The Ontario Plan. The transition of the AG Overlay District will be gradual, requiring the establishment of regulations intended to guide agricultural-related development activities for the interim period. It is the intent of the AG Overlay District to allow for the continuation of agricultural uses and related support uses as defined herein. The AG Overlay District is further intended to protect vital agricultural uses by limiting land use activity to those uses which are compatible and supportive of agriculture and related uses, and/or their products.

b. *Applicability.*

(1) The herein established rights and responsibilities applicable to the AG Overlay District shall apply to all property located within the boundary of the Overlay District, as shown on the official Zoning Map of the City. The AG Overlay District provisions established

herein, shall apply to all existing and new building construction, additions, remodels, or reallocations, whether or not a building permit, or other similar entitlement, is required by the City.

(2) Any new building construction, excepting buildings to accommodate agricultural uses or agricultural-related activities, and single-family homes and buildings ancillary thereto on lots 10 acres or more in area, shall first require the adoption of a Specific Plan pursuant to Section 4.01.035 (Specific Plans and Amendments) of this Development Code, which prescribes the allowed land uses, development regulations and guidelines, and sign regulations applicable to the project.

(3) All rights pertaining to the AG Overlay District established herein, shall run with the land and shall be transferable to any future owner(s) of property within the AG Overlay district, and their assigns.

c. *Definitions.* For the purposes of this Section, the words or phrases listed below, in correct alphabetical order, shall have the meanings hereafter specified:

Agricultural Support Services. These uses are supportive of the farm community and are fully compatible with agricultural uses. Agricultural support services are uses which directly support, or which are accessory or incidental to, established agricultural uses within the AG Overlay District. These include, but are not limited to the following:

- 1) Agricultural chemicals, fuel and fuel oil, nonflammable bottled gas;
- 2) Animal husbandry services veterinary services for large and small animals, and horseshoeing;
- 3) Farm machinery equipment and supplies, sale and repair;
- 4) Farm produce sales and supply (feed, hay, grain and grain products, fertilizer);
- 5) Farm products packaging and processing;
- 6) Feed storage, farm products warehousing and storage (except stockyards); and
- 7) Waste management facilities and fertilizer operations in accordance with applicable local, State and Federal regulations.

Animal Confinement Facility. Where used, the term “animal confinement facility” includes animal barns, corrals, or pens.

Commercial Kennels and Catteries. The keeping of more than 5 dogs or 5 cats over the age of 4 months for breeding, boarding, training or sale on a lot minimum 2.5 acres in area.

Cow and Goat Dairies. Any premises where milk is produced for wholesale distribution and where 10 or more cows or goats are in lactation.

Crop Production. A primary use of the land which includes cultivation of open field or greenhouse crops, fruits, vegetables, grain, fibers, flowers, ornamental and nursery plant materials for wholesale or retail sales and ultimate consumption by others.

Expanded Use. An expanded use consists of a building expansion or new construction in excess of 5,000 square feet.

Trade of Livestock. Sale of livestock to general public (e.g. animal auctions).

d. *Uses Generally.* No building, structure, or land shall be used, and no building or structure shall be hereafter erected, structurally altered, or enlarged, except for the purposes set out in this Paragraph C.1 (AG (Agricultural) Overlay District) of this Section.

e. *Permitted Land Uses.* In addition to those land uses allowed in the AG Overlay District as prescribed by Table 5.01-1 (Land Use Matrix) of this Development Code, the following land uses are permitted by right of being within the correct zoning district:

- (1) Row, field, tree, and crop production;
- (2) Plant nurseries (retail and wholesale);
- (3) Single dwelling unit on a lot not less than 10 acres in area; a specific plan is required for any subdivision or master planned development; and

(4) Animal keeping activities, excepting household pets, shall comply with the following:

(a) Animal keeping shall be on a legally recognized lot no less than 2 acres in area. Lot area used to qualify one animal type shall not be reused to qualify another animal type;

(b) Proper management of animal waste shall be carried out in accordance with all requirements of the State Regional Water Quality Control Board or regulating agency;

(c) Small animal keeping. Aviary or similar small animal ranches or farms (excluding chicken and hog ranches) shall be permitted on lots that are at least one-half acre in area. Fish raising shall be limited to one pond per acre, with a maximum of 4 ponds per parcel. Each pond shall not exceed one-half acre in area; and

(d) Refer to Table 6.01-11 (Animal Types and Densities), below, for animal density requirements and Section 5.03.410 (Urban Agriculture) of this Development Code, for animal separation/setback requirements.

Table 6.01-11: Animal Types and Maximum Densities

<i>Animal Type</i>	<i>Maximum Animal Density</i>	<i>Additional Regulations</i>
A. Dairy Cow	As permitted by Approving Authority	Note 1
B. Non-dairy Cattle/Bufalo	1/6,000 SF of lot area	
C. Horses	1/6,000 SF of lot area	
D. Swine (5 maximum)	1/12,000 SF of lot area	
E. Sheep, female goats and similar livestock	1/3,000 SF of lot area	

Table 6.01-11: Animal Types and Maximum Densities

<i>Animal Type</i>	<i>Maximum Animal Density</i>	<i>Additional Regulations</i>
F. Male adult goats		
1. Parcel < 10 acres	One maximum	
2. 10 acres and above	1/5 acres of lot area (not to exceed 4 maximum)	
G. Rabbits and chinchillas (200 maximum)	50/10,000 SF of lot area	
H. Ostriches	1/6,000 SF of lot area	
I. Emus and rheas	1/6,000 SF of lot area	
J. Poultry		
1. <u>Female</u>		
a. Parcel < 10 acres	25 maximum	
b. 10 acres and above	25/ 10 acres of lot area (50 maximum)	
2. <u>Male (9 maximum)</u>		
a. Parcel < 10 acres	2 species/parcel	
b. 10 acres and above	2 species/5 acres	

Notes:

1. *New or expansions to existing dairy or other animal confinement facilities shall be considered on a case-by-case basis, subject to the approval of a Conditional Use Permit pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code. Animal density shall be as determined by the appropriate approving authority (i.e. Regional Water Quality Control Board) which may impose special operational conditions, requirements or standards deemed necessary to insure the public health, safety and general welfare. Animal density shall be based on measures to prevent the unacceptable nitrification or salt pollution of soils, and the pollution of groundwater by nitrates and salts emanating from the facility, as defined by the Regional Water Quality Control Board.*

f. *Conditionally Permitted Land Uses.* In addition to those land uses allowed in the AG Overlay District as prescribed by Table 5.01-1 (Land Use Matrix) of this Development Code, the following land uses shall be allowed subject to the approval of a Conditional Use Permit pursuant to the requirements of Section 4.02.015 (Conditional Use Permits) of this Development Code:

- (1) Agricultural Support Services;
- (2) Animal raising of densities greater than or the raising of animal types different than those specified by this Paragraph C.1 (AG (Agricultural) Overlay District), subject to review by the appropriate Approving Authority (such as Regional Water Quality Control Board); and fish raising using ponds or lakes that are of greater surface area or number than those specified by this Paragraph C.1 (AG (Agricultural) Overlay District).
- (3) Animal hospitals and veterinary clinics;
- (4) Antennas and wireless telecommunications facilities;
- (5) Apiaries;
- (6) Calf growing ranches (lots shall be 5 or more acres in area);

(7) Places of worship within an existing building, and expansions to existing facilities (establishment of new places of worship in new structures shall only be permitted as part of a specific plan);

(8) Dairies, including expansions to existing dairies;

(9) Educational facilities and institutions;

(10) Fertilizer operations;

(11) Kennels (requires a 2.5-acre minimum lot size);

(12) Mushroom farms (the use of manure as a planting/growing medium is prohibited);

(13) Rodeos;

(14) Trade of livestock; and

(15) Waste management facilities.

g. *Time Limit for Conditionally Permitted Land Uses.* Conditionally permitted uses may be subject to a 5-year time limit through an agreement with the applicant, in order to assess potential impacts from the conditional use upon surrounding land uses. Under such time limit, a time extension application may be filed at least 6 months prior to the end of the 5-year period. Approval of a time extension request shall be based on the continued compatibility of the project with surrounding land uses.

h. *Temporary Uses.* The following temporary uses are permitted, subject to the requirements of Section 5.03.395 (Temporary and Interim Land Uses, Buildings and Structures) of this Development Code:

(1) Christmas tree and Halloween pumpkin sales, or other similar seasonal sales authorized by the City, not to exceed a period of 30 days, each;

(2) Temporary produce stands in conjunction with an Urban Farm established pursuant to Section 5.03.410.F (Urban Farms) of this Development Code; and

(3) Temporary Wireless Telecommunications Facilities.

i. *Accessory Uses.* The following accessory uses, and structures are permitted when customarily associated with, and subordinate to, a permitted use on the same lot:

(1) Barns, stables, storage tanks, and other farm buildings;

(2) Accessory dwelling unit or guesthouse, not to exceed one per lot, pursuant to the requirements of Section 5.03.030 (Accessory Residential Structures) of this Development Code. Any guesthouse or accessory dwelling unit shall meet the setbacks of the main structure as listed in Table 6.01-12 (AG (Agricultural) Overlay District Development Standards);

(3) Accessory building(s) not usable as a guesthouse or accessory dwelling unit. There shall be no maximum size for accessory structures in the AG Overlay District. Accessory Structures in the AG Overlay District in excess of 650 SF shall not require the approval of a Conditional Use Permit;

(4) Office unit in conjunction with row, field, tree, plant nursery, or crop production operation, not to exceed 1,500 SF in area (maximum one building per lot). An office unit shall meet the setbacks of the main structure as listed in Table 6.01-12 (AG (Agricultural) Overlay District Development Standards);

(5) Caretaker's unit, not to exceed 650 SF in area (maximum one building per lot). Any caretaker's unit shall meet the setbacks of the main structure as listed in Table 6.01-12 (AG (Agricultural) Overlay District Development Standards);

(6) Garages and carports;

(7) Fences and walls;

(8) Patio covers;

(9) Swimming pools;

(10) Stands for the sale of agricultural products grown or produced on the same premises (excluding milk and meat products), subject to the following conditions:

(a) Stand shall be permitted only on lots containing a minimum of 10,000 SF;

(b) The floor area of the stand shall not exceed 100 SF;

(c) The stand shall not have a permanent foundation;

(d) The owner(s) shall remove such stand at their expense when the use has terminated;

(e) Stands shall be located a minimum of twenty (20) feet from the right-of-way line of any street or highway;

(f) Adequate provision for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the Planning Director; and

j. *Prohibited Uses.* Notwithstanding Subparagraphs d through f of Paragraph C.1 (AG (Agricultural) Overlay District) of this Section, the following uses shall be specifically prohibited:

(1) Animal slaughter operations;

(2) Commercial poultry ranches;

(3) Commercial hog ranches; and

k. *Uses Not Specifically Listed.* The Zoning Administrator may make a land use determination pursuant to Section 1.02.010 (Interpretations and Land Use Determinations) of this Development Code, for those uses not specifically listed herein as permitted or conditionally permitted uses, based on the similarity of the subject use to one of the categories listed in Subparagraphs d through f of this Paragraph C.1 (AG (Agricultural) Overlay District), and the herein stated purpose of the AG Overlay District.

l. *Nonconforming Uses and Structures.* Nonconforming uses and structures within the AG Overlay District shall be governed by Division 3.01 (Nonconforming Lots, Land Uses, and Structures) of this Development Code, except as follows:

(1) **Abandonment.** Whenever a nonconforming use or structure has been abandoned, the nonconforming use or structure shall not be reestablished, and the use of the structure and the site thereafter shall be in conformity with the regulations of the AG Overlay District. For the purposes of this Paragraph C.1 (AG (Agricultural) Overlay District), discontinuance of the nonconforming use for a continuous period of 180 days shall be conclusive evidence of abandonment of such nonconforming use regardless of the landowner's intent.

(2) **Special Hardship Circumstances.** The Zoning Administrator may extend the 180-day period for up to an additional 180 days. To receive such consideration, the property owner shall request an extension, in writing, prior to the expiration of the initial 180-day period, including a full explanation of the reason why the extension should be granted.

m. *Animal Keeping/Separation Standards.* The following site development standards shall apply to the keeping of animals, except household pets:

(1) Animals shall be restrained a distance of at least 40 FT, measured in a straight line, from any habitable structure or structure used for public assembly located on adjoining property. For dairies, refer to Subparagraph n of this Paragraph C.1 (AG (Agricultural) Overlay District), for separation requirements;

(2) Animals shall be restrained a distance of at least 5 FT from interior side and rear property lines, and 15 feet from street side property lines;

(3) Animals shall be secured by a fence or wall at least 5 FT in height, made of chain link, wood with horizontal members no less than 6 inches apart, solid masonry or other appropriate solid confining material. Property line walls and fences may be used to secure animals, provided the appropriate restraint distances are maintained;

(4) Animals shall be kept a minimum of 100 FT from any domestic water well;

(5) For new dairies/feed lots, a separation of 500 FT shall be required between an animal feed trough, corral/pen from new development and/or from property with a residential or nonresidential tract map recorded after January 1, 2000, as measured from the building setback line; and

(6) A reduction in animal separation requirements may also be considered for facilities with proven means of reducing odors, such as covering lagoons, substituting concrete-lined pits for lagoons, and employing recommended ventilation systems for animal confinement buildings. Consideration of alternative setbacks shall be subject to

consultation with qualified agricultural engineers to ensure that the measure will reliably accomplish the intended purpose.

n. *Separation Requirements for New Development.* The following separation requirements from existing dairies/feed lots shall apply to new residential, commercial, and/or industrial development or structures used for public assembly purposes from existing dairies/feed lots:

(1) A minimum 100-FT separation shall be required between a new residential, commercial or industrial development or structure used for public assembly and an existing animal feed trough, corral/pen or an existing dairy/feed lot including manure stockpiles and related wastewater detention basins. The 100-FT separation requirement may be satisfied by an off-site easement acceptable to the Planning Director with adjacent properties, submitted with the initial final map and recorded prior to or concurrent with the final map; and

(2) Separation requirements between dairies within a proposed specific plan area and new development will be addressed through the specific plan review procedure which may include buffers, expanded parkways, open space, and other approved measures to mitigate potential impacts.

o. *Permanent Structures.* A Development Plan is required pursuant to Section 4.02.025 (Development Plans) of this Development Code, for all new, altered, or expanded structures/uses, including all new structures in excess of 5,000 SF in area.

p. *Development Standards and Guidelines.*

(1) The development of buildings to accommodate agricultural uses or agricultural-related activities, and single-family homes and buildings ancillary thereto, on lots 10 acres or more in area, shall be designed and constructed pursuant to the standards contained in Table 6.01-12 (AG (Agricultural) Overlay District Development Standards), below.

Table 6.01-12: AG (Agricultural) Overlay District Development Standards

<i>Requirements</i>	<i>Standards</i>	<i>Additional Regulations</i>
A. SITE DEVELOPMENT STANDARDS		
1. Minimum Lot Size	10 acres	Note 1
2. Maximum Lot Coverage		
3. Allowed Density Range	One dwelling per 10 acres	
4. Minimum Lot Dimensions		
a. Ratio (lot width to lot depth)	1:4	
b. Lot Width	300 FT	Note 1
c. Lot Depth	300 FT	Note 1
5. Equestrian Trails Required	No	
6. Walls, Fences, and Obstructions	Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts) of this Development Code	
7. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading) of this Development Code.	
8. Landscaping	Refer to Division 6.05 (Landscaping) of this Development Code.	

Table 6.01-12: AG (Agricultural) Overlay District Development Standards

<i>Requirements</i>	<i>Standards</i>	<i>Additional Regulations</i>
9. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance) of this Development Code.	
10. Historic Preservation	Certain portions of residential zoning districts are identified as historic or potentially historic and are listed on the City’s Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.	
11. Signs	Refer to Subparagraph q (Sign Standards) of this Paragraph C.1 (AG (Agricultural) Overlay District) and Division 8.1 (Sign Regulations) of this Development Code.	
12. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).	
13. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Tile 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).	
14. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.	
B. BUILDING DEVELOPMENT STANDARDS		
1. Minimum Building Setbacks		
a. From Front Property Line	25 FT	
b. From Street Side Property Line	25 FT	
c. From Interior Side Property Line	15 FT	
d. From Rear Property Line	15 FT	
2. Minimum Building Separations	6 FT	
3. Maximum Building Height	35 FT	Note 2

Notes:

1. An existing lot of record that is substandard as to minimum “lot” area and/or dimension(s) shall be granted all development rights of the zoning district in which it is located (refer to Subsection 3.01.010.B of this Development Code).
2. The maximum building height and FAR may be restricted pursuant to the Ontario International Airport Land Use Compatibility Plan (ALUCP). Refer to the ALUCP for properties affected by Airport Safety Zones.

(2) Development within the AG Overlay District shall be consistent with the Residential Design Guidelines established by resolution of the City Council, which are intended as a reference to assist the designer in understanding the City’s goals and objectives for residential

development. Such guidelines shall be enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

q. *Sign Standards.* Notwithstanding the sign regulations contained in Division 8.1 (Sign Regulations) of this Development Code, signs installed within the AG Overlay District shall comply with the following:

(1) **Freestanding Signs.** One unlighted single or double faced sign shall be permitted, not to exceed 6 FT in height and 12 SF in area, for each 60 FT of street frontage, and shall be placed behind the street property line.

(2) **Wall Mounted Signs.** One wall-mounted sign shall be permitted on each building elevation facing a street, not to exceed one SF of sign area for each lineal foot of building elevation length, not to exceed 50 SF.

2. EA (Euclid Avenue) Overlay District.

a. *Purpose.* The purposes of the EA Overlay District is to recognize and protect Euclid Avenue as a major scenic and historic resource of the City, and major contributor to Ontario's historic downtown. Furthermore, the EA Overlay District is intended to help identify and safeguard Euclid Avenue's position on the National Register of Historic Places.

b. *Applicability.* The herein established rights and responsibilities applicable to the EA Overlay District shall apply to all property located within the boundary of said Overlay District, as shown on the official Zoning Map of the City. The EA Overlay District provisions established herein, shall apply to all existing and new building construction, additions, remodels, or reallocations, whether or not a building permit is required, or other similar entitlement by the City.

c. *Development Standards and Guidelines.* Land development within the EA Overlay District shall be designed and constructed pursuant to the standards and guidelines applicable to the underlying base zoning district and the requirements of the Downtown Ontario Design Guidelines (see Reference C—Downtown Ontario Design Guidelines), as applicable.

d. *Certificate of Appropriateness Required.* A development project within the EA Overlay District, which requires Development Plan approval pursuant to Section 4.02.025 (Development Plans) of this Development Code, shall require the approval of a Certificate of Appropriateness pursuant to Section 4.02.050 (Historic Preservation—Certificates of Appropriateness and Demolition of Historic Resources).

e. *Medical Offices and Clinics.* Medical offices and clinics within the EA Overlay District, and which are located in the MU-1 zoning district and have street frontage on Euclid Avenue, shall be allowed only on the second floor of a building or above (occupancy of the ground/first floor shall not be allowed). Medical offices and clinics within the EA Overlay District, which are not located in the MU-1 zoning district, or do not have street frontage on Euclid Avenue, may occupy the ground/first floor of a building.

3. ES (Emergency Shelter) Overlay District.

a. *Purpose.* The purpose of the ES Overlay District (established pursuant to Section 5.01.010.F.3 (ES (Emergency Shelter) Overlay District) is to accommodate the

establishment of emergency shelters, supportive housing, and transitional housing land uses within the City.

b. *Applicability.*

(1) The herein established rights and responsibilities applicable to the ES Overlay District shall apply to all property located within the boundary of said Overlay District, as shown on the official Zoning Map of the City. The ES Overlay District provisions established herein, shall apply to all existing and new building construction, additions, remodels, or reallocations, whether or not a building permit is required, or other similar entitlement by the City.

(2) The ES Overlay District shall be located within areas of the City that are predetermined by the Housing Element, pursuant to GC Section 65583 and contained within the Policy Plan component of The Ontario Plan. Alternate locations may be established by resolution of the City Council, upon recommendation of the Planning Commission.

c. *Development Standards and Guidelines.* Within the ES Overlay District, land and improvements thereon shall be designed and developed pursuant to the standards and guidelines of the underlying base zoning district.

4. MTC (Multimodal Transit Center) Overlay District.

a. *Purpose.*

(1) The multimodal transit facility anticipated by the Policy Plan component of The Ontario Plan is generally located south of Interstate 10, north of the railroad tracks, east of Guasti Road and west of Archibald Avenue. The multimodal center will serve as a transit hub for local buses, BRT, the Gold Line, high-speed rail, the proposed Ontario Airport Metro Center circulator, and other future transit modes. Many of these transit modes require extensive capital outlay and years of planning, environmental review, design, and, ultimately, construction. Much of the financing of these facilities is beyond the control of the City, being handled by other local, regional, State and federal agencies. The development of a multimodal facility and related services is a long term endeavor, anticipated to take years, if not decades, to bring to fruition.

(2) The MTC Overlay District (established pursuant to Section 5.01.010.F.4 (MTC (Multimodal Transit Center) Overlay District) of this Development Code) is currently developed with a ±425,000 SF warehouse/distribution building with ancillary offices, and a ±6,000 SF building used as a contractor's office and yard. These buildings are not suited for residential, retail, or office uses as envisioned by the Policy Plan, and use of these facilities in the near term would be somewhat limited, until the property is redeveloped as a multimodal transit center. Consequently, the City wishes to authorize the use of the existing buildings for the purpose for which they were previously used.

(3) The purpose of the MTC Overlay District is to allow for the establishment of warehouse and distribution land uses, on an interim basis, within existing buildings located within the overly district boundary.

b. *Applicability.*

(1) The herein established rights and responsibilities applicable to the MTC Overlay District shall apply to all property located within the boundary of said Overlay District, as shown on the official Zoning Map of the City. The MTC Overlay District provisions established

herein, shall apply to all existing and new building construction, additions, remodels, or reallocations, whether or not a building permit is required, or other similar entitlement by the City.

(2) Allowed land uses within the MTC Overlay District shall be limited to warehouse/distribution facilities, ancillary offices, and those temporary land uses allowed within the IG zoning district pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

(3) Any expansion of existing buildings or proposals for new building construction shall require the adoption of a Specific Plan pursuant to Section 4.01.035 (Specific Plans and Amendments) of this Development Code, which prescribes the allowed land uses, development regulations and guidelines, and sign regulations applicable to the project.

(4) The MTC Overlay District shall remain in effect until June 30, 2027, unless otherwise extended pursuant to Section 4.01.020 (Development Code Amendments) of this Development Code, or the existing buildings are removed.

(5) All rights pertaining to the MTC Overlay District established herein, shall run with the land and shall be transferable to any future owner(s) of property within the MTC Overlay district, and their assigns.

5. ICC (Interim Community Commercial) Overlay District.

a. *Purpose.* The purpose of the ICC Overlay District (established pursuant to Section 5.01.010.F.5 (ICC (Interim Community Commercial) Overlay District) of this Development Code) is to allow for the establishment of Community Commercial land uses, on an interim basis, within existing buildings located within the overlay district boundary.

b. *Applicability.*

(1) The herein established rights and responsibilities applicable to the ICC Overlay District shall apply to all property located within the boundary of said Overlay District, as shown on the official Zoning Map of the City. The ICC Overlay District provisions established herein, shall apply to all existing and new building construction, additions, remodels, or reallocations, whether or not a building permit is required, or other similar entitlement by the City.

(2) The ICC Overlay District may be established pursuant to the requirements of Section 4.01.040 (Zone Changes) of this Development Code, on property containing existing buildings constructed for occupancy by commercial land uses.

(3) The ICC Overlay District shall allow those commercial uses allowed in the CN and CC zoning districts pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, while at the same time preserving the City's vision for the development and use of property consistent with the underlying Policy Plan (general plan) land use designation.

c. *Expansion of Existing Commercial Structures and Uses.*

(1) Within the ICC Overlay District, building expansion, shall only be allowed for the purpose of expanding an existing, legally established commercial land use, which is allowed pursuant to Subparagraph B.5.b(3) of this Section.

(2) The expansion of an existing commercial building shall be allowed pursuant to the requirements of Subsection 3.01.020.J (Alteration and/or Expansion of a

Nonconforming Nonresidential Structure) of this Development Code and shall be developed consistent with the standards of the CC zoning district.

(3) *New Residential Development.* New residential development, which is proposed consistent with the Official Land Use Plan (Exhibit LU-01) of the Policy Plan component of The Ontario Plan, shall first require a zone change to the HDR-45 zoning district pursuant to Section 4.01.040 (Zone Changes) of this Development Code, and full compliance with the land use requirements, and development standards and guidelines of the HDR-45 zoning district.

(4) *Protection of ICC Overlay District Land Use and Development Rights.* All land use and development rights granted by the ICC Overlay District shall be transferable to any future owner(s) of property within the ICC Overlay District, and their assigns.

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Division 6.03—Off-Street Parking and Loading

Sections:

- [6.03.000:](#) Purpose
- [6.03.005:](#) Applicability
- [6.03.010:](#) General Requirements
- [6.03.015:](#) Required Number of Off-Street Parking Spaces
- [6.03.020:](#) Reduction in the Required Number of Parking Spaces
- [6.03.025:](#) Tandem Parking
- [6.03.030:](#) Parking for the Physically Disabled
- [6.03.035:](#) Bicycle Parking
- [6.03.040:](#) Parking for Fuel Efficient Vehicles
- [6.03.045:](#) Off-Street Parking Design Standards
- [6.03.050:](#) Parking Lot Lighting
- [6.03.055:](#) Off-Street Loading Standards

6.03.000: Purpose

The off-street parking and loading regulations prescribed by this Article have been established to achieve the following purposes:

- A. Provide accessible, attractive, secure, properly lighted, and well maintained parking facilities;
- B. Reduce traffic congestion and hazards caused by the loading and unloading of trucks on public streets and the shortage of parking spaces;
- C. To alleviate or to prevent traffic congestion caused by shortage of parking spaces and the loading and unloading of trucks on public streets;
- D. Ensure that off-street parking and loading facilities are provided for new land uses and the expansion of existing land uses in proportion to the needs of the land uses they serve; and
- E. To ensure that off-street parking and loading facilities are designed in a manner that will result in maximum efficiency, protect the public safety, provide for the special needs of the physically handicapped, and where appropriate, insulate surrounding land uses from their impact.

6.05.005: Applicability

- A. Off-street parking and loading facilities, and parking lot lighting shall be provided pursuant to the provisions of this Division when:
 - 1. Any lot is developed, any new building is constructed, or any existing building or structure is added to or expanded, which requires Development Plan approval pursuant to Section 4.02.025 (Development Plans) of this Development Code;

2. Any new use is established, or any existing use is expanded or intensified, which requires Conditional Use Permit approval pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code;

3. The gross floor area of any existing building or structure is increased or enlarged by more than 5 percent (cumulative) of the existing floor area or permanent seating (off-street parking shall be provided for the total resulting buildings, structures and capacities of uses);

4. Permanent seating for an assembly use is increased or enlarged; (off-street parking shall be provided for the total resulting seating and capacities of uses); and

5. Any intensification of use or change in the occupancy of any building or in the manner in which any use is conducted, that would result in additional parking spaces being required.

B. No existing land use shall be deemed nonconforming solely based upon the lack of off-street parking or loading spaces required by this Division.

6.03.010: General Requirements

A. All off-street parking facilities required by this Division shall be designed and maintained to be fully usable for the duration of the use requiring the facilities.

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

C. Requirements for uses not specifically addressed by this Division shall be determined by the Zoning Administrator, based upon the requirements for comparable uses and the particular characteristics of the use.

D. All off-street parking and loading spaces required by this Division shall be located on the same lot as the use that they are intended to serve, except that nonresidential uses that cannot accommodate the required number of parking spaces on the same lot may provide parking spaces at a separate off-site location, not more than 500 FT from the use the parking spaces are intended to serve, as measured in a straight line from any point from the outer boundaries of the property or lease space containing the use.

E. The required number of off-street parking spaces and/or loading spaces shall be provided at the time of site and/or building occupancy, or at the time of occupancy of any building addition or intensification of use. All parking and loading spaces shall be maintained in good condition for the duration of the building or use.

F. No vehicle shall be parked upon a public or private parking lot, or public property, for the purpose of displaying the vehicle for sale, hire, or rental, unless the property is appropriately zoned, the vendor is licensed to transact the applicable business at that location, and the vendor has obtained all appropriate land use approvals.

G. All parking stalls shall have direct access from a drive aisle, driveway or alley, and shall be designed in a side-by-side or parallel configuration, except as permitted by Section 6.03.030 (Tandem Parking) of this Division.

6.03.015: Required Number of Off-Street Parking Spaces

A. Off-Street Parking Requirements. Off-street parking spaces shall be provided pursuant to Table 6.03-1 (Off-Street Parking Requirements) of this Division, except that within the MU-1 (Downtown Mixed Use) zoning district, off-street parking shall not be required for existing buildings having a GFA less than 10,000 SF. If more than one land use is established on a lot or project site, the number of off-street parking spaces required shall be equal to the sum of the requirements prescribed for each individual land use.

B. Minimum Standards. The parking requirements of Table 6.03-1 (Off-Street Parking and Loading Requirements) are expressed as minimum standards, which should be met and not exceeded. Nevertheless, if additional parking is essential to a project, the minimum parking standard may be exceeded as follows:

1. Residential Uses—Additional Parking Allowed Without Limit. For residential uses, there is no maximum limit as to the number of parking spaces that may be provided. As such, any additional parking may be provided as a matter of right.

2. Nonresidential Uses—Limited Additional Parking Allowed. Additional parking spaces provided in excess of the number required pursuant to Table 6.03-1 (Off-Street Parking and Loading Requirements) of this Section may be provided for nonresidential uses or the nonresidential portions of mixed-use projects, as follows:

a. Parking spaces may be provided up to a maximum of 10 percent above the required number as a matter of right, without any discretionary review by the City.

b. Parking spaces provided in excess of 10 percent above the required number shall be allowed only upon approval by the Planning Commission, based upon proven need.

C. Gross Floor Area (GFA). References to spaces per square foot are to be computed based upon GFA, unless otherwise specified, and includes allocations of shared restrooms, and circulation and storage areas, and other similar common facilities.

D. Rounding of Off-Street Parking Calculations. If a fractional number results from calculations performed in compliance with this Section, one parking space shall be required for a fractional unit of 0.50 or greater, and no space shall be required for a fractional unit of less than 0.50.

E. Uses Not Listed.

1. Land uses not specifically listed in Table 6.03-1 (Off-Street Parking Requirements) of this Division, shall provide parking as required by the Zoning Administrator or Approving Authority pursuant to Table 2.02-1 (Review Matrix) of this Development Code, as applicable.

2. The Approving Authority shall rely upon the requirements of Table 6.03-1 (Off-Street Parking Requirements), and the standards recommended by the Institute of Transportation Engineers, as a guide in determining the necessary number of off-street parking spaces to be provided.

F. Parking Management Plan.

1. Parking Management Plan Required for Multiple-Family Residential Projects. A Parking Management Plan shall be submitted in conjunction with any Development Plan application for the construction of a multiple-family residential development project, or the residential portion of any mixed-use development project, which consists of 3 or more dwelling units. The Plan shall identify the number and location of resident parking spaces (existing and proposed) provided pursuant to Table 6.03-1 (Off-Street Parking and Loading Requirements) of this Section and establish to which dwelling each required resident parking space is to be assigned.

2. Parking Management Plan Shall Be Included in CC&Rs. The Parking Management Plan required pursuant to Paragraph F.1, above, shall be included in any CC&Rs required by the City as a condition of project approval.

3. Required Resident Parking Spaces Cannot Be Separately Rented/Leased. It shall be unlawful to rent or lease a required residential parking space, or any parking space required for the residential portion of any mixed-use development project, separately from the dwelling for which a parking space has been provided pursuant to Table 6.03-1 (Off-Street Parking and Loading Requirements) of this Section, and/or assigned by a Parking Management Plan prepared pursuant to Paragraph F.1 (Parking Management Plan Required for Multiple-Family Residential Projects) of this Section.

Table 6.03-1: Off-Street Parking Requirements

<i>Land Uses, Activities, and Facilities</i>	<i>No. of Parking Spaces Required</i>
A. Residential	
1. Caretaker Quarters	One space within a garage
2. Live/Work Developments	3 spaces per 1,000 SF (0.003/SF) of GFA
3. Mobile Home Parks	
a. Resident Parking Spaces	2 spaces per dwelling
b. Guest/Visitor Parking Spaces	[1] <u>Portion of dwellings < 50</u> : 0.25 spaces per dwelling; [2] <u>Portion of 50 to 100 dwellings</u> : 0.20 spaces per dwelling; [3] <u>Portion of dwellings > 100</u> : 0.17 spaces per dwelling; and [4] A minimum of 3 guest spaces shall be provided for developments consisting of more than 8 dwellings.
4. Model Homes	2 spaces per model home
5. Multiple-Family Residential	
a. Resident Parking Spaces	[1] <u>Studio</u> : 1.5 spaces per dwelling, including one space in a garage or carport; [2] <u>One-Bedroom</u> : 1.75 spaces per dwelling, including one space in a garage or carport; [3] <u>Two-Bedrooms</u> : 2.0 spaces per dwelling, including one space in a garage or carport; and [4] <u>Three or more Bedrooms</u> : 2.5 spaces per dwelling, including one space in a garage or carport

Table 6.03-1: Off-Street Parking Requirements

<i>Land Uses, Activities, and Facilities</i>	<i>No. of Parking Spaces Required</i>
b. Guest/Visitor Parking Spaces	[1] Portion of dwellings < 50: 0.25 spaces per dwelling; [2] Portion of 50 to 100 dwellings: 0.20 spaces per dwelling; [3] Portion of dwellings > 100: 0.17 spaces per dwelling; and [4] A minimum of 3 guest spaces shall be provided for developments consisting of more than 8 dwellings.
6. Senior Citizen Housing (as defined pursuant to CC Section 51.3 and CC Section 51.12)	
a. Income Qualified Development	0.7 resident space per dwelling, plus, guest/visitor parking spaces pursuant to the Multiple-Family Residential standards (Subparagraph A.4.b of this Table)
b. Market Rate Development	One resident space per dwelling, plus, guest/visitor parking spaces pursuant to the Multiple-Family Residential standards (Subparagraph A.4.b of this Table)
7. Single-Family Dwellings	
a. Traditional Development	2 spaces per dwelling within a garage
b. Small Lot and Common Interest Developments	2 resident spaces per dwelling within a garage, plus, 0.2 guest/visitor spaces per dwelling. Guest parking spaces may be provided on-street, immediately adjacent to the development boundary, if available. A minimum of 2 guest spaces shall be provided regardless of the number of dwellings proposed.
8. Single Room Occupancy Facilities	One resident space per room; plus, 2 spaces for the resident manager, plus, guest/visitor parking spaces pursuant to the Multiple-Family Residential standards (Subparagraph A.4.b of this Table)
B. Commercial Agriculture	
1. Commercial Crop Production and Farming	Determined by the Zoning Administrator
2. Commercial Animal Production	Determined by the Zoning Administrator
3. Support Activities for Agriculture	Determined by the Zoning Administrator
C. Utilities	One space per employee during the largest shift
D. Construction	Required parking for "general warehousing;" plus 0.1 space per 1,000 SF (0.0001/SF) of outside storage yards
E. Manufacturing	See parking standards for "Industrial and Business Park Developments"
F. Retail Trade	
1. General and Convenience Retail	4 spaces per 1,000 SF (0.004/SF) of GFA
2. Grocery Stores	4 spaces per 1,000 SF (0.004/SF)
3. Motor Vehicle Dealers	Interior show rooms: 2.5 spaces per 1,000 SF (0.0025/SF) of GFA; plus, outdoor display areas: one space per 1,000 SF of GFA; plus, required parking for "motor vehicle repair;" plus, required parking for "offices"
4. Motor Vehicle Parts and Accessories	4 spaces per 1,000 SF (0.004/SF) of GFA
5. Tire Stores	2.5 spaces per 1,000 SF (0.0025/SF) of GFA
6. Furniture and Home Furnishings Stores	2.5 spaces per 1,000 SF (0.0025/SF) of GFA
7. Electronics and Appliance Stores	4 spaces per 1,000 SF (0.004/SF) of GFA

Table 6.03-1: Off-Street Parking Requirements

<i>Land Uses, Activities, and Facilities</i>	<i>No. of Parking Spaces Required</i>
8. Building Materials, Garden Equipment, and Supplies	2.5 spaces per 1,000 SF (0.0025/SF) of GFA; plus, one space per 1,000 SF of outdoor display and storage areas
9. Food and Beverage Stores	4 spaces per 1,000 SF (0.004/SF) of GFA
10. Health and Personal Care Stores	4 spaces per 1,000 SF (0.004/SF) of GFA
11. Gasoline and Fueling Stations	
a. Self-Serve and Full Service Fueling Stations	3 spaces minimum; plus, parking requirements for combination uses (e.g., convenience store, food services, motor vehicle repair, etc.). Fueling stations operating in conjunction with other uses may be granted shared parking credit at the rate of one space for each fuel dispenser.
b. Automated Fueling Facilities	Determined by the Zoning Administrator
c. Truck Stops	Determined by the Zoning Administrator
12. Clothing and Clothing Accessory Stores	4 spaces per 1,000 SF (0.004/SF) of GFA
13. Sporting Goods, Hobby, Book, and Music Stores	4 spaces per 1,000 SF (0.004/SF) of GFA
14. General Merchandise Stores	
a. General and Convenience Retail	4 spaces per 1,000 SF (0.004/SF) of GFA
b. Discount and Specialty Superstores	5 space per 1,000 SF (0.005/SF) of GFA
G. Transportation and Warehousing	
1. Airports	Determined by the Zoning Administrator
2. Railroad Passenger Terminals	Determined by the Zoning Administrator
3. Truck Transportation—General and Specialized Freight Trucking	One space per employee during the largest shift
4. Warehousing and Storage	
a. Warehousing and General Storage	See U.1.a (Warehousing/Distribution) of this Table
b. Motor Vehicle Storage	0.1 space per 1,000 SF (0.0001/SF) of GFA devoted to storage; plus, required parking for “general business offices”
c. Self-Storage	0.1 spaces per 1,000 SF (0.0001/SF) of GFA; plus, required parking for “caretaker quarters” (if provided)
H. Information	
1. Publishing Industries	4 spaces per 1,000 SF (0.004/SF) of GFA
2. Motion Picture and Video Industries (except movie theaters)	Determined by the Zoning Administrator
3. Movie Theaters	0.33 spaces per fixed seat
4. Sound Recording Facilities	4 spaces per 1,000 SF (0.004/SF) of GFA
5. Broadcasting	4 spaces per 1,000 SF (0.004/SF) of GFA
6. Wireless Telecommunications Antennas	One space per facility
7. Data Processing, Hosting, and Related Services	6 spaces per 1,000 SF (0.006/SF) of GFA
8. Libraries and Archives	Determined by the Zoning Administrator
I. Finance and Insurance	
1. Banks, Savings Institutions, and Credit Unions	4.6 per 1,000 SF (0.0046/SF) of GFA

Table 6.03-1: Off-Street Parking Requirements

<i>Land Uses, Activities, and Facilities</i>	<i>No. of Parking Spaces Required</i>
2. Pawn Shops and Pawnbrokers	4 spaces per 1,000 SF (0.004/SF) of GFA
3. Insurance Carriers	4 spaces per 1,000 SF (0.004/SF) of GFA
J. Real Estate, Rental, and Leasing	
1. Real Estate Lessors, Agents and Brokers, Property Managers and Appraisers, and Escrow and Listing Services	4 spaces per 1,000 SF (0.004/SF) of GFA
2. Rental and Leasing Services	4 spaces per 1,000 SF (0.004/SF) of GFA
K. Professional, Scientific, and Technical Services	
1. Professional, Scientific, and Technical Services	4 spaces per 1,000 SF (0.004/SF) of GFA
2. Scientific, Research, and Development Services	4 spaces per 1,000 SF (0.004/SF) of GFA
3. Veterinary and Animal Hospital Services	5.7 spaces per 1,000 SF (0.0057/SF) of GFA
L. Management of Companies and Enterprises	4 spaces per 1,000 SF (0.004/SF) of GFA
M. Administrative and Support, and Waste Management and Remediation Services	
1. General Business Offices	4 spaces per 1,000 SF (0.004/SF) of GFA
2. Telephone Call Centers	6 spaces per 1,000 SF (0.006/SF) of GFA
3. Waste Management and Remediation Service	Determined by the Zoning Administrator
N. Education Services	
1. Elementary and Middle Schools	0.28 spaces per student, based upon maximum enrollment
2. High schools	0.26 spaces per student, based upon maximum enrollment
3. Colleges and Universities	0.5 spaces per student, based upon maximum enrollment; plus, one space per employee or staff during the largest shift
4. Business, Technical and Trade Schools	6 spaces per 1,000 SF (0.006/SF) of GFA
5. Instructional Dance Studios	5 spaces per 1,000 SF (0.005/SF) of GFA
O. Health Care and Social Assistance	
1. Medical Offices	5.7 spaces per 1,000 SF (0.0057/SF) of GFA
2. Hospitals and Medical Centers	1.8 spaces per bed; plus, one space per employee or staff during the largest shift; plus, required parking for associated "medical offices"
3. Child and Youth Services	Determined by the Zoning Administrator
4. Services for the Elderly and Persons with Disabilities	Determined by the Zoning Administrator
5. Other Residential Care Facilities (more than 6 persons)	0.5 spaces per bed; plus, one space per employee or staff
6. Child Day Care Services, excluding Small Family Residential Facilities	0.2 spaces per child, based upon maximum licensed enrollment capacity; plus, one space per employee during the largest shift
P. Arts, Entertainment, and Recreation	
1. Performing Arts and Spectator Sports	0.33 spaces per fixed seat

Table 6.03-1: Off-Street Parking Requirements

<i>Land Uses, Activities, and Facilities</i>	<i>No. of Parking Spaces Required</i>
2. Convention Centers, Auditoriums and Other Public Assembly Facilities	0.25 spaces for each fixed seat or 25 spaces per 1,000 SF (0.025/SF) of GFA
3. Amusement and Theme Parks	Determined by the Zoning Administrator
4. Game Arcades	10 spaces per 1,000 SF (0.01/SF) of GFA
5. Golf Courses and Country Clubs	8 spaces per hole; plus, required parking for associated uses
6. Golf Driving Range	One space per tee
7. Miniature Golf Course	3 spaces per hole
8. Fitness and Recreational Sports Centers	
a. Health Clubs and Gyms	5 spaces per 1,000 SF (0.005/SF) of GFA
b. Swim Clubs	3.3 spaces per 1,000 SF of pool surface area (0.0033/SF)
c. Tennis Clubs	3 spaces per tennis court
9. Bowling Centers	4 spaces per lane
10. Batting Cages	Determined by the Zoning Administrator
11. Billiard Parlors and Pool Halls	2 spaces per table
12. Dance Clubs and Halls, Ball Rooms, and Discotheques	25 spaces per 1,000 SF (0.025/SF) of GFA
13. Skating Rinks	3.3 spaces per 1,000 SF (0.0033/SF) of GFA
14. Stables (Commercial)	0.2 spaces per horse maintained on-site
Q. Accommodation and Food Services	
1. Lodging Facilities (bed and breakfast inns, boarding and rooming houses, hotels and motels, and residence inns)	One space per sleeping room; however, provide no fewer than one space per 2 beds; plus, required parking for associated uses
2. Full Service Restaurants	10 spaces per 1,000 SF (0.01/SF) of GFA (includes outdoor seating area up to 25 percent of GFA).
3. Fast Food Restaurants	13.3 spaces per 1,000 SF (0.0133/SF) of GFA (includes outdoor seating area up to 25 percent of GFA). Restaurants with drive-thru may be credited one space for each 24 lineal FT of drive-thru lane behind the pickup window
4. Banquet Facilities	25 spaces per 1,000 SF (0.025/SF) of GFA
5. Caterers	2 spaces per 1,000 SF (0.002/SF) of GFA
6. Drinking Places (bars, cocktail lounges, and nightclubs)	10 spaces per 1,000 SF (0.01/SF) of GFA
R. Other Services	
1. Motor Vehicle Repair and Maintenance	2.5 spaces per 1,000 SF (0.0025/SF) of GFA
2. Car Washes, Full-Service and Self-Service	One space per employee, minimum 10 spaces; plus, required parking for accessory uses (i.e., motor vehicle repair and service, and retail uses)
3. Upholstery and Furniture Repair	2.5 spaces per 1,000 SF (0.0025/SF) of GFA
4. Footwear and Leather Goods Repair	2.5 spaces per 1,000 SF (0.0025/SF) of GFA
5. Personal Care Services	4 spaces per 1,000 SF (0.004/SF) of GFA

Table 6.03-1: Off-Street Parking Requirements

<i>Land Uses, Activities, and Facilities</i>	<i>No. of Parking Spaces Required</i>
6. Death Care Service	
a. Cemeteries	Determined by the Zoning Administrator
b. Funeral Homes and Services	25 spaces per 1,000 SF (0.025/SF) of GFA of assembly area; plus, required parking for “general offices”
7. Religious Assembly and Wedding Chapels	0.33 spaces per fixed seat or 25 spaces per 1,000 SF (0.025/SF) of GFA
S. Public Administration	Determined by the Zoning Administrator
T. Temporary and Interim Land Uses	Determined by the Zoning Administrator
U. Industrial and Business Park Developments	
1. Industrial	
a. Warehousing and Distribution	<p>[1] <u>Portion of GFA 20,000 SF or Less</u>: One space per 1,000 SF (0.001/SF);</p> <p>[2] <u>Portion of GFA Greater Than 20,000 SF</u>: 0.5 space per 1,000 SF (0.0005/SF);</p> <p>[3] <u>Tractor-Trailer Parking</u>: One tractor-trailer parking space per 4 dock-high loading doors;</p> <p>[4] Parking for “general business offices” and other associated uses shall be provided when those uses exceed 10 percent of the building GFA; and</p> <p>[5] The Approving Authority may require a restrictive covenant running with the land, filed with the office of the County Recorder, which restricts the use of a property/building to warehousing and distribution, unless an alternate parking plan is provided, which demonstrates that on-site parking can be provided in compliance with the “General Industrial” parking requirements (see U.1.c of this Table), to support more intense industrial land uses.</p>
b. Manufacturing	<p>[1] <u>General Requirement</u>: Provide 1.85 spaces per 1,000 SF (0.00185/SF) of GFA;</p> <p>[2] <u>Tractor-Trailer Parking</u>: One tractor-trailer parking space per 4 dock-high loading doors; and</p> <p>[3] Parking for “general business offices” and other associated uses shall be provided when those uses exceed 10 percent of the building GFA.</p>
c. General Industrial (speculative buildings)	<p>[1] <u>Portion of GFA < 50,000 SF</u>: 1.85 spaces per 1,000 SF (0.00185/SF);</p> <p>[2] <u>Portion of GFA 50,000 SF to 100,000 SF</u>: One space per 1,000 SF (0.001/SF);</p> <p>[3] <u>Portion of GFA > 100,000 SF</u>: 0.5 space per 1,000 SF (0.0005/SF); and</p> <p>[4] <u>Tractor-Trailer Parking</u>: One tractor-trailer parking space per 4 dock-high loading doors;</p> <p>[5] Parking for “general business offices” and other associated uses shall be provided when those uses exceed 10 percent of the building GFA.</p>
2. Multi-Tenant Business Park	3 spaces per 1,000 SF (0.003/SF); plus, required parking for “general business offices” when exceeding 10 percent of GFA; plus, one trailer parking space per 4 dock-high loading doors

6.03.020: Reduction in the Required Number of Parking Spaces

A reduction in the number of parking spaces required by Section 6.03.020 (Number of Off-Street Parking Spaces Required) of this Division may be granted as follows:

A. Shared Parking. Any project site where the hours of operation allow the shared use of off-street parking spaces to occur without conflict, the number of parking spaces required may be reduced pursuant to the following conditions:

1. Approval Required. Shared parking may be allowed upon the approval of a Shared Parking Agreement by the applicable Approving Authority pursuant to Table 2.02-1 (Review Matrix) of this Development Code.

2. Reasonable Walking Distance Required to Shared Parking Facilities. Shared off-street parking facilities shall be provided within a reasonable walking distance from the uses they serve, and shall be located no further than 500 FT from the uses served, measured from the nearest point of the parking facility to the entrance of each use served via the shortest pedestrian route.

3. Shared Parking Agreement.

a. A Shared Parking Agreement by and between the City, the applicant, and all other affected property owners, shall be executed and recorded with the County Recorder, which shall ensure the availability of the number of parking spaces designated for joint use, during the hours specified in the Agreement, for the duration of the uses subject to the shared parking arrangement.

b. The Agreement shall be subject to City Attorney review and approval, as to form and content.

4. Parking Analysis. The Approving Authority may require the applicant to submit a parking demand analysis, prepared by a person/firm experienced in preparing such analyses, to assist the Zoning Administrator in determining the appropriate shared parking reduction. A parking demand analysis shall be prepared pursuant to the Urban Land Institute's *Shared Parking* publication. The methodology of the *Shared Parking* publication may be used as a guide in reviewing a shared parking proposal.

5. Shared Loading Spaces. Loading spaces required by this Division may be shared pursuant to this Section.

B. Low Demand. Any project site where it can be demonstrated that the land use thereon will not utilize the required number of parking spaces due to the nature of the specific land use, or the manner in which the specific land use is conducted, the number of parking spaces required by Table 6.03-1 (Off-Street Parking Requirements) of this Division may be reduced pursuant to the following:

1. Approval Required. A parking reduction based upon low parking demand may be allowed upon the approval of a Low Demand Parking Reduction Agreement by the applicable Approving Authority pursuant to Table 2.02-1 (Review Matrix) of this Development Code.

2. Alternate Parking Plan. In approving a parking reduction, the Approving Authority may require the preparation of an Alternate Off-Street Parking Plan, which demonstrates that additional parking spaces can be provided on-site, as necessary, to accommodate future land

use changes or intensifications in land use. Alternately, a restrictive covenant that runs with the land may be required by the Approving Authority, which restricts the use of the subject property for the duration of the parking reduction.

3. Low Demand Parking Reduction Agreement. A Low Demand Parking Reduction Agreement by and between the City, the applicant, and all other affected property owners, shall be executed and recorded with the County Recorder, which, at a minimum, shall: [i] provide confirmation that the parking supply proposed will be adequate during periods of maximum demand, [ii] confirm that the parking demand is provided within a reasonable walking distance to the use it serves, and [iii] identify parking management strategies that are necessary to ensure the availability of the necessary number of parking spaces for the duration of the current use and future users of the project site. The Low Demand Parking Reduction Agreement shall be subject to City Attorney review and approval as to form and content.

4. Parking Analysis. The Approving Authority may require the applicant to submit a parking analysis, prepared by a person/firm experienced in preparing such analyses, to assist the Approving Authority in determining the appropriate reduction.

5. Loading Space Reduction. The number of loading spaces required by this Division may be reduced pursuant to this Section.

6.03.025: Tandem Parking

Tandem parking spaces may be allowed as follows:

A. Family Child Day Care. Family child day care homes may provide tandem parking spaces to satisfy the minimum parking requirement for the use.

B. Mobile Home Parks. Mobile home parks may provide tandem parking spaces to satisfy the minimum resident parking requirement for the use. The use of tandem parking spaces shall not be permitted for guest parking spaces.

C. Multiple-Family Projects.

1. Multiple-family development projects may provide tandem parking spaces to satisfy unenclosed (not within a garage or carport) on-site resident parking requirements (i.e., a driveway space located behind a garage or carport space). Multiple-family projects may also provide tandem parking spaces within a parking structure, which meet both enclosed (within garage or carport) and unenclosed resident parking requirements. Guest/visitor parking spaces shall not be designed in a tandem configuration.

2. A tandem parking space shall consist of no more than 2 automobile parking spaces. Both automobile spaces shall be assigned for use by the same dwelling unit.

3. Tandem parking spaces may be counted toward a maximum of 12 percent of the resident parking space requirement established by Section 6.03.020 (Number of Off-Street Parking Spaces Required) of this Division.

D. Residential Component of Mixed-Use Projects. Tandem parking spaces may be provided to satisfy resident parking requirements for the residential component of mixed-use projects and

shall comply with the requirements for multiple-family projects, stated Subsection C (Multiple-Family Projects) of this Section.

E. **Single-Family Dwellings.** Tandem parking spaces may be provided in conjunction with single-family dwellings, when such parking spaces are provided in excess of the minimum parking requirement for the use (i.e., driveway spaces and tandem garage spaces), as required by Table 6.03-1 (Off-Street Parking Requirements) of this Division.

F. **Valet Parking.** The Zoning Administrator may authorize valet parking as a means of satisfying the applicable off-street parking requirements of this Division, provided that:

1. Valet parking may be counted toward a maximum of 15 percent of the minimum parking space requirements established by Section 6.03.020 (Number of Off-Street Parking Spaces Required) of this Division.

2. Valet parking facilities shall be provided within a reasonable walking distance from the uses they serve and shall be located no further than 500 FT from the uses served, measured from the nearest point of the parking facility to the entrance of each use served via the shortest pedestrian route.

3. An automobile shall be retrievable from its parking space with the movement of a maximum of 2 additional vehicles;

4. An equivalent number of valet parking spaces shall be available to replace the parking spaces required by Section 6.03.020 (Number of Off-Street Parking Spaces Required) of this Division; and

5. Valet parking spaces shall not require individual striping.

6.03.030: Parking for the Physically Disabled

A. 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).

B. Parking spaces for the physically disabled required by this Section shall count toward fulfilling the minimum off-street parking requirements.

C. For existing parking facilities, the Zoning Administrator may approve a reduction in the number of parking spaces in an existing parking lot below the minimum required by this Section, in order to accommodate required parking spaces for the physically disabled.

6.03.035: Bicycle Parking

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).

6.03.040: Parking for Fuel Efficient Vehicles

Parking spaces specifically designated and conveniently located for fuel-efficient vehicles shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

6.03.045: Off-Street Parking Design Standards

A. Minimum dimensions and design.

1. Minimum Dimensions. The minimum dimensions for off-street parking and loading spaces and access drives shall be as prescribed in Table 6.03-2 (Standards for Parking Spaces, Drive Aisles, and Driveways), below.

Table 6.03-2: Standards for Parking Spaces, Drive Aisles, and Driveways

<i>Requirement</i>	<i>Standard</i>
A. Garage or Carport Space Dimensions (enclosed space)	10 FT wide by 20 FT long
B. Parking Space Dimensions (unenclosed space)	
1. Standard Parking	9 FT wide by 18 FT long [1][2]
2. Parallel Parking	8 FT wide by 24 FT long [1]
3. Tandem Parking	9 FT wide by 34 FT long (consists of 2 parking spaces) [1]
4. Trailer Parking	12 FT wide by 45 FT long
C. Loading Space Dimensions	12 FT wide by 18 FT long, unless otherwise specified by this Division
D. Minimum Drive Aisle and Driveway Widths	
1. Driveways for Single-Family Dwellings	10 FT wide
2. One-Way Drive Aisles and Driveways for Multiple-Family and Nonresidential Projects	12 FT wide
3. Two-Way Drive Aisles for Multiple-Family and Nonresidential Projects	24 FT wide, except that fire lanes required pursuant to the Ontario Fire Code shall be designed pursuant to Ontario Fire Department standards. Furthermore, two-way drive aisles may be reduced to 20 FT in width along segments that are not directly accessed by parking spaces.
4. Two-Way Driveways for Residential Projects	20 FT wide

Notes:

[1] An additional foot of width shall be provided for each side of a parking space that is contiguous with a fence, structure, wall, or other obstruction.

[2] The standard parking space length may be reduced to 16 feet, if 2 feet of width is added to adjacent sidewalk and/or landscape areas, to accommodate motor vehicle overhang.

2. End of a Drive Aisle. A drive aisle providing access to a parking space that is perpendicular to the drive aisle shall extend 5 FT beyond the side of the last parking space in the drive aisle to provide adequate area for the backing-up of parked vehicles.

3. Minimum Vertical Clearances Required.

a. *All Off-Street Parking Spaces.* A minimum 7-FT vertical clearance shall be maintained for all off-street parking spaces, including entrances, except that the vertical clearance for the front 4 FT of a parking space serving a single-family dwelling or multiple-family residents may be reduced to not less than 4.5 FT in height.

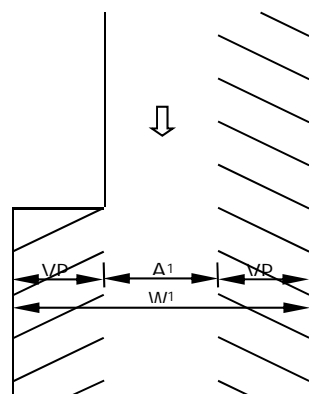
b. *Off-Street Parking Spaces for the Physically Disabled.* A minimum 98-inch vertical clearance shall be maintained for all off-street parking spaces for the physically disabled, including entrances and accesses to the spaces,

c. *All Off-Street Loading Spaces.* A minimum 14-FT vertical clearance shall be maintained for all off-street loading spaces, including entrances and accesses to the spaces,

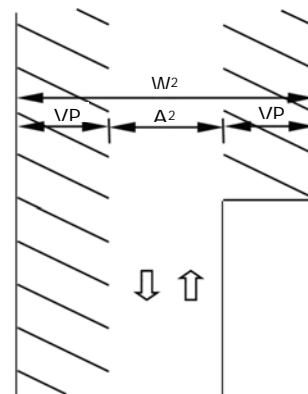
4. Parking Bays and Drive Aisles. The minimum dimension and design of parking bays and maneuvering drive aisles shall be as prescribed in Table 6.03-3 (Dimensions for Parking Facilities), below.

Table 6.03-3: Dimensions for Parking Facilities

Parking Angle	Vehicle Projection (VP)	Aisle Width		Base Module	
		One-Way (A ¹)	Two-Way (A ²)	One-Way (W ¹)	Two-Way (W ²)
45°	17'-7"	11'-10"	24'-0"	47'-0"	59'-2"
50°	18'-2"	12'-2"	24'-0"	48'-6"	60'-4"
55°	18'-8"	12'-8"	24'-0"	50'-0"	61'-4"
60°	19'-0"	13'-6"	24'-0"	51'-6"	62'-0"
65°	19'-2"	14'-8"	24'-0"	53'-0"	62'-4"
70°	19'-3"	15'-6"	24'-0"	54'-0"	62'-6"
75°	19'-1"	16'-10"	24'-0"	55'-0"	62'-2"
90°	18'-0"	24'-0"	24'-0"	59'-0"	60'-0"



One-Way Drive Aisle



Two-Way Drive Aisle

B. Parking Lot Access and Location of Parking Spaces.

1. The design and location of all vehicle accesses from a public street or alley to an off-street parking facility shall be approved by the City Engineer.

2. Each parking space shall be accessible from a street or alley, provided no parking space shall be designed to require that vehicles back into a street, excepting parking that serves a single-family dwelling.

3. No parking space shall be located so that a vehicle will be required to maneuver for position to enter or exit the space within 30 FT of a vehicular entrance from a public street.

4. Commercial or office developments with parking for at least 150 or more vehicles shall be designed with primary drive aisles unencumbered by parking spaces, intersecting parking aisles, or other access drives, for a distance of at least 100 FT behind the street property line or 112 FT behind the street curb face, whichever is greater.

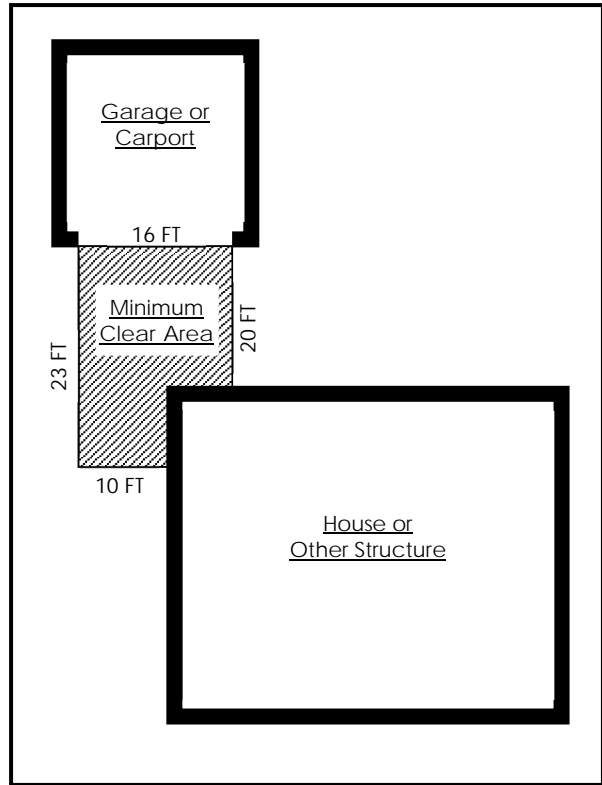


Figure 6.03-1: Garage/Carport Entrance Clear Area

5. Carpool and high occupancy vehicle spaces should be located in the most advantageous and reasonable location, as close as possible to the primary employee entrance(s) of the user(s) which they are intended to serve.

6. Parking spaces for dwellings shall be located within 150 FT from the dwelling (front or rear door) for which the space is provided, excluding structures containing 3 or more stories.

7. Bicycle and automobile parking areas shall be separated from one another by a physical barrier or sufficient distance to protect bicycles and their riders from damage by maneuvering automobiles.

8. A garage facing a public street shall provide a clear space of at least 20 FT between the garage entrance and the street property line.

9. The minimum clear area for vehicle access in front of a garage or carport entrance shall be as shown in Figure 6.03-1 (Garage/Carport Entrance Clear Area).

10. Except as otherwise provided in this Development Code, off-street parking spaces are not to be located within a required front or street side setback area, or the required rear setback area of a through lot.

11. All drive aisles entering a site shall be provided with an enhanced pavement treatment, excepting lots containing single-family dwellings. The enhanced paving shall extend

from the back of the drive approach apron to the first intersecting drive aisle, driveway, or parking space.

C. Striping and Identification.

1. All automobile parking spaces within commercial zoning districts shall be clearly outlined with double lines on the parking area surface. Within all other zoning districts, automobile parking shall be clearly outlined with single lines on the parking area surface (double lines may be used).

2. All parking area striping shall be permanently maintained in a clear and visible manner.

3. All parking spaces for the physically disabled shall be striped and marked in accordance with applicable State laws and standards.

4. All parking spaces reserved for low emissions vehicles shall be clearly marked with the words "Low Emissions Vehicles Only" either on the wheel stop or curb, or on the pavement at the opening of the space.

5. All spaces reserved for carpools and high occupancy vehicles shall be clearly marked with the words "Carpool/HOV Only" on either the wheel stop or curb at the back of each space, or on the pavement at the opening of the space.

6. Within multiple family residential developments, required guest parking spaces shall be clearly marked with the word "Guest" on either a wheel stop or curb at the head of each space, or on the parking surface at the opening of each space.

D. Parking, Drive Aisle, and Driveway Surface Paving. All permanent parking spaces, drive aisles, and driveways shall be paved with asphalt, concrete, or other all-weather surface approved by the Planning Director, Fire Marshall, and City Engineer.

E. Wheel Stops and Curbs.

1. Drive aisles and parking surfaces contiguous with planter areas shall have a 6-inch concrete curb separation constructed per City standards, except where a landscape area is parallel and adjacent to a parking stall the curb separation be increased to a minimum of 12 inches in width to provide a step-out area from motor vehicles.

2. All parking spaces located adjacent to buildings or walls shall have concrete wheel stops located from a minimum of 2.0 FT, to a maximum of 2.5 FT, from the building or wall.

F. Maintenance. All parking facilities shall be permanently maintained, free of weeds, litter, and debris.

6.03.050: Parking Lot Lighting

A. Parking Lot Lighting Required. All off-street parking facilities shall be provided with nighttime security lighting pursuant to OMC 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. **Lighting Level Measurement.** Lighting levels shall be measured with a direct-reading portable light meter. The equipment used shall allow accurate measurements, with all measurements made after dark with the lights on and then again with the lights off. The difference between the two readings shall then be compared to the applicable standard for maximum permitted illumination.

C. **Light Fixtures Shall Be Decorative.** All parking lot lighting fixtures shall be decorative.

D. **Lighting Along Pedestrian Corridors.** Along pedestrian movement corridors, the use of decorative low-mounted bollard light standards, which reinforce pedestrian scale, shall be used.

E. **Illumination on Adjacent Property.** Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

F. **Maximum Luminaire Heights.** The maximum permitted height of luminaires within a parking lot shall be as follows:

1. **No Cutoff Luminaire.** When a light source or luminaire has no cutoff (the point at which all light rays are completely shielded), the maximum permitted height of the luminaire shall be 14 FT.

2. **Ninety Degree or More Cutoff Luminaire.** When a luminaire has a total cutoff of light at an angle of 90 degrees or greater, the maximum permitted height of the luminaire shall be 24 FT.

3. **Less than 90-Degree Cutoff Luminaire.** When a luminaire has a total cutoff of light at an angle of less than 90 degrees, the maximum permitted height of the luminaire shall be 30 FT.

6.03.055: Off-Street Loading Standards

A. **Number of Loading Spaces Required.** Full-service and limited-service eating places, drinking places, convenience stores, hotels and motels, and all other traveler accommodations, and any other use deemed by the Zoning Administrator to be in need of off-street loading facilities, shall be provided a minimum of one off-street loading space.

B. **Minimum Dimensions and Design.**

1. **At-Grade Loading Facilities.** At-grade loading doors shall be provided with an off-street loading space located immediately in front of the door measuring a minimum of 12 FT in width and 18 FT in length, and having a minimum vertical clearance of 14 FT, measured from the finish grade of the space. The loading space may be provided either perpendicular or parallel to the loading door.

2. **Dock-High Loading Facilities.**

a. Dock-high loading doors shall be provided with an off-street loading space located immediately in front of the door measuring a minimum of 12 FT in width and 45 FT in length,

and having a minimum vertical clearance of 14 FT, measured from the finish surface of the loading dock.

b. A truck maneuvering area equal to the width of the loading door and a minimum of 120 FT in depth shall be provided in front of dock-high loading doors, and, at a minimum, the maneuvering area shall be designed to accommodate the minimum practical turning radius of a 55-FT semi-trailer and tractor combination. Deviations from this minimum maneuvering standard may be permitted if it can be shown that the spatial needs are less than the minimum required due to the truck size and type that will be utilized in the operation of a specific use; however, in permitting such deviation(s), a covenant of restriction to run with the land may be required, which specifies limitations relating to truck size and/or type. Larger maneuvering areas shall be required if the use of a larger semi-trailer and tractor combination is proposed.

c. Truck maneuvering areas shall not encroach into required off-street parking areas and landscaped areas.

C. Loading Facilities Prohibited Within Setback Areas. Except as otherwise provided by this Chapter, off-street loading spaces and areas, and associated vehicle maneuvering areas shall not be located within required front or street side setback areas, the rear setback area of a through lot, or any other required setback area located within 25 FT of a residentially zoned property.

D. Screening of Loading Facilities. Loading facilities should be located at the rear or interior side of buildings and shall be screened from public view or view from residential, retail and office uses, and the offices of industrial uses on adjacent properties. When it is not possible or desirable to locate loading facilities at the rear or interior side of buildings, loading facilities may be located on the street side or front of buildings, provided they are screened from public view by a decorative masonry wall with view-obstructing access gates pursuant to Division 6.02 (Walls, Fences, and Obstructions) of this Development Code.

E. Loading Space Ingress and Egress. All loading spaces shall have adequate ingress and egress as approved by the City Engineer and shall be designed and maintained so that vehicle maneuvering and loading/unloading activities do not interfere with the orderly movement of traffic and pedestrians on any public street or alley.

F. Screening of At-Grade Loading Doors and associated Loading Spaces. All at-grade loading doors shall be decorative, unless located within an enclosed yard area and screened from public view by a decorative masonry wall with view-obstructing access gates pursuant to Division 6.02 (Walls, Fences, and Obstructions) of this Development Code.

G. Screening of Dock-High Loading Doors and Associated Loading Spaces and Truck Maneuvering, Parking, and Staging Areas. All dock-high loading doors and associated loading spaces and truck maneuvering, parking, and staging areas, shall be located within an enclosed yard area and screened from public view by a decorative masonry wall with view-obstructing access gates pursuant to Division 6.02 (Walls, Fences, and Obstructions) of this Development Code.

H. No Backing onto or from a Public Street. All loading spaces shall be designed and maintained so that vehicles do not back in from, or onto, a public street.

I. Match Loading Bay and Roll-Up Door Color to Adjacent Building Finish. The loading bays and roll-up doors shall be painted to blend with the adjacent exterior building finishes.

J. Concealment and Screening of Loading Areas. Areas for loading and unloading shall be designed to avoid potential adverse noise, visual, and illumination impacts on neighboring residences. These areas shall be concealed from view by the public and adjoining land uses. Concealment and screening may be accomplished by use of any of the following methods, subject to Zoning Administrator approval:

1. Orient loading spaces, areas, and doors such that they are concealed from public view by buildings; and

2. Screen loading spaces, areas, and doors pursuant to Division 6.02 (Walls, Fences, and Obstructions) of this Development Code, with walls and view-obstructing gates, which are architecturally coordinated with adjacent buildings. In addition, incorporate intense on-site landscaping to block public views of loading areas.

K. Loading Facilities in Close Proximity to Dwellings. Special orientation or design treatment of loading bays and doors located in close proximity to dwellings shall be required in order to reduce associated light and noise impacts to less-than-significant levels.

L. Striping and Identification. Loading spaces shall be striped, indicating the loading spaces and identifying the spaces for "Loading Only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times.

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Division 6.05—Landscaping

Sections:

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6.05.000: Purpose

The purpose of this Division is to establish standards regulating landscaping and irrigation systems, which:

- A. Improve the connection between the built and natural environments, increase the function of outdoor spaces and buffer land use compatibility conflicts;
- B. Enhance the aesthetic appearance of development in all areas of the City by providing standards relating to the quality, quantity, and functional aspects of landscaping;
- C. Reduce heat and glare generated by development;
- D. Promote public health, safety, and welfare, by minimizing the impacts of all forms of physical and visual pollution, preserving the integrity of neighborhoods, and enhancing pedestrian and vehicular traffic safety;
- E. Reduce energy use and associated costs from heating and air conditioning buildings and the transportation and pumping of water.
- F. Preserve existing protected trees and topsoil where possible, incorporate native plant communities, and ecosystems into landscape design, and control soil erosion;
- G. Promote the conservation of water by establishing provisions for water management practices, and techniques for the installation and maintenance of appropriate landscape materials and efficient irrigation systems as required by the Water Conservation in Landscaping Act of 2006 (AB 1881) and Executive Order No. B-29-15 (updated 2015), Model Water Efficient Ordinance (MWELo), commencing with GC Section 65591.

6.05.005: Applicability

- A. **Landscaping Required.** All projects shall provide and maintain landscaping and irrigation systems in compliance with the provisions of this Division.

B. Landscape and Irrigation Plans Subject to City Review.

1. Submittal of Landscape and Irrigation Plans Required. Landscape and irrigation plans shall be submitted to the City for review for compliance with the requirements of this Division.

2. Plan Approval Required. Landscaping shall not be installed until the Landscape and Irrigation Construction Documentation Plans required by this Division have been approved by the Approving Authority. The Approving Authority is established by Table 2.02-1 (Review Matrix) of this Development Code and shall be empowered to approve or deny Landscape and Irrigation Documentation Plans.

3. Changes to Approved Landscape and Irrigation Plans. Changes to approved Landscape and Irrigation 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 Approving Authority, prior to the commencement of the changes.

6.05.010: Landscape Design Principles

Landscaping is an important part of the aesthetic quality of the City and is important to create a sense of the City as a pleasant and safe place to live and work. The standards prescribed by this Division are intended to pursue sustainable, high quality landscaping, which is associated with the varying land use characteristics of the community. It is further intended that implementation of these guidelines will serve to enhance the street environment for motorists, as well as to contribute to convenient pedestrian connections throughout the City.

1. Use landscaping to define and create usable spaces throughout each development. Landscaping should be used to guide the user through the site and incorporate appropriate design elements for spaces such as entrances, walkways, gathering spaces, seating areas, utility areas, view corridors, open spaces, play spaces, and foregrounds and backdrops. Landscape design can be accomplished by utilizing form, function, scale, unity, contrast, varying the density of landscape material, use of color, layering, vertical and horizontal contrasts, and varying the texture of planting. Individual building projects can be enhanced through larger and more intensely developed landscaping.

2. Use landscaping to reduce the massing of buildings and eliminate large blank walls. Landscaping should be used to reduce the massing or bulk of buildings, particularly large industrial and warehouse/distribution buildings. Reductions in massing can be accomplished by using landscape treatments to provide vertical and horizontal contrast and to add visual interest. Major buildings should have foundation plantings adjacent to buildings such as hedgerows or shrub masses to break the horizontal ground plane from the vertical plane of the building.

3. Use landscaping to soften the effect of paved areas. Landscaping should be provided in all parking areas to reduce the visual impact of parking areas and reduce associated heat build-up. Parking lot landscaping should be integrated with, and an extension of, other on-site landscape features.

4. Landscapes should be designed to achieve harmony and unity between indoor and outdoor spaces. Designs should create both pleasing and economical layouts, incorporating durable and natural materials while ensuring safety and providing guidance for pedestrians and vehicles to their destinations. High quality landscapes should be attractive with open accessibility

to nature while incorporating measures to promote sustainability: environmentally, economically, and socially.

5. Environmentally sustainable landscapes efficiently manage stormwater by capturing, and infiltrating runoff into dry wells, french drains, vegetated swales, or basins in planter areas or into porous hardscapes. Hardscape areas should be planted with canopy trees to clean air and mitigate the urban heat island effect and use California native and Mediterranean type plants to conserve water.

6. Economically sustainable landscapes are energy efficient by using large trees to buffer summer sun and winter wind on buildings or outdoor seating areas. They use resources carefully by incorporating low water using plants and efficient irrigation systems. Turfgrass areas are limited to parks and open spaces for active play which help reduce maintenance, pollution and water resource costs.

7. Socially sustainable landscapes create unique environments that enhance places to work, shop or dine and lend significant value to development. High quality landscapes have a profound impact on people's attitude and work performance as well as their enjoyment of a place. Open spaces, plazas, employee lunch areas and trails offer places to unwind, and meet people. Accessible paths and trails improve health through walking and biking.

6.05.015: Landscape Plans

A. Preliminary Landscape Plans.

1. Plan Required. A preliminary landscape plan shall be submitted with a Development Plan application or any other discretionary permit or action that proposes new or revised landscaped area. Where no discretionary permit or action is required, Landscape and Construction Irrigation Documentation Plans prepared pursuant to Subsection B (Landscape and Irrigation Construction Documentation Plans) of this Section, may be required by the City prior to the issuance of a Building Permit, as a requirement of any landscaped area proposed in fulfillment of the requirements of this Development Code.

2. Preliminary Landscape Plan.

a. The preliminary landscape plan shall meet the purposes of this Division by exhibiting a design layout that demonstrates the desired landscaping program in terms of function, location, size, scale, theme, and similar attributes.

b. The preliminary landscape plan shall provide the Approving Authority with a clear understanding of the landscaping program prior to preparation of the detailed Landscape and Irrigation Documentation Plans.

c. The preliminary landscape plan shall meet the purposes of OMC Title 10 (Parks and Recreation), Chapter 2 (Parkway Trees), commencing with Section 10-2.01.

d. The preliminary landscape plan shall include the Maximum Applied Water Allowance (MAWA) calculation, based upon the area devoted to landscaping as shown on the preliminary landscape plan. See worksheets contained in the Landscape Design and Construction Guidelines (Development Code Reference G) for the MAWA calculation formula.

3. Plan Preparation by a Qualified Design Professional is Required. Preliminary landscape plans shall be prepared by a California-registered landscape architect, or the architect that designed the on-site structures and improvements, or other qualified design professional.

4. Waiver of Requirements. The Approving Authority may waive the requirement for a preliminary landscape plan for building additions and remodels if no alterations, or minor alterations, are proposed to existing landscape areas or site topography.

B. Landscape and Irrigation Construction Documentation Plans.

1. Landscape and Irrigation Construction Documentation Plans Required.

a. Prior to the installation of landscaping and irrigation systems required by this Division, Landscape and Irrigation Construction Documentation Plans shall be submitted to the City for review and approval by the Approving Authority.

b. The required plans shall be prepared by, and bear the seal of, a landscape architect registered with the State of California.

c. Landscape and Irrigation Construction Documentation Plans shall be provided for each of the following project types:

(1) New and rehabilitated public or private development projects with landscaping;

(2) Developer-installed landscaping for all single-family and multiple-family development projects; and

(3) New and rehabilitated homeowner-installed or homeowner-hired projects with landscaping totaling 5,000 SF or more in area, on any lot containing a single-family or multiple-family dwelling.

2. Water Conservation Concept Statement. A Water Conservation Concept Statement shall be provided on the cover sheet of the Landscape and Irrigation Construction Documentation Plan set required by Paragraph B.1 (Landscape and Irrigation Documentation Plans Required) of this Section, which serves as a checklist to verify that all required elements of the Landscape and Irrigation Construction Documentation Plans have been provided. A Water Conservation Concept Statement shall have the form and content shown in the Landscape Design and Construction Guidelines (Development Code Reference G).

3. Water Budget Worksheet. A Water Budget Worksheet for new landscape areas shall be provided with each Landscape and Irrigation Construction Documentation Plan set submitted for areas to be newly landscaped, as required by Paragraph B.1 (Landscape and Irrigation Documentation Plans Required) of this Section. Said worksheet shall have the form and content shown in the Landscape Design and Construction Guidelines (Development Code Reference G), and shall include: [i] calculation of the Maximum Applied Water Allowance (MAWA), [ii] calculation of the Estimated Total Water Use (ETWU), and [iii] calculation of the Water Budget Comparison.

4. Requirements for Existing Landscape Areas.

a. All existing landscape areas that are one or more acres in size, and were installed prior to January 1, 2010, shall provide a project's MAWA for existing landscaping. A Water Budget Worksheet for Existing Landscape Areas shall be provided with the Landscape and Irrigation Construction Documentation Plans, which shall be consistent with the form and content shown in the Landscape Design and Construction Guidelines (Development Code Reference G).

b. Existing landscape areas and landscape areas that do not have a dedicated water meter shall employ techniques, equipment and procedures to reduce water use and meet the MAWA for existing landscapes.

c. Landscape areas that do not meet the MAWA shall utilize: [i] an irrigation survey; [ii] an audit performed by a Certified Landscape Irrigation Auditor or a Landscape Industry Technician certified in irrigation, to provide recommendations, such as replacement or repairing of irrigation equipment as recommended in order to prevent water waste and meet the water budget; or [iii] other methods acceptable to the City.

5. Planting Plan. The Planting Plan shall be included in the Landscape and Irrigation Construction Documentation Plans and shall contain all required information prescribed by this Division and the Landscape Design and Construction Guidelines (Development Code Reference G).

6. Irrigation Plan. The Irrigation Plan shall be included in the Landscape and Irrigation Construction Documentation Plans and shall contain all required information prescribed by this Division and the Landscape Design and Construction Guidelines (Development Code Reference G).

7. Precise Grading Plan. A Precise Grading Plan shall be included in the Landscape and Irrigation Documentation Plans and shall contain all required information prescribed by this Division and the Landscape Design and Construction Guidelines (Development Code Reference G). To promote the efficient use of water, the grading of a project site shall be designed to minimize soil erosion, runoff, and water waste, and shall avoid soil compaction in landscape areas. Furthermore, said plans shall show grading techniques and stormwater devices that increase rainwater capture for infiltration and/or on-site storage coordinated with the landscape design.

8. Soil Management Report. Agronomical soil testing shall be performed, and test results and recommendations shall be included on the Landscape Documentation Plans. Testing shall be performed, and recommendations shall be implemented, prior to landscape installation.

9. Irrigation Schedules. Irrigation Schedules shall be included in the Landscape and Irrigation Construction Documentation Plans.

10. Maintenance Schedules. Landscaping and irrigation systems shall be maintained to ensure water use efficiency, plant health, and a well maintained, attractive appearance. A regular maintenance schedule shall be included in the Landscape and Irrigation Construction Documentation Plans.

11. Certificate of Completion. Upon completion of landscaping and irrigation system installation, the licensed landscape architect of record, or their designee, shall conduct a final field inspection and shall prepare a Certificate of Completion, which shall be filed with the City. The Certificate of Completion shall specifically indicate that the landscaping and the irrigation

system were installed as shown on the approved Planting and Irrigation Plans, and that the soil testing and amendments have been installed as specified by the soil management plan. If the irrigation system was not installed pursuant to plans, or if water use exceeds the water budget, a certified landscape irrigation auditor shall conduct an irrigation audit, and the recommendations to ensure water efficiency shall be provided, prior to permit approval.

12. Required Plans, Maps, Reports, Schedules, and Other Necessary Information. All plans, maps, reports, schedules, and other information required to be contained in the Landscape and Irrigation Construction Documentation Plan set by this Section, shall include all information stipulated by the Landscape Design and Construction Guidelines (Development Code Reference G), which prescribes the minimum information to be submitted, together with any required plans, maps, reports, special studies, exhibits, and any other information deemed necessary by the City to review and act upon the required plans and information.

13. Public Education. All model homes that are landscaped shall incorporate signs and written information to demonstrate the principals of water efficient landscapes described in this Division. Signs shall feature elements such as hydrozones, irrigation equipment, and plants that contribute to the overall water efficient theme. Written information shall be provided about plants types, irrigation systems and managing and maintaining water efficient landscapes.

6.05.020: Tree Preservation Policy and Protection Measures

A. Purpose. The purpose of this Section is to establish policies and measures that will further the preservation, protection, and maintenance of established and healthy heritage trees within the City, to improve the community forest that provides environmental, aesthetic and economic benefits, and enhances the quality of life. It is pertinent to the public welfare that such trees be protected from indiscriminate cutting or removal.

B. Applicability. The City Council hereby establishes that it is the policy of the City to preserve, protect, and maintain established and healthy trees within the City, to the extent practicable. Consideration shall be afforded Heritage Trees, as set forth in this Section.

C. Definitions. As used in this Section, the following words, terms, and phrases are defined as follows:

1. Heritage Tree. The term "Heritage Tree" means a tree designated for preservation pursuant to Section 4.02.060 (Historic Preservation—Historic Landmark and District Designations, and Architectural Conservation Areas) of this Development Code, as a tree of historic or cultural significance, or a tree of importance to the community due to any one of the following factors:

a. It is one of the largest or oldest trees of the species located in the City, with a trunk diameter of 18 inches or greater, measured at 54 inches above natural grade; or

b. It has historical significance due to an association with an historic building, site, street, person, or event; or

c. It is a defining landmark or significant outstanding feature of a neighborhood or district, or typical of early Ontario landscapes, including [i] Cinnamomum camphora (Camphor Tree), [ii] Cedrus deodara (Deodar Cedar), [iii] Platanus acerifolia, [iv] Quercus suber (Cork Oak), [v] Quercus ilex (Holly Oak), or [vi] Schinus molle (California Pepper); or

d. It is a Native Tree. The term "Native Tree" means any one of the following California native tree species, which has a trunk diameter of more than 8 inches, measured at 54 inches above natural grade, including [i] *Platanus racemosa* (California Sycamore), [ii] *Pinus torreyana* (Torrey Pine), [iii] *Quercus agrifolia* (Coast Live Oak), [iv] *Quercus engelmannii* (Engelmann Oak), [v] *Quercus lobata* (Valley Oak), or [vi] *Umbellularia californica* (California Bay).

2. Tree Protection Area. The term "Tree Protection Area" (TPA) means the area of tree roots and canopy to be designated by fencing to prohibit access during construction activities. The tree protection area is typically equal to one foot of radius for each inch of trunk diameter measured at 54 inches above natural grade, but not less than an 8-FT radius. This term may also be referred to as "Protected Root Area" (PRA).

D. Tree Inventory and Preservation Plan.

1. Property proposed for development on which a Heritage Tree exists, shall require the submittal of a Tree Inventory and Preservation Plan prepared by a licensed landscape architect, horticulturalist, certified arborist, or other related professional. Said plan shall be submitted concurrent with a Development Plan or building permit request for alterations of a site and shall be reviewed and approved by the Approving Authority for the corresponding application request.

2. The Tree Inventory and Preservation Plan shall show all existing on-site trees, and those existing trees on abutting lots and public rights-of-way with a canopy or root zone that extends onto the site or within 8 FT of a construction, staging or storage area, or graded site. Furthermore, the Tree Inventory and Preservation Plan shall identify TPAs and trees requested to be removed and shall show replacement trees as required by this Division.

3. The Tree Inventory and Preservation Plan shall include a tree evaluation or arborist report of affected trees, prepared by a City-approved certified arborist or qualified horticulturalist, to determine health, structure, condition, and expected life span of all affected trees.

E. Tree Protection During Construction.

1. All trades performing work on property in which trees have been specifically identified for protection pursuant to this Section, shall be informed of the protected trees.

2. During site construction, no person in control of work shall leave any Heritage Tree(s) without sufficient protections in place to prevent injury to the tree(s). Furthermore, it shall be unlawful and a violation of this Section to leave any Heritage Tree protected pursuant to this Section without sufficient protections in place.

3. Any special Tree Protection During Construction requirements shall be included in the Tree Inventory and Preservation Plan, and on any Demolition, Grading, or Construction Plan(s) where existing trees may be impacted, along with the following Tree Protection During Construction standard notes:

a. Existing trees to be protected shall be identified with protective fencing to form a TPA. The TPA shall encircle the tree at the outer most edge of the root zone and canopy. The TPA is defined by its "Critical Root Radius," which is calculated by measuring the tree's diameter at 54 inches above natural grade (dbh) and allowing 1.5 FT of radius for each inch of tree diameter. In example, if a tree's dbh is 10 inches, its Critical Root Radius is 15 FT.

b. Protective fencing shall be installed prior to any earthwork and shall remain in place until all work is complete. Fencing shall be 3 FT to 4 FT in height and shall be installed at the outer most edge of the Critical Root Radius or TPA. The temporary fencing shall be of chain link or other approved durable material. Post "Tree Protection Zone – Keep Out" signs on TPA fencing.

c. No construction or staging equipment is allowed within a TPA, including heavy equipment that will compact and damage the roots.

d. No disposal of construction materials or by products including paint, plaster, or chemical solutions, is allowed within a TPA.

e. Natural or preconstruction grade shall be maintained within a TPA. At no time shall soil be in contact with a tree trunk above the root flare.

f. TPAs shall be irrigated sufficiently with clean potable water to keep the tree in good health and vigor before, during, and after construction. Deep watering may be necessary on a weekly basis. Verify that the depth of irrigation provided to roots is adequate.

g. Apply a 4-inch to 6-inch thick layer of mulch within the TPA, one foot away from the trunk, before construction begins.

h. Any work required to be conducted in the ground, within the TPA, shall be accomplished with hand tools or an air spade.

i. Pruning for clearance, if needed, shall be done to prevent damaging branches with large equipment. All pruning shall be in accordance with industry standards (International Society of Arboriculture ANSI A300) under the direction of a Certified Arborist.

j. Avoid cutting roots with a diameter larger than 2 inches. Cuts should be clean and made at right angles to the roots. When practical, cut roots back to a branching lateral root. Trenches for piping shall be bored under, at a minimum depth of 36 inches. Consult a Certified Arborist to be present if more than 33 percent of the root zone is impacted, or roots greater than 2 inches diameter within 5 FT of the trunk will be cut, to ensure tree stability and that health will not be affected.

k. Protect soil and roots from compaction in landscape areas used for driveways, storage, or parking, with a layer of geotextile fabric and 6 inches of crushed gravel.

4. All trades performing work on property in which trees have been specifically identified for protection pursuant to this Section, shall be informed of the Tree Protection and Inventory Plan and the Tree Protection During Construction requirements.

F. Waiver of Development Standards to Further Heritage Tree Preservation and Protection. When considering an application for any permit or approval that may adversely affect Heritage Trees, the City may allow certain departures from established development standards to assist in their preservation, through the granting of an Administrative Exception pursuant to Section 4.02.020 (Departures from Development Standards) of this Development Code. Allowable exceptions specifically for the furtherance of tree preservation shall be limited to a maximum 15 percent reduction from minimum setback and separation requirements, and maximum 10 percent from off-street parking requirements. The Approving Authority may grant Administrative Exceptions from said setback, separation, and/or parking standards after first finding that:

1. The applicant has investigated alternative site designs and building configurations in strict compliance with the applicable development standards;
2. The tree(s) to be preserved is/are in good health and condition (taking into account species and longevity) as determined by a certified arborist;
3. The project includes a well-integrated and thoughtful design solution that enhances the property and its surroundings;
4. The project would not be injurious to adjacent properties or uses, or detrimental to the environment, quality of life, or the health, safety, and welfare of the public; and
5. The project is consistent with the purposes of the applicable zoning district, planned unit development, or specific plan, the applicable development standards and guidelines, and the Vision, Policy Plan, and City Council Priorities components of The Ontario Plan.

G. Heritage Tree Removal. It is the City's policy to protect and preserve healthy trees that provide benefits to the community, whenever possible. However, if it is determined through an arborist report, tree evaluation, or other city approved means, that a Heritage tree is dead, hazardous, diseased, or damaged beyond repair, or may pose an emergency or safety concern, the Approving Authority may order removal of the tree.

H. Heritage Tree Pruning. Pruning of any Heritage Tree protected pursuant to this Section shall be performed under the direction of a certified arborist, horticulturalist, or similar qualified licensed professional, following the most recent standards of the International Society of Arboriculture and ANSI A300 standards for tree care operations.

I. Heritage Tree Damage or Tree Removal without City Approval.

1. The damage or removal of a Heritage Tree protected pursuant to this Section, or encroachment into a protected root area or TPA, shall require an evaluation by a City-approved certified arborist as to the resulting condition, prescribed treatment to repair the damage, replacement trees if removed (as prescribed by this Division), and monetary value of the tree if removed or damaged beyond repair. Penalties pursuant to Section 6.05.025 (Violation—Penalty) of this Division shall apply.

2. For the purposes of this Subsection, the term "tree removal" shall include any act that causes the actual removal of a Heritage Tree, or the effective removal of a Heritage Tree by means of willful damage; damage resulting from excessive or improper pruning, excavation, or construction; poisoning; or any other direct or indirect action resulting in tree death within the 3-year period following said actions.

J. Heritage Tree Replacement. Healthy Heritage Trees that are approved for removal shall be replaced with new trees and shall be shown on required Landscape and Irrigation Construction Documentation Plans. Replacement trees shall have a total trunk diameter (caliper) equal to the tree(s) removed, or as deemed appropriate by the Approving Authority based on the lot size and available planting space. Replacement trees shall be in addition to the quantity of trees required by this Division for landscaping. The Approving Authority shall review the landscape plan and approve appropriate species for tree replacement (see Section 6.05.035 (Landscape Development Standards) for required trees).

K. **Monetary Value.** The monetary value of Heritage Trees protected pursuant to this Division, which are removed, shall be based upon the “Guide for Plant Appraisal,” which is available from the International Society of Arboriculture. Appraisals shall be performed by a City-approved professional plant appraiser or certified arborist skilled in tree appraisals.

L. **Prohibited Acts.** It shall be expressly prohibited to damage or to remove any Heritage Tree without prior specific authorization by the Zoning Administrator, except that tree removal specifically approved as a part of a Development Plan or Building Permit approval; Certificate of Appropriateness; pruning or removal to obtain adequate line-of-sight distances as specifically authorized by the City Engineer; pruning or removal as required for public safety as specifically authorized by City representatives; and/or actions taken by a public or private utility company for the protection of their existing electrical power or communication lines, or other property of a public utility.

6.05.025: Violation-Penalty

A. **Violation.** Any violation of this chapter shall be a misdemeanor or infraction at the discretion of the City Attorney or District Attorney.

B. **Civil Penalties.** Irrespective of, and cumulative to, any criminal conviction for a violation of this Division, the City may, pursuant to GC Section 36901, impose a civil penalty in an amount not exceeding \$1,000, or by imprisonment not to exceed 6 months, or both such fine and imprisonment on any person either through an administrative hearing or a civil action brought either by the City Attorney or a designated employee of the City. Each tree removed in violation of this Division shall constitute a separate offense.

C. **Restitution for Damage or Removal of Protected Trees within the City.** Irrespective of whether the City pursues criminal and/or civil action under this Division, nothing in this Division shall prevent the City from seeking restitution for damage or removal of trees within the City, which are protected by this Division, as an alternative to criminal action and/or civil action to recover a civil penalty in accordance with Subsection B of this Section.

D. **Assessment of Civil Penalties.** Civil penalties may be assessed against a responsible party as confirmed by resolution of the City Council, and shall constitute a special assessment against the property to which it relates and after its recording, as thus made and confirmed, the same shall constitute a lien on the property in the amount of such assessment. The notices of such special assessment shall be provided to the responsible party by certified mail, as determined from the County Assessor’s or County Recorder’s records. The assessment shall be collected at the same time and in the same manner as ordinary City taxes are collected and shall be subject to the same penalties and the same procedure as provided for ordinary City taxes. All laws applicable to the levy, collection and enforcement of City taxes shall be applicable to the special assessment.

E. **Appeals.**

1. Within 10 days after mailing of a Notice of Violation, which states the civil penalties to be assessed, the owner or person having charge of affected premises may file an appeal of the assessed civil penalties and the violations upon which the civil penalties are based, with the Planning Department, on a City application form.

2. Within 45 days following receipt of an appeal request, the City Manager shall hold a hearing, which shall be open to the public. The City Manager shall hear and consider objections and/or protests from any owner or person having charge of affected premises, or other interested persons relative to the accrual of civil penalties, and shall hear and receive all relevant evidence and testimony relative to the violations upon which the civil penalties are based, and shall consider all of the related facts.

3. Upon conclusion of the appeal hearing, the City Manager shall determine the amount of civil penalties to be assessed. The decision of the City Manager shall be final and conclusive.

F. Penalties collected resulting from enforcement of this section shall be placed in the general fund and used solely for the purposes of the City to ensure and maintain the character and well-being of the City.

6.05.030: Required Landscape Areas.

A. Residential Projects. Residential development projects shall be landscaped and irrigated as follows:

1. Conventional and Small Lot Single-Family Projects.

a. The front yard and any street side yard of a conventional or small lot single-family project site, and all parkway areas that abut the site, shall be fully landscaped and provided with an underground automatic irrigation system, and shall be maintained in compliance with the requirements of this Division.

b. A landscape and irrigation documentation plan shall be submitted for review and approval by the Approving Authority prior to building permit issuance, pursuant to Subsection 6.05.015.B (Landscape and Irrigation Construction Documentation Plans) of this Division.

2. Cluster Single-Family and Multiple-Family Projects.

a. The entirety of a cluster single-family or multiple-family project site, including street parkway and median areas that abut the project site, which is not otherwise devoted to building area and paving, shall be fully landscaped and provided with an underground automatic irrigation system, and shall be maintained in compliance with the requirements of this Division.

b. A landscape and irrigation documentation plan shall be submitted for review and approval by the Approving Authority prior to building permit issuance, pursuant to Subsection 6.05.015.B (Landscape and Irrigation Construction Documentation Plans) of this Division.

B. Nonresidential Projects. Nonresidential development projects shall be landscaped and irrigated as follows:

1. The entirety of a nonresidential project site (excluding areas devoted to building area, paving, and/or outdoor loading and storage areas that are screened from public view), including street parkway and median areas that abut the project site, shall be fully landscaped,

provided with an underground automatic irrigation system, and maintained in compliance with the requirements of this Division.

2. A landscape and irrigation construction documentation plan shall be submitted for review and approval by the Approving Authority prior to building permit issuance, pursuant to Subsection 6.05.015.B (Landscape and Irrigation Construction Documentation Plans) of this Division.

C. All Unused Areas of a Site shall be Landscaped and Irrigated.

1. All areas of a project site not intended for a specific use, including pad sites held for future development, shall be landscaped and provided with an automatic irrigation system, unless it is determined by the Approving Authority that landscaping is not necessary to fulfill the purposes of this Division. This requirement shall not apply to the side or rear yard area of a single-family residence, or that portion of a lot devoted to a legally established agricultural use.

2. The Approving Authority shall determine the level or intensity of landscaping to be provided for vacant pad sites, based upon an approved phasing plan.

D. Landscaping of Off-Street Parking Facilities. Outdoor off-street parking lots within residential developments, or within nonresidential developments that are visible from a public or private street, or are accessible by the public, shall be landscaped in the following manner:

1. At least 7 percent of the total area of a parking lot shall be landscaped, excluding perimeter landscaping or setback areas that may be required by the base zoning district.

2. Landscaping consistent with the landscape setback provisions of the base zoning district in which a parking lot is located, shall be provided adjacent to adjoining streets.

3. Landscaping shall be evenly distributed throughout the parking lot and shall not be concentrated in any one area.

4. No landscaped area is to have a dimension smaller than 5 FT clear in any direction, except as provided elsewhere by this Development Code.

5. Where parking lots occur along streets, a landscaped buffer element, minimum 10 FT in width, shall be constructed, which consists of a minimum 3-FT high hedge-like material to screen views of parked cars from the street. To shade pedestrians and create an attractive streetscape, shade trees shall be planted within this landscaped buffer at an average spacing of 25 to 30 FT on center. Landscaping may be combined with low walls or dense plant material to mitigate the visual effects of parking lots and loading areas.

6. There shall be provided within each row of parking spaces, planter islands at least 5 FT in width (exclusive of curbs), which extend the full length of the abutting parking space(s), located so as to prevent no more than 10 vehicles from being parked side-by-side in an abutting configuration.

7. Planter islands for a single row of parking spaces shall be landscaped with at least one tree, appropriate shrubs, and groundcover. Planter islands for a double row of parking spaces shall contain not less than 2 trees, and appropriate shrubs and groundcover.

8. Throughout parking lots tree wells, tree diamonds or center planter strips shall be provided to facilitate the planting of shade trees at the minimum rate of one tree for each 4 parking spaces. Tree wells shall be a minimum of 5 FT in width and 5 FT in length (exclusive of curbs).

9. Shade trees shall have a minimum canopy of 30 FT in diameter at maturity, to provide an aesthetically pleasing area and relief from summer heat.

10. All rows of parking spaces shall be provided with landscape islands at each row terminus, at least 5 FT in width (exclusive of curbs) and extending the full length of the adjacent parking spaces, to protect parked vehicles, ensure visibility, confine moving traffic to drive aisles and driveways, and provide adequate space for landscaping.

11. Landscaped areas shall be delineated with a 6-inch wide concrete curb, except where a landscape area is parallel and adjacent to a parking stall, the curb shall be a minimum of 12-inches wide, to provide a step area for persons entering or exiting motor vehicles.

6.05.035: Landscape Development Standards

Landscaping required by this Division shall be designed, installed, and maintained in compliance with the following:

A. Landscape Design Standards. Landscaped areas shall comply with each of the following:

1. Landscaped areas shall have a minimum dimension of 5 FT (exclusive of curbs), excepting vine pockets, which shall have a minimum dimension of 1.5 FT, or as otherwise prescribed by this Development Code.

2. All landscaped areas shall be bordered by a concrete or masonry curb, or other means acceptable to the City, to prevent vehicles from entering landscape areas, and to define maintenance responsibilities or property ownership. Curbs along pavement may have openings to allow water infiltration into landscape areas.

3. Landscaped areas shall be comprised of living plant materials, planted at a spacing no greater than the mature plant diameter. Non-living ornamental features (e.g., boulders, dry stream beds, gravel, etc.) may comprise a maximum of 5 percent of a landscaped area and shall be of a permeable material.

4. All areas of a parkway that are not devoted to sidewalks shall be landscaped, irrigated, and permanently maintained pursuant to City standards.

5. All utilities shall be shown on plans to facilitate the landscape design and tree placement. Utilities such as backflow devices and transformers shall be located a minimum of 5 FT away from paving or other utilities to allow for landscape screening to cover at least 75 percent of the height of the equipment.

6. Accent landscape is required on all commercial or industrial corners including vehicular entries and major corner intersections. Accent trees shall be minimum 36-inch box size and palms shall be minimum 17-FT brown trunk height.

7. Foundation planting adjacent to buildings (hedgerows or shrub masses in a hierarchy pattern) is required at major building perimeters and residential front yards to break horizontal ground plane from the vertical plane of building.

8. Shade trees with irrigation shall be located in all appropriate areas where space permits to reduce the impacts of heat gain by shading large areas of paving, building walls, roof and windows also enhancing stormwater management and improving water quality.

9. Shade trees shall have a minimum canopy of 30 FT in diameter at maturity to provide an aesthetically pleasing area and relief from summer heat.

10. Trash enclosures shall be designed with adjacent planters for trees shrubs and vines for screening.

11. Accent landscape at monument signs shall be a hierarchy of ornamental shrubs or perennials.

B. Planting Requirements.

1. A variety of plant material appropriate for the project may be selected for planting, provided the ETWU for the landscape area does not exceed the MAWA (see Paragraph B.3.c (Calculation of the Budget Comparison) of this Division). The landscape plan shall be designed for the intended function of the project and for the efficient use of water, and shall include the following:

- a. Protection and promotion of appropriate native species;
- b. Selection of water conserving plant species; and
- c. Selection of trees for shading buildings and paved surfaces and for stormwater management.

2. Plants shall be selected and appropriately planted based upon their adaptability to the climatic, geologic, and topographical conditions of the project site.

a. The Sunset Western Climate Zone System should be utilized, which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;

b. Recognize the growth habit of plant types, such as mature plant size and invasiveness of surface roots, to minimize damage to property and infrastructure (e.g., buildings, sidewalks, power lines);

c. Disease and pest resistant plants should be used, to promote health and longevity; and

d. Consider the solar orientation for tree placement to maximize summer shade and winter solar gain.

e. Plants with similar water needs and climatic requirements shall be grouped together and irrigated separately.

f. Graded but undeveloped areas within the project site shall be seeded with wildflower or ornamental grass mix and automatically irrigated to prevent soil erosion from rain and strong winds.

g. Avoid use of invasive species that have a negative effect upon public health or disrupt or destroy native ecosystems as identified by the California Invasive Species List.

h. Additional planting requirements of a Specific Plan may be required based upon the project location.

3. Limit the use or quantity used of turf except where used for play or recreation.

C. Irrigation Requirements

1. The irrigation system and its related components shall be designed to be efficient and effective for the landscape proposed with no run-off or overspray.

2. Irrigation plans shall include a water budget with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use (ETWU) calculations shown pursuant to Paragraph 6.05.015.B.3 (Water Budget Worksheet) of this Division. The ETWU shall not exceed the MAWA.

3. Automatic irrigation controllers utilizing either evapotranspiration or moisture sensor data are required. A verification letter from the manufacturer certifying proper installation and sensor connection shall be provided prior to acceptance of the project.

4. Irrigation systems shall be designed with like plant material grouped together and proper solar orientation. Turf shall be on separate valves from shrub areas. Landscape areas in the shade (north or east sides of buildings) shall be controlled separately from areas in the sun (south or west).

5. Provide on plans all equipment required, sizes, notes and details, include water meter (note potable or recycled), static pressure, and maximum GPM. Contact the City's Utilities Department for City main pressure. Pressure regulating or boosting devices shall be installed to meet the pressure requirements of the system.

6. Backflow devices are required. Non-residential backflow devices shall be painted green and protected in a locking enclosure.

7. Spacing design for irrigation heads shall achieve 100 percent coverage, (head to head). Allow for wind velocities. Spacing shall achieve the highest possible distribution uniformity using the manufacturer's recommendations.

8. Narrow or irregularly shaped areas including turf, less than 8 FT in any direction shall be irrigated with subsurface irrigation or a low volume irrigation system. Low precipitation heads, rotators or drip systems shall be used in general to reduce water use and overspray.

9. Add check valves or anti-drain valves to prevent low head drainage.

10. Locate spray heads 2 FT from non-pervious paving to prevent overspray. Exception allowed if adjacent surface is permeable or if using alternative technology irrigation. Low precipitation rate heads less than 0.75 inches per hour may be located one FT from paving.

11. Trees in turf, 36-inch box and larger size trees in any area, and all palm trees, shall have pop-up stream bubbler heads. Trees in tree wells or permeable paving may use bubblers in a maximum 1.5 FT deep perforated root watering tube. Tree irrigation shall be on a separate valve, minimum 2 heads per tree.

12. Size all irrigation main lines and laterals on the plan, minimum 3/4 inch.

13. Under landscape, mainlines shall be buried with 1.5 FT minimum cover, laterals one FT minimum cover.

14. Under paving mainlines shall be buried with 2 FT minimum cover; lateral lines 1.5 FT minimum cover.

15. Pipe under roadways shall be installed 3 FT deep, sleeved and identified with marking tape installed one FT from the surface, identifying the type of line with APWA standard “Caution Waterline Buried Below” in blue, or “Caution Recycled Waterline Buried Below” in purple. Sleeves shall be Schedule 40 PVC, minimum 2 times the diameter of the pipe being sleeved.

16. Automatic Controllers shall contain a neatly drawn laminated irrigation layout chart, color coded to identify stations and valves as-built. Central controller shall include a manufacturer support page. Locate pedestals within planter areas with a 1.5 FT pad of DG or mulch at front for access.

17. An irrigation schedule shall be on the plan and layout chart noting irrigation cycles and run times per station or plant type (turf, shrub, trees, sun areas, shade areas, etc.) monthly or seasonally. Add multiple start times to prevent run off. Watering shall occur between 6:00PM and 6:00AM, excepting drip irrigation.

D. Soil Testing. Agronomical soil testing shall be performed to encourage healthy plant growth and reduce run off. One test shall be performed for each street frontage, or as otherwise required by the Approving Authority. Soil analysis shall include soil texture, infiltration rate, pH, total soluble salts, sodium, percent organic matter, and recommendations for amendments based upon the proposed plant material and tree types. Soil test results and recommendations for amendments shall be listed on the Landscape Planting Plan required pursuant to Paragraph 6.05.015.B.5 (Landscape Planting Plan) of this Division, noting the name, address, telephone number of the City-approved soils testing laboratory, and the test date.

E. Trees. Within required landscape areas, as prescribed by Section 6.05.030 Required Landscape Areas) of this Division, trees shall be provided as follows:

1. For cluster single-family or multiple-family residential development projects, and nonresidential development projects, a mix of tree sizes shall be provided on-site, for each development project, as prescribed in Table 6.05-1 (Minimum Tree Size Mix), below. Palm trees shall not be counted toward the minimum mix of required trees.

Table 6.05-1: Minimum Tree Size Mix

<i>Requires Tree Sizes</i>	<i>Minimum Mix of Required Trees</i>
48-inch box	5%
36-inch box	10%
24-inch box	30%

Table 6.05-1: Minimum Tree Size Mix

<i>Requires Tree Sizes</i>	<i>Minimum Mix of Required Trees</i>
15-gallon	55%

2. For cluster single-family or multiple-family residential development projects, and nonresidential development projects, a mix of tree species shall be provided for each development project, as prescribed by Table 6.05-2 (Minimum Tree Species Mix), below. A minimum of 20 percent of the total number of trees provided shall be a California native species appropriate for the project site. Palm trees shall not be counted toward the minimum number of tree species required.

Table 6.05-2: Minimum Tree Species Mix

<i>Number of Trees Provided</i>	<i>Minimum Number of Tree Species Required</i>
20 or fewer	3
21 to 30	4
31 to 40	5
More than 40	6

3. All trees required by this Division shall conform to the minimum measurements prescribed by Table 6.05-3 (Minimum Tree Size Specifications), below.

Table 6.05-3: Minimum Tree Size Specifications

<i>Tree Size</i>	<i>Minimum Trunk Caliper</i>	<i>Minimum Height Range</i>	<i>Minimum Spread Range</i>
48-inch box	3.5 inches	14 to 16 FT	7 to 8 FT
36-inch box	2.5 inches	12 to 14 FT	6 to 7 FT
24-inch box	1.5 inches	9 to 11 FT	4 to 5 FT
15-gallon	1.0 inch	7 to 8 FT	2 to 3 FT
Palm trees		17-FT brown trunk height	

4. Existing trees shall be protected in place, whenever possible, pursuant to Section 6.05.020 (Tree Preservation Policy and Protection Measures) of this Division. Existing large canopy trees may be counted toward the 48-inch box tree requirement prescribed by Paragraph E.1. of this Section, provided the tree(s) to be preserved is/are in good health and condition (taking into account species and longevity), as determined by a certified arborist's report.

5. Tree planting shall maintain the following minimum setbacks and/or separations from permanent improvements as prescribed by Table 6.05-4 (Minimum Tree Setbacks/Separations), below.

Table 6.05-4: Minimum Tree Setbacks/Separations

<i>Improvement</i>	<i>Minimum Setback/Separation</i>
Beginning of Curb Returns at Street Intersections	25 FT
Light Standards, Power Poles, and Fire Hydrants	10 FT
Water and Sewer Lines	7 FT

Table 6.05-4: Minimum Tree Setbacks/Separations

<i>Improvement</i>	<i>Minimum Setback/Separation</i>
Sidewalks (except within parkways), Driveways, and Buildings	5 FT

6. Trees shall not be placed where they interfere with site drainage or require frequent pruning in order to avoid interference with overhead utilities.

7. Shade trees shall have a mature canopy diameter of 30 FT, single dominant leader or a balanced arrangement of branches, and a healthy root system not girdled by the growing container.

8. Street trees shall be minimum 24-inch box or larger and shall be planted at an average spacing of 25 FT to 30 FT on center, except where necessary to meet the minimum tree setback/separations required by Table 6.05-4 (Minimum Tree Setbacks/Separations) of this Section.

9. Trees shall be planted with a visible trunk flare and rootball that is 2 inches higher than the adjacent grade. No soil shall be placed on top of the rootball, and mulch shall be maintained 6 inches clear of the trunk. Trees with kinked or girdling roots shall be rejected before installation or replaced if planted.

10. Root barriers shall not be required for use in parkways or City maintained areas; however, if used, they shall be a maximum of one FT in depth and shall not encircle the tree rootball. Furthermore, if the tree trunk is within 5 FT of paved areas, root barriers, if used, shall run adjacent and parallel to the pavement.

11. Palm trees may be used as accents, with a minimum brown trunk height of 17 FT, and shall not count toward the minimum tree species mix required pursuant to Table 6.05-2 (Minimum Tree Species Mix) of this Division.

12. Trees shall be staked or guyed to prevent wind damage and allow healthy growth. Ties shall be flexible, allowing some trunk movement while providing protection from damage.

13. Parking lot lighting and site utilities shall be designed to avoid conflict with required shade tree locations.

14. Solar collectors shall be designed and located to avoid conflict with tree canopy and future shading from the mature size of trees, as defined by the PRC Section 25980 through Section 25986 (The Solar Shade Act).

F. Tree Staking and Tying. Trees shall be staked and tied as follows:

1. Fifteen gallon and 24-inch box trees shall be double-staked perpendicular to the prevailing wind, or parallel to the street, as appropriate. Stakes shall be located to prevent branch damage and shall extend a minimum of 7 to 8 FT above grade and 3 to 4 FT below grade. Stakes shall be tied into the tree canopy for wind protection. Galvanized stakes are recommended for wind prone areas.

2. Box trees that are 36-inches or larger, shall be rootball guyed or anchored.

3. Flexible tree ties shall be used. Wire and hose, or metal rod-type braces shall not be used. Nursery stakes shall be removed at time of installation or loosened if they are to remain during the maintenance period and shall be removed by the end of maintenance period.

G. Shrubs. Within required landscape areas, as prescribed by Section 6.05.030 (Required Landscape Areas) of this Division, shrubs shall be a minimum 5-gallon container size and shall be spaced at a rate equal to three-fourths of the shrub's mature size. One-gallon containers may be used for perennials and groundcovers.

H. Groundcovers. Within required landscape areas, as prescribed by Section 6.05.030 (Required Landscape Areas) of this Division, one-gallon containers shall be used for groundcover areas. Perennials or annual color shall be spaced at a maximum of 8 inches on center.

1. Turf. Turf grass is typically a high water use plant and is best reserved for recreation and active play areas. Low water groundcovers or native or warm season turf grasses may be used in traditional turf areas, such as parkways or front yards. Concrete mow strips shall be used to separate turf from landscape areas, excepting single-family residential development projects, which may utilize wood or fabricated benderboard materials.

2. Mulch. Mulch shall be applied and maintained in all non-turf areas and shall be at least 3 inches in depth in shrub areas and at least one-inch in depth in groundcover areas. Mulch shall be of an organic material, such as shredded or chipped bark, as it will supply nutrients to the soil and plants over time. Native plants shall have mulch applied that is appropriate for the type of landscape. Synthetic mulch materials shall not be used.

I. Screening and Buffering.

1. Landscaping may be used to aid in the screening and buffering of mechanical equipment, trash collection areas, and loading docks and outside storage areas from public view, and the screening and buffering of differing land uses. Walls and/or fences used for screening and buffering purposes should incorporate landscaping over at least 60 percent of its surface area, which will serve to both buffer uses and "soften" the appearance of masonry walls.

2. Utility boxes and vaults shall be located away from entry driveways, corner accent landscapes and other highly visible areas, and shall be screened with a variety of landscape materials.

J. Defining of On-Site Circulation. Landscaping shall be used to define circulation patterns for safety and ease of use.

1. Landscaping shall be used to direct on-site vehicular and pedestrian circulation routes by providing clear direction, barrier planting (such as hedges), and accent planting, to define site entrances and pedestrian pathways.

2. Landscaping shall be designed to facilitate pedestrian circulation and access to buildings and shall be designed to buffer pedestrians from vehicular traffic, as well as to emphasize walkways.

3. Landscaping shall be designed to further pedestrian safety. Where provided, walkways shall have adequate width and be separated from parking lots, loading areas, and buildings (excepting building entries), with a landscape buffer. Furthermore, trees shall be planted along walkways to create shade and comfortable environments.

K. Grading Design and Stormwater Management.

1. Grading shall be designed to minimize soil erosion, water run-off or water waste, and increase on-site retention and infiltration. Grading shall ensure all irrigation and normal rainfall remains on-site and does not drain onto impermeable surfaces. Landscape areas shall be graded to be 1.5 inches below the grade of the adjacent finished surface.

2. Landscape plans shall include stormwater collection methods or devices that direct water into depressed landscape areas, such as vegetated swales, detention basins or infiltration areas. These areas shall incorporate proper plant materials and irrigation for success in saturated soils, drought conditions and to withstand possible erosion from the hydraulic impacts of stormwater collection. Manufactured drywells, pervious pavement, or storage chambers may also be used for stormwater infiltration.

3. Stormwater collection in landscape areas shall be designed with a natural appearance, utilizing curvilinear forms, native plants, varying sizes of boulders or river rock, and maximum 3:1 slope.

4. On-site landscape areas for stormwater management may utilize vegetated swales but shall not exceed 40 percent of the landscaped area width.

5. Landscaped slopes 3:1 or greater shall incorporate rolled erosion control products and landscape appropriate for slopes. Slopes shall be irrigated by a system with a low precipitation rate of 0.75 inches per hour or less. Turf is not allowed on slopes greater than 4:1, or where the toe of the slope is adjacent to an impermeable hardscape.

6. Compaction during site grading shall not occur within landscape areas. Compacted soils shall be repaired by deep tilling, or as directed by the soil analysis prescribed by Subsection D (Soil Testing) of this Section.

7. Vegetated swales, basins and sloped grades for stormwater management shall incorporate a level area adjacent to paved edges, at least 3 FT to 5 FT in width, to allow utilities, such as backflow devices, to be located on level ground, and to serve as a buffer from sloped edges for pedestrian safety purposes.

L. Decorative Water Features. Decorative water features shall be properly maintained to operate and function to meet the intent of the design. Furthermore, decorative water features shall incorporate recirculating water systems, and shall use recycled water, where available, excluding swimming pools and spas.

6.05.040: Landscape Maintenance

A. Landscape Maintenance Required. Where a Landscape and Irrigation Documentation Plan is required pursuant to Subsection 6.05.015.B (Landscape and Irrigation Documentation Plans) of this Division, all installed landscaping shall be permanently maintained as prescribed by this Section.

1. Once installed, no landscaping shall be removed unless replaced with landscaping of a similar design, character, and coverage, at maturity.

2. Trees shall be monitored, staking inspected, and branches pruned, if necessary, pursuant to Section 6.05.020 (Tree Preservation Policy and Protection Measures) of this Division, to direct new growth, and to avoid conflict with vehicles, pedestrians, lighting, or buildings. Stakes and ties shall be removed upon establishment, typically 2 years after planting.

3. Once installed, no landscaping shall be allowed to die-off. The replacement of dead or dying landscape materials shall occur in a timely manner, or immediately upon notification by the City, as prescribed by Division 6.10 (Property Appearance and Maintenance) of this Development Code.

4. Irrigation systems shall be maintained to prevent water waste. Broken or inefficient irrigation shall be repaired, replaced, or modified to prevent runoff from leaving the target landscape due to low head drainage, overspray, or other similar condition where water flows onto adjacent property, non-irrigated areas, walkways, roadways, parking lots or structures, unless the nonpermeable surfaces are designed and constructed to drain entirely to landscaping.

B. Landscape Maintenance Defined. On-going landscape maintenance shall consist of the following:

1. Regular watering;
2. Monitoring and treating for pests, disease, or injury;
3. Regular mowing, pruning, and the removal and replacement of dead or dying plants;
4. Regular fertilizing;
5. Clearing of debris and providing weed control;
6. Repair and/or timely replacement of irrigation systems, and components thereof;
7. Repair and/or timely replacement of integrated architectural features; and
8. Any other similar act(s) that promotes growth, health, beauty, and the life of plants, shrubs, trees, and/or groundcover/turf.

6.05.045: Landscape Design and Construction Guidelines

A. The City Council shall establish by resolution, Landscape Design and Construction Guidelines (Development Code Reference G), which are intended as a reference to assist design professionals, landscape contractors and homeowners in their understanding of the City's goals and objectives for the preparation of landscape construction documentation plans, and the installation of landscape materials and elements.

B. The Landscape Design and Construction Guidelines (Development Code Reference G) shall compliment the mandatory landscaping regulations contained in this Division, by providing examples of potential design solutions, and by providing interpretations of the various mandatory landscaping regulations contained in this Division.

C. The Landscape Design and Construction Guidelines (Development Code Reference G) authorized by this Section, shall be enforceable in the same manner, and to the same extent, as any other applicable requirement of this Development Code.

Division 6.06—Street Naming and Street Address Numbering

Sections:

- [6.06.000](#): Purpose
- [6.06.005](#): Applicability
- [6.06.010](#): Assignment of Street Names and Street Address Numbers
- [6.06.015](#): Street-Naming
- [6.06.020](#): Street Address Numbering

6.06.000: Purpose

The purpose of this division is to establish policies for the naming of public and private streets and alleyways, and the address numbering of lots, parcels, dwelling units, places of businesses, and public buildings located along public and/or private streets within the City.

6.06.005: Applicability

- A. The naming of any new public or private street or alleyway within the City and any request to change the previously established name of a public or private street or alley within the City shall be accomplished pursuant to the Street Naming Policy established by this division.
- B. A street address number shall be assigned to a lot, parcel, dwelling unit, place of business and/or public building located along a public and/or private street within the City pursuant to the Street Address Numbering Policy established by this division.

6.06.010: Assignment of Street Names and Street Address Numbers

- A. **Assignment of Street Names.** The Planning Director shall be responsible for the assignment of street names, and shall, upon recommendation of the Building Official, City Engineer, Fire Chief, and Police Chief, assign street names as established by Section 6.06.015 (Street Naming) of this Division.
- B. **Assignment of Street Addresses.** The Building Official shall be responsible for the assignment of street addresses and shall assign street addresses as established by Section 6.06.020 (Street Address Numbering) of this Division.

6.06.015: Street Naming

- A. **Naming of Streets.** Street names should be assigned based upon one of the following criteria:
 - 1. Presidents of the United States;
 - 2. States of the United States;
 - 3. Cities of the United States;

4. California counties;
5. Names of famous local, state, and national personalities who are deceased;
6. Names of culturally significant historic places and events;
7. Famous fictitious names;
8. Names of astrological constellations;
9. Colleges;
10. Colors;
11. Precious metals;
12. Rocks;
13. Trees, shrubs and flowers;
14. Fruits and nuts;
15. Armstrong registered roses; or
16. Others, as approved by the Planning Director.

B. Street Name Prefix. All street names shall be assigned a prefix based upon its direction and location in the City, as follows:

1. Each street that generally runs in a north-south direction, and is located north of Holt Boulevard, shall be assigned "North" as its street name prefix.

2. Each street that generally runs in a north-south direction, and is located south of Holt Boulevard, shall be assigned "South" as its street name prefix.

3. Each street that generally runs in an east-west direction, and is located east of Euclid Avenue, shall be assigned "East" as its street name prefix.

4. Each street that generally runs in an east-west direction, and is located west of Euclid Avenue, shall be assigned "West" as its street name prefix.

C. Street Name Suffix. All street names shall be assigned a suffix based upon its direction and design, as follows (excepting subregional thoroughfares, such as Holt and Mission Boulevards):

1. Each through street that generally runs in a north-south direction shall be assigned "Avenue" as its street name suffix.

2. Each through street that generally runs in an east-west direction shall be assigned "Street" as its street name suffix.

3. Each portion of a through street that changes direction, and generally runs in a north-south direction, shall be assigned "Way," "Parkway," or "Trail," as its street name suffix

4. Each portion of a through street that changes direction, and generally runs in an east-west direction, shall be assigned "Road," "Drive," or "Lane," as its street name suffix.

5. Each cul-de-sac in which the centerline generally points in a north-south direction at its termination point shall be assigned "Place" as its street name suffix.

6. Each cul-de-sac in which the centerline generally points in an east-west direction at its termination point shall be assigned "Court" as its street name suffix.

7. Each circling street shall be assigned "Circle" as its street name suffix.

8. Each looping street shall be assigned "Loop" as its street name suffix.

D. Naming of Private Streets and Drives. The name of a private street or drive shall be determined pursuant to Subsection A (Naming of Streets) of this Section. In addition, each private street (or a private drive, if deemed necessary or desirable by the Planning Director) shall be assigned a "Privado" or "Paseo" street name suffix to identify that the street is privately owned and maintained.

E. Naming of Alleys. Alleys shall only be named if all the following criteria are met:

1. The alley leads to a landlocked parcel with frontage only onto an alley (no street frontage).

2. The structure(s) on the property are designated as a local historic landmark.

3. The naming will not adversely affect any other landlocked parcel.

6.06.020: Street Address Numbering

A. Assignment of Street Addresses. Street addresses shall be assigned based upon the following numbering system:

1. Euclid Avenue is hereby designated as the north-south street address-numbering axis and Holt Boulevard is hereby designated as the east-west street address-numbering axis. All streets that run in a general north-south direction shall be numbered from Holt Boulevard, consecutively, to the City limits. All streets that run in a general east-west direction shall be numbered from Euclid Avenue, consecutively, to corporate limits.

2. The numbering system shall begin at 100 and extend from each axis point. Wherever possible, succeeding blocks shall be assigned addresses in intervals of 100. Block length shall be determined by the next street succeeding street intersection, or at 660 FT intervals when no street intersection exists, with one whole street number assigned for each 20 lineal FT of street frontage.

3. On north-south running streets, north of Holt Boulevard, odd address numbers shall be assigned to the west side of the street and even address numbers to the east side of the street.

South of Holt Boulevard, odd address numbers shall be assigned to the east side of the street and even address numbers to the west side of the street.

4. On east-west running streets, east of Euclid Avenue, odd address numbers shall be assigned to the north side of the street and even address numbers to the south side of the street. West of Euclid Avenue, odd address numbers shall be assigned to the south side of the street and even address numbers to the north side of the street.

5. A new street having the design of a circle or loop shall bear one given name along its entire length and shall have a street address numbering system as follows:

a. Where the entrance to the circle or loop is from an adjacent east-west running street, the address numbering shall conform to that used on the north-south streets;

b. Where the entrance to the circle or loop is from an adjacent north-south running street, the address numbering shall conform to that use on the east-west streets.

B. Posting of Street Address Numbers. The owner, occupant or person in charge of any house or building to which a number has been assigned shall be responsible for posting assigned street address numbers pursuant to the following specifications:

1. Principal buildings shall display the address number on the side where the front entrance is located. A principal building occupied by more than one business or dwelling unit shall display the assigned number at the front entrance of each tenant or dwelling unit. In addition, commercial and industrial buildings shall display the assigned numbers at rear and side entrances facing a public alley or access drive.

2. A lot or development site having more than one building shall be assigned an address number in a manner determined by the Building Official. Commercial and industrial buildings shall display a directory at the main entrance to the site.

3. Street address numbers shall be posted so as to be conspicuously visible from the street or road fronting the property. The actual location and size of the numbers shall be approved by the Building Official, subject to the following guidelines:

a. Each individual digit stroke shall be a minimum of one inch wide;

b. Street address numerals located less than 50 FT from the street curb face shall be a minimum of 4 inches in height. Address numerals located from 50 to 100 FT from the street curb face shall be a minimum of 8 inches in height. Address numerals located more than 100 FT from the street curb face shall be a minimum of 12 inches in height.

c. Street address numerals that are not visible from the street due to setback distance or would otherwise be obstructed may be posted on a freestanding structure having a maximum height of 3.5 FT and maximum area of 4 SF.

4. Street address numerals and the background to which they are affixed shall be of contrasting colors or shades and shall be of reflective material for nighttime visibility. Samples of the materials shall be submitted to and approved by the Building Official.

C. Street Address Number Required for Building Permit Issuance. No building permit shall be issued for any principal building until the owner or owner's agent has obtained the official street

address number of the premises from the Building Official. Final approval for a certificate of occupancy of any principal building erected, repaired or expanded shall be withheld until permanent and proper street address numbers have been displayed pursuant to this division.

D. Posting of Rooftop Address Numbers. Street addresses, suite/unit numbers and letters shall be displayed on rooftops as follows:

1. Street address numbers shall be displayed on rooftops of all multiple unit residential, commercial and industrial buildings. The numbers shall face the street corresponding to the address. Numerals shall be 3 FT long by one FT wide and shall be painted in reflective white paint on a flat black painted background.

2. Any other buildings may display secondary street address numbers on rooftops in coordination with the Police Department. Numerals shall be 3 FT long by 5 inches wide and shall be painted in reflective white paint on a flat black painted background.

3. Roof top street address numbers should not be visible from the street.

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Division 6.08—Development Projects and Subdivisions

Sections:

6.08.000:	Purpose
6.08.005:	Applicability
6.08.010:	Maps
6.08.015:	Subdivision and Development Project Design
6.08.020:	Monuments
6.08.025:	Reports
6.08.030:	Park Dedication and In-Lieu Fee Regulations
6.08.035:	Dedications and Improvements
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6.08.000: Purpose

The purpose of this Division is to set forth rules and regulations for the subdivision and/or development of real property pursuant to the provisions of the Subdivision Map Act of the State of California (commencing with GC Section 66410) and the Ontario Municipal Code. Furthermore, it is the purpose of this Division to regulate and control all divisions of land that may be lawfully regulated by the City pursuant to the Subdivision Map Act. The provisions of this Division shall be interpreted to carry out this intent and purpose. In the event of a conflict between any mandatory provision of the Subdivision Map Act and a provision of this Division, the Subdivision Map Act shall control.

6.08.005: Applicability

A. Pursuant to the provisions of the Subdivision Map Act, and in addition to any other applicable regulations provided by State law, the regulations contained in this Division shall apply to all subdivisions or parts of subdivisions of land proposed within the corporate limits of the City, and to the preparation of subdivision maps and any other maps provided for by the Subdivision Map Act. Prior to the subdivision and/or development of any land in the City, the subdivider and developer thereof shall conform to, and comply with, the requirements, rules, and regulations of this Division.

B. No land shall be subdivided and developed for any purpose that is not in conformity with the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and any applicable specific plan or planned unit development of the City. The type and intensity of land use shown in the Policy Plan, or applicable specific plan or planned unit development, shall determine the type of streets, roads, highways, utilities, and public services that shall be provided by the subdivider and/or the developer.

6.08.010: Maps

The requirement or necessity for a tentative, final, or parcel map shall be governed by the provisions of this Section.

A. Tentative Tract Maps and Final Maps. A tentative tract map and final map shall be required for all subdivisions creating 5 or more lots, 5 or more condominium units, a community apartment project containing 5 or more lots, or for the conversion of a dwelling to a stock cooperative containing 5 or more dwelling units, except as provided by Section GC 66418.2 and Section GC 66426.

B. Parcel Maps. A parcel map shall be required for all subdivisions creating 4 or fewer lots, or 4 or fewer condominium units, a community apartment project containing 4 or fewer lots, or for the conversion of a dwelling to a stock cooperative containing 4 or fewer dwelling units, or for those subdivisions described in Section GC 66426.

C. Exceptions to the Preparation of a Tentative Tract Map, Final Map or Parcel Map. Exceptions to the preparation of a tentative tract map or final map, or a parcel map shall be pursuant to GC Section 66426 and 66428.

D. Exclusions from the Requirement for a Tentative Tract Map, Final Map or Parcel Map. The requirement for the filing of a subdivision map pursuant to this Section shall not be applicable in those instances identified in GC Section 66412, 66412.1, 66412.2, 66412.3, 66412.5, and any other mandatory exclusions to the applicability of the Subdivision Map Act, as provided by the Act.

E. Waiver of Parcel Maps. The City Engineer is authorized to waive a parcel map pursuant to the provisions of Section 4.03.045 (Subdivisions—Parcel Map Waiver) of this Development Code.

6.08.015: Subdivision and Development Project Design

A. Design and Improvement Requirements. Pursuant to GC Section 66473.5, a subdivision for which a tentative map or parcel map is required pursuant to Section 6.08.010 (Maps) of this Division, shall be consistent with the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, any applicable specific plan or planned unit development, and this Development Code. Unless otherwise specified, design requirements and improvement requirements may be modified or waived only by the City Council.

B. Lot Requirements. All residential, commercial, mixed use, and industrial lots shall have direct access to a public street, except where private street, common driveway or other access easement rights are specifically approved by the City. The access easement shall be reserved on a subdivision map or by separate instrument in perpetuity, for the benefit of the effected property(ies).

C. Street Rights-Of-Way and Design Requirements. The street layout of a proposed subdivision or development project shall be consistent with all street right-of-way designations contained in the Mobility Element of the Policy Plan (General Plan) component of The Ontario Plan, or an applicable specific plan, at the time of tentative map approval. For alignments not specifically shown in the Mobility element, the City Engineer shall approve alignments that are consistent with the Policy Plan component of The Ontario Plan, or any applicable specific plan, master plan, and City standard. All streets (public and private) shall be designed to meet public street requirements,

unless otherwise approved by the Executive Director Development or both the City Engineer and Planning Director.

D. Utility Easements. Whenever overhead utilities are allowed in a proposed subdivision or development project by this Development Code, utility easements of sufficient width shall be located along the rear or side lot lines. Whenever possible, such easements shall extend an equal distance into each of the 2 abutting lots. This requirement may be modified by the Approving Authority, if warranted by unusual circumstances in a particular proposed subdivision. Underground utility easements, whenever necessary and to the extent practicable, shall be adjoining and parallel to lot lines.

E. Drainage Easements. The design of a proposed subdivision or development project shall provide for the proper drainage of the proposed subdivision or development project, and all lots and improvements therein, based upon the runoff that can be anticipated from ultimate development of the watershed area where in the subdivision is located. Stormwater detention measures shall be provided when required by the City Engineer, to reduce any adverse effects of increased runoff from development on downstream properties.

F. Lighting and Maintenance Districts and Community Facilities Districts. The City may cause the annexation of an area within a subdivision or development project to be annexed into a Lighting and Maintenance District (LMD), Community Facilities District (CFD), or similar appropriate district, prior to the recordation of a final map or parcel map, or vesting map.

G. Energy Conservation. Pursuant to GC Section 66473.1, the design of a subdivision for which a tentative map is required pursuant to Section 6.08.010 (Maps) of this Division, or a development project, shall provide to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

H. Cable Television Systems. Pursuant to GC Section 66473.3, the Approving Authority may require the design of a subdivision for which a tentative map or parcel map is required pursuant to Section 6.08.010 (Maps) of this Division, to provide for appropriate cable television systems and for communication systems, including, but not limited to, telephone and Internet services, to each lot in the subdivision. This provision shall not apply to the conversion of existing dwelling units to a common interest project.

6.08.020: Monuments

A. Pursuant to GC Section 66495, at the time of survey of the final map or parcel map, the engineer or surveyor shall set sufficient durable monuments so that another engineer or surveyor may readily retrace the survey. The exterior boundary of the land being subdivided shall be adequately monumented or referenced prior to recordation of the final map or parcel map.

B. The subdivider shall submit to the City Engineer, in a form satisfactory to the City Engineer, a tie sheet showing proper ties to the location of the centerline monuments. A minimum of 3 ties shall be shown for each centerline monument. All monuments set, and tie monuments set, shall be permanently marked or tagged with the registration or license number of the responsible engineer or surveyor.

C. Interior monuments need not be set at the time the map is recorded, provided the engineer or surveyor certifies on the map that the monuments will be set prior to City Engineer acceptance of the improvements or within 2 years following the recordation of the final map,

whichever is later, and the subdivider furnishes to the City, security guaranteeing the full payment of the cost of setting the monuments.

D. Pursuant to GC Section 66497, the engineer or surveyor shall notify the subdivider and the City Engineer when monuments have been set. If the subdivider does not present evidence to the City that the engineer or surveyor has been paid for the setting of the final monuments, and the engineer or surveyor notifies the City that payment has not been received from the subdivider for the setting of the final monuments, within 3 months following the date of notification, the City shall pay the amount due to the engineer or surveyor from the monument deposit.

E. In the event of the death, disability or retirement from practice of the engineer or surveyor charged with the responsibility for setting monuments, or in the event of his refusal to set such monuments, the City Council may direct the City Engineer, or such engineer or surveyor as it may select, to set such monuments. If the original engineer or surveyor is replaced by another, the former may release his obligation to set the final monuments to the surveyor or engineer who replaced him, by letter to the City Engineer. When the monuments are so set, the substitute engineer or surveyor shall amend any map filed pursuant to this Section and the provisions of GC Section 66498, and GC Section 66499 through 66472, inclusive.

6.08.025: Reports

A. Soils Report.

1. Prior to the approval of a final tract or parcel map, ~~of~~-vesting map, or development plan, the City may require that the subdivider and/or developer submit a preliminary soils report. If required, the report shall be prepared by a civil engineer who is registered by the State of California and shall be based upon adequate test borings or excavations in the subdivision.

2. A soils report shall be prepared by a qualified civil or geotechnical engineer, who is registered by the State of California. An investigation of each parcel in the subdivision shall be prepared if the preliminary soils report (if required) indicates the presence of any of the following problems:

a. Critically expansive soils or other soil problems that, if not corrected, would lead to structural defects;

b. Rocks or liquids containing deleterious chemicals that, if not corrected, could cause construction materials, such as concrete, steel, and ductile or cast iron, to corrode or deteriorate; or

c. The presence of methane gas and/or other toxic gases or substances, which, if not corrected, could cause life endangerment.

3. The soil investigation shall recommend corrective action that is likely to prevent structural damage to each building proposed to be constructed in the area where the soil problem exists.

4. The City shall approve a soils report (if required) upon determination that the recommended corrective action is likely to prevent structural damage to each building to be constructed in the area where a soil problem exists. The subdivider may appeal the determination to the City Council pursuant to the procedures set forth in Division 2.04 (Appeals) of this

Development Code. Subsequent building permits shall be conditioned upon the incorporation of the recommended corrective action in the construction of each building.

B. Geological Hazard Reports.

1. Prior to the approval of a final tract map or parcel map, ~~or~~ vesting map or development plan, the City may require subdivider or developer submit a geological hazard report if the subdivision includes land within a geologic hazard area identified in the Policy Plan (General Plan) component of The Ontario Plan or by the California Department of Conservation, or if the Building Official determines that other geological conditions warrant the preparation of a report. The report shall be prepared by a civil engineer who is registered by the State of California and shall be based upon appropriate field observations.

2. If the geological hazard report indicates the presence of a potential geological hazard to life, health, or property, a qualified civil or geotechnical engineer, who is registered by the State of California, shall prepare a geological mitigation plan that identifies corrective action for the potential hazard, which shall be filed with the City.

3. The City shall approve the mitigation plan if it is determined that the recommended corrective action is likely to mitigate the potential hazard. The subdivider may appeal the determination to the City Council, pursuant to the procedures set forth in Division 2.04 (Appeals) of this Development Code. Subsequent building permits shall be conditioned upon the incorporation of the recommended corrective action in the construction of each building.

6.08.030: Park Dedication and In-Lieu Fee Regulations

A. Purpose. These park dedication and in-lieu fee regulations are enacted pursuant to the authority granted by GC Section 66477 and shall be interpreted consistent with the provisions thereof. The park and recreational facilities for which payment of impact fees and/or dedication of land are required by the terms of this Section shall be provided in accordance with the standards, specifications, and requirements of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, any applicable specific plan, and any other applicable resolution, policy, or standard of the City.

B. Applicability.

1. Effect on Other Laws. With respect to the requirement for the payment of impact fees or the dedication of land for park and recreational purposes by the subdivider or developer of a residential project, or the residential portion of a mixed-use project, pursuant to this Development Code, this Section shall supersede all other ordinances or regulations of the City inconsistent herewith. The enactment of this Section shall not supersede any other provisions or authority adopted by ordinance of the City Council, unless expressly stated in this Section.

2. Exemptions. The provisions of this Section shall not apply to subdivisions containing less than 5 parcels and not used for residential purposes; provided, however, that a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within 4 years, an impact fee may be required to be paid by the owner of each parcel as a condition to the issuance of such permit. In addition, the provisions of this Section shall not apply to nonresidential subdivisions; or to condominium or stock cooperative projects that consist of the subdivision of

airspace in an existing apartment building that is more than 5 years old, when no new dwelling units are added.

C. Definitions. The following definitions shall govern the meaning of the words as used in this Section, unless from the context in which the word is used, a different meaning is clearly intended:

1. Fair Market Value. The value of land set forth in the City's general and specific plans, which are earmarked to be acquired by the City upon which the City intends to locate park and recreational facilities to service residents of the subdivision. Fair market value shall be based upon an appraisal by a qualified appraiser selected by the City, which appraisal shall be updated from time to time by the City. The fair market value shall be determined as of the time the final map or parcel map is filed. With regard to any park and recreation improvements, or equipment provided by the subdivider, the fair market value shall be the actual cost to acquire, construct, or install the improvement or equipment.

2. Park. A lot that is, or contiguous lots that are, owned, operated, and maintained by a public agency or private association, and which provides recreational land and facilities for the benefit and enjoyment of the residents of the subdivision and of persons residing, working, or visiting in the City. Parks may be classified as community parks, including community centers, athletic facilities, large multi-user swimming pools, picnic areas, cultural centers, or similar facilities; public neighborhood parks, including playground equipment, sports fields, and picnic areas; and private neighborhood parks, generally intended to serve only the immediate subdivision/development or specified planned community in which they are located. Parks may also include, or be limited to, open space areas suitable for active or passive uses.

3. Park and Recreational Facilities. Any public improvements deemed necessary by the City to develop, improve, or rehabilitate land and facilities for park and recreational purposes. Such improvements may include, but not be limited to, grading; landscaped areas for active and passive recreational use, open space and sports fields; irrigation and drainage systems; lawn, shrubs and trees; facilities for recreational community gardening; walkways; bicycle facilities and park lighting; playground or other recreational equipment; picnic facilities; community center or other buildings, swimming pools; volleyball, basketball, tennis, racquetball, and other courts; vehicle driveways and parking areas, and any other facilities which may hereafter be authorized by state law or approved by the City.

4. Private Open Space. Privately owned land and facilities for park and recreation purposes provided within a subdivision, and perpetually maintained and operated by the future residents or owner of the subdivision.

D. Payment of Impact Fees or Park Dedication Required. As a condition of approval of a tentative tract or parcel map, final tract or parcel map, or development project for a residential subdivision or the residential portion of a mixed-use project, or for a building permit within a subdivision, the subdivider shall be required to pay an impact fee, offer for dedication of park land in lieu thereof, or both, at the sole and exclusive option of the City, in the amount provided in this Section, for park and recreational purposes, unless the subdivider is exempted from this requirement by the express provisions of this Section. The payment of an impact fee and/or offering for dedication of land shall be at the time and according to the standards and formula contained in this Section.

E. Standards for Determining Dedication/Maximum Requirement.

1. General. If the park dedication is required under Subsection D (Payment of Impact Fees or Park Dedication Required), above, the park area required shall be determined pursuant to the standards provided in this Section.

2. Standard of Park Area to Population (Park Area Standard Ratio). It is found and determined that the public interest, convenience, health, safety, and welfare of the residents of the City require that 5.0 acres of property for every 1,000 persons residing within the City be devoted to local park and recreational purposes, and that such park area is necessary to provide for the needs of the current and future persons residing and working in the City. The ratio of 0.005 shall hereafter be referred to as the "Park Area Standard Ratio."

3. Computation of Maximum Area of Public Parkland to be Dedicated.

a. The maximum amount of public park land required to be dedicated by a subdivision or development project shall be equal to the Total Number Of Dwelling Unit Types multiplied by the dwelling unit occupancy factor established pursuant to Subparagraph b, below, multiplied by 0.005 (the Park Area Standard Ratio of 5.0 acres per 1,000 population). The computation is represented as follows:

Area of Public Parkland to be Dedicated = (Total Number of Dwelling Unit Types) x (Dwelling Unit Occupancy Factor) x (0.005)

b. The Dwelling Unit Occupancy Factor for each housing type shall be established by resolution of the City Council, based upon the latest available census data.

c. The City Council, by resolution, may require a dedication of parkland less than the maximum amount set forth above if the City Council finds, and clearly establishes that a smaller dedication will adequately serve the public interest, convenience, health, safety, and welfare of the residents of the City.

4. Qualification of Land Being Dedicated. In addition to meeting the requirements set forth in this section, any land offered for park dedication shall meet the applicable criteria specified in Section 6.08.035 (Dedications and Improvements) of this Division.

F. Standards for Determining Park Impact Fee/Maximum Fee.

1. When required by Subsection G (Determination of Dedication, Fees, or Combination) of this Section, the subdivider or developer shall pay to the City, a fee in lieu of making an offer of parkland dedication. For the purposes of impact fee calculation, 3.0 acres of property for every 1,000 persons residing within the City shall be determined to be devoted to local parkland and recreational purposes, thereby resulting in the ratio of 0.003 to be hereafter referred to as the "Park Area Fee Standard Ratio."

2. The Park Impact Fee shall be equal to the total number of dwelling units multiplied by the Dwelling Unit Occupancy Factor established pursuant to Subparagraph E.3.b (Dwelling Unit Occupancy Factor) of this Section, multiplied by the Park Area Fee Standard Ratio, multiplied by the area of parkland to be dedicated under Paragraph E.3 (Computation of Maximum Area of Parkland to be Dedicated) of this Section, multiplied by the fair market value of the land to be developed by the City for parkland and recreational facilities. The computation is represented as follows:

*Park Impact Fee = (Total Number of Dwelling Units) x (Occupancy Factor) x (0.003)
x (Fair Market Value of Land to be Developed)*

G. Determination of Dedication, Fees, or Combination.

1. Impact Fee Generally Required. Where required by the City or where no park or recreational facility located in whole or in part within the proposed subdivision is designated in the general plan of the City or other adopted resolution policy or standard of the City, the subdivider or developer shall pay an impact fee computed in accordance with Subsection F (Standards for Determining Impact Fees/Maximum Fee), above, to be used for park and recreational purposes to serve the residents of the area being subdivided and other members of the public.

2. Dedication in Lieu of Impact Fee. Where a park or recreational facility has been designated in the Policy Plan (General Plan) component of The Ontario Plan of the City, or other adopted resolution policy or standard of the City, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision and other members of the public, the City may require the subdivider to dedicate land for a park and provide recreational facilities thereon in lieu of payment of an impact fee as provided in this Section, if the City determines that dedication is desirable as provided in this Section. If the fair market value of the park and recreational facilities provided is less than that required hereunder, the difference shall be paid by the subdivider as an impact fee.

3. Combination of Land and Fees. The City may accept a combination of land, recreational facilities, and fees, with the respective amounts to be determined by the sole discretion of the City, so long as the aggregate fair market value of the land and recreational facilities, plus in-lieu fees, does not exceed the limits established in this Section.

4. Determination of Land or Fee. Whether the City requires payment of an impact fee, or requires land dedication in lieu thereof, or a combination of both, shall, in the City's sole discretion, be determined by consideration of the following, and such determination shall be final and conclusive:

- a. The provisions of the City's general plan, any specific plan adopted thereto, and any other adopted resolution, policy or regulation of the City;
- b. Topography, geology, access and location of land in the subdivision available for dedication;
- c. Size and shape of the subdivision and land available for dedication;
- d. The feasibility of dedication;
- e. Access and location of other park sites to subdivision; and
- f. Need of other accessible park sites for development, improvement and rehabilitation.

5. Impact Fees for Subdivisions of 50 Parcels or Less. If the subdivision contains 50 lots or less, only the payment of impact fees may be required, except that condominium, stock cooperative or community apartment projects may be required to dedicate land if they have more than 50 dwelling units.

H. Subdivider Credits.

1. Public Parks. The subdivider shall receive a credit against the impact fee payment or park dedication requirement for the fair market value of any land dedicated and for the value of any park and recreation improvements provided by subdivider in conjunction with any public park. The value of such improvements shall be determined by City based upon Paragraph C.4 of this Section.

2. Private Park. In conjunction with any planned development, real estate development, stock cooperative, community apartment, or condominium, as defined by state law, if the subdivider provides private open space as defined in Subsection C (Definitions) of this Section, then the subdivider may receive a credit against the park dedication requirement of this Section, in an amount to be determined by the City Council or its designee, but such credit shall not exceed 33 percent of such impact fee payment or park dedication requirement. The actual amount of such credit shall be determined by the City Council or its designee, based upon the comparability of the private open space to public park area and the adequacy of such private open space to serve the needs of the subdivision for active recreational uses.

3. Application of Credits. The credits provided by Paragraphs H.1 and H.2, above, shall be applied to reduce the subdivider's obligation to dedicate and/or pay an impact fee as required under this Section, but only to the extent of such credit.

I. Disposition of Land or Fees.

1. The amount and location of land to be dedicated, or the impact fees to be paid, shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision. In accordance with GC Section 66477, it is expressly acknowledged that the land to be dedicated or impact fees to be paid may be for both neighborhood and community parks. In addition, such impact fees may be used to improve or rehabilitate existing parks.

2. Impact fees paid by a subdivider pursuant to this Section may be spent to develop, improve, and rehabilitate community and neighborhood parks even though such parks may be used by nonresidents of the subdivision, so long as the benefit of the park and recreational facilities to residents of the subdivision is reasonable in relation to the location of the parks and amount of the impact fees.

J. Time of Payment of Impact Fees or Land Dedication. All park impact fees shall be paid directly to the City Cashier at the time of issuance of a building permit for each lot within the subdivision. In the event of a dedication requirement, the subdivider shall make an irrevocable offer of dedication to the City at the time of recordation of the final map.

K. Schedule of Performance.

1. City's Schedule. The City shall prepare and maintain a schedule specifying how, when, and where land or impact fees, or both, which were dedicated to the City to develop park or recreational facilities will be used. Any impact fees collected pursuant to this Section shall be committed within 5 years after the payment of such fees or the issuance of building permits on 50 percent of the lots created by the subdivision, whichever occurs later. If any fees are not so committed, they shall be distributed to subdivision owners in accordance with law.

2. Subdivider's Schedule. In the event that a subdivider improves or develops parks for public or private ownership, they shall prepare a schedule specifying when, how, and where they will develop the park or recreational facilities to serve the residents of the subdivision. This schedule will be required as a condition of subdivision map approval.

L. Procedure. Unless otherwise expressly provided in this Section, any decision or action required by City in this Section shall be made after the duly noticed public hearing, at the time of approval of the tentative tract map or parcel map by the Approving Authority. Such decision or action shall be made a condition of approval of the subdivision map and shall be final and conclusive in the absence of a timely filed appeal pursuant to Division 2.04 (Appeals).

6.08.035: Dedications and Improvements

A. General Requirements.

1. The public need, safety, and general welfare require that dedications, offers of dedication, and irrevocable offers of dedication of real property for various public uses be made to the City, or other public agency or district, as conditions precedent to the approval or conditional approval of tentative tract or parcel maps, final tract and parcel maps, development plans, reversions to acreage, lot line adjustments, and consolidations and combinations of lots, or any other action or event requiring evidence of official City approval.

2. Dedications may be required for streets, highways, alleys, public service easements, courts, walkways, bicycle trails, equestrian trails, recreation trails, vehicular and pedestrian access rights, slopes, storm drains, watercourses, floodplains, sewers, water lines, water rights, public utilities, traffic signal facilities, transit facilities, environmental enhancement, landscaping, parks, recreation areas, and for all other public uses not specified, if found to be required to conform to, or implement the Policy Plan (General Plan) component of The Ontario Plan or any element thereof, or any applicable specific plan, planned unit development, master plan, and/or City standard. Dedications may also be required by the City on behalf of any other public agency or district.

B. Dedication Requirements.

1. Dedications for streets and highways shall be to the width as designated by the Mobility Element of the Policy Plan (General Plan) component of The Ontario Plan and City standards, or as designated by an approved specific plan. Deviations may be allowed for streets and highway widths not shown in the Mobility Element, or in any approved specific plan, based upon the land use, traffic volumes or other factors as determined by the City Engineer.

2. Dedications for other public easements shall be based upon the need for service, accessibility, topography, clearances available, and other circumstances and factors as determined by the City Engineer.

C. Method of Dedication. Dedications shall be made to the City by the following prescribed methods:

1. Final Map, Parcel Map, or Development Project. All streets, highways, alleys, easements, and lots offered for dedication or to be dedicated shall be clearly indicated on the map or development plan. They shall be clearly described in the appropriate statement on the

title sheet of the map or development plan. Vehicular access right dedications shall likewise be shown and described on the final map.

2. Separate Instrument. Where dedications are made a requirement of the final approval of a Lot Merger, Development Plan, Conditional Use Permit, building permit, or any other permit, and no final map or parcel map is required to be filed and recorded as a condition thereof, the required dedications shall be made by separate instrument in a form approved by the city attorney, which shall be signed, executed and acknowledged by all parties having record title interest in the property or rights being dedicated. Preparation, execution and delivery of the fully executed instrument shall be made prior to the final approval by the City of the lot consolidation, lot combination, development plan, or permit being requested.

3. Fee Title. Fee title shall be granted by the subdivider when in the opinion of the City Engineer, in consultation with the City Attorney, it is necessary to carry out policies and requirements of the Policy Plan (General Plan) component of The Ontario Plan, and any City ordinance, resolution or standard.

D. Acceptance of Dedications. Acceptance of dedications shall be in conformance with the following:

1. At the time of final map or parcel map acceptance and approval, the Approving Authority may accept or accept subject to improvement, any or all dedications or offers of dedication. The City Clerk shall certify the action by the Approving Authority on the map.

2. Until any dedication is accepted by the City by execution of a Certificate of Acceptance recorded in the office of the County Recorder, the City shall not be responsible for, and shall not incur, any liability with respect to the offered property.

3. If any dedication is accepted, including but not limited to road or street, path, storm drain, sanitary sewer, water (potable or recycled), public utilities, and/or other public use easement, the acceptance shall be completed by the execution and recordation of a Certificate of Acceptance, recorded in the office of the County Recorder.

4. If any dedication is accepted subject to the completion and acceptance of public improvements, the City shall not be responsible for or incur any liability with respect to such dedication, unless and until the public improvements are completed by the subdivider and accepted by the City as evidenced by a notice of completion issued by the City Engineer pursuant to Section 6.08.040.J.4 of this Division. The ownership of and responsibility for the construction and maintenance of any public improvement is held by the subdivider and shall remain so until such time as the public improvements are completed and accepted.

5. Offers of Dedication may be terminated and abandoned in the same manner as prescribed for the abandonment or vacation of streets by the Streets and Highways Code (SHC), commencing with SHC Section 8300 or SHC Section 940, as applicable.

6. Acceptance of offers of dedication on a final map shall not be effective until the final map is filed in the office of the County Recorder, or a separate resolution of acceptance, approved by the City Council, is filed in such office.

E. Dedication of Land for Public Access. All vehicular and pedestrian access rights shall be dedicated to the City for those lots abutting any major, primary, secondary or collector street, flood control channel, park, or bike trail, except at designated locations.

F. **Dedication of Land for Public Schools.** Pursuant to GC Section 66478, the City may reserve an elementary school site within a proposed subdivision for later purchase by the appropriate school district. Whenever there is consideration of an area for a public school site within a subdivision, the city shall notify the school district and the State Department of Education, in writing, of the proposed site. The notification shall include the identification of any existing or proposed airport runways within the distance specified in State Education Code Section 17215.

1. **Standards.** As a condition of approval of a tentative or vesting tentative map, and as allowed by state law, a subdivider who develops or completes the development of one or more subdivisions within the school districts serving said subdivision, shall dedicate to the school district such lands as the Approving Authority deems necessary, for the purpose of constructing elementary schools necessary to assure the residents of the subdivision adequate public school service.

2. **Consistency with Policy Plan (General Plan).** School sites offered for dedication shall conform to the policies in the Policy Plan (General Plan) component of The Ontario Plan and relevant specific plans, and the requirements of the school district.

3. **Timing.** The requirement of dedication shall be imposed at the time of approval of the tentative or vesting tentative map. If, within 30 days following the requirement to dedicate is imposed by the City, the school districts do not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to 60 days following the filing of the final map on any portion of the subdivision.

4. **Repayment of Costs.** Upon accepting the dedication, the school district shall repay to the subdivider, or their successors, the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

a. The cost of any improvements to the dedicated lands since acquisition by the subdivider;

b. The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication; and

c. Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

5. **Exception.** These dedication requirements for public school lands shall not apply to a subdivider who has owned the land being subdivided for more than 10 years prior to the filing of the tentative map.

G. **Dedication for Streets.** In order to meet the City's transportation goals as described in the Mobility Element of the Policy Plan (General Plan) component of The Ontario Plan, any subdivider or developer of land shall dedicate, or make an irrevocable offer of dedication, of all land within the subdivision or the site that is needed for public streets and alley ways.

1. **When Required.** The dedication, or irrevocable offer of dedication, of land for streets and alley ways shall be a condition of approval of any tentative tract or parcel map, or vesting map submitted pursuant to Section 4.02.095 (Subdivisions—Tentative Tract and Parcel Maps, and Vesting Maps) of this Development Code, or the approval of any Development Plan

submitted pursuant to Section 4.02.025 (Development Plans) of this Development Code, for the construction, alteration, or enlargement of any building or dwelling, or the establishment of any agricultural, commercial, or industrial land use. Furthermore, an owner, lessee, or agent constructing, altering, or enlarging a building or dwelling, or establishing an agricultural, commercial, or industrial land use, shall provide appropriate street dedication, or make an irrevocable offer of dedication, as a condition of building permit issuance, except that such dedications shall not be required for the following:

- a. Any accessory building that does not exceed 1,000 SF of GFA;
- b. Any alteration, enlargement, or addition that does not exceed 50 percent of the area of an existing building, dwelling, or land use, not to exceed 2,000 SF of GFA;
- c. The installation or construction of walls, fences, or signs;
- d. Temporary land uses not exceeding 30 days duration; and
- e. Unenclosed agricultural land uses legally established pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

2. Rights-of-Way. Street dedications shall include the full right-of-way required for the functional classification of roadway as described in the Mobility Element of the Policy Plan (General Plan) component of The Ontario Plan, and applicable specific plans, and Section 6.08.015 (Subdivision Design) of this Division.

3. Street Design. Streets to be dedicated to the City, as well as any private streets, shall follow the design specifications in Subsection 6.08.015.C (Street Rights-of-Way) of this Division.

H. Dedication for Pedestrian and Bicycle Paths. Whenever a subdivider or developer is required to dedicate roadways to the public, a dedication of land may be required to provide bikeways and pedestrian paths for the use and safety of the residents of the subdivision, or to provide bikeways and pedestrian paths as shown in the Mobility Element of the Policy Plan (General Plan) component of The Ontario Plan, any bicycle or pedestrian master plan adopted by the City, or an applicable specific plan.

I. Dedication for Local Transit Facilities. In order to provide adequate local transit facilities, whenever a subdivider or developer is required to dedicate roadways to the public, a dedication of land shall be required for local transit facilities, such as bus turnouts, benches, shelters, landing pads, and similar items, that directly benefit the subdivision, or the community as a whole, as required by the Planning Director and/or the City Engineer, and as described in the Mobility Element of the Policy Plan (General Plan) component of The Ontario Plan, or an applicable specific plan. To facilitate a logical phasing of transit facility improvements, the City may require the payment of a fee in lieu of the construction and installation of required improvements.

J. Improvement of Bridges, Signals, and Thoroughfares. Pursuant to GC Section 66484 and Section 4.02.025 (Development Plans) of this Development Code, the subdivider or developer shall pay traffic impact fees for the purpose of defraying the actual or estimated cost of constructing major thoroughfares, other citywide transportation improvements or bridges. The City Council shall establish procedures and standards for determining the appropriate fees.

1. Construction, modification, or upgrading of traffic signals and appurtenances may be required as a condition of the approval of any subdivision, land division, development plan, or

use or building permit, if the additional traffic generated by the tract or development, the safety of the traveling public, the increased use of the streets, or other circumstances necessitate the construction.

2. Where the development of a subdivision or other project will be phased over a period time, and, in the opinion of the City Engineer, the full effect of increased burden on the streets will not be realized immediately, the subdivider or developer may be required to deposit a cash amount in the estimated value of the traffic signal improvements ultimately to be made, which sum shall be used at such time as the construction of the signal and appurtenances is warranted. In lieu of a cash deposit, the subdivider or developer may be permitted to post a bond or other surety to guarantee the installation of required traffic signals in a form satisfactory to the City Engineer and City Attorney. The exact amount, details and timing of the deposit and future construction shall be subject to an agreement between the city and the subdivider or developer.

K. **Groundwater Recharge Facilities.** Pursuant to GC Section 66484.5, the subdivider shall pay fees for the purpose of constructing recharge facilities for the replenishment of the underground water supply in that area of benefit. The City Council shall establish procedures and standards for determining the appropriate fees.

L. **Reservations for Other Public Uses.** In addition to the dedications for specific public uses that this Section requires, the subdivider or developer shall reserve land within the subdivision for wells, fire stations, libraries, or other public uses, consistent with the Policy Plan (General Plan) component of The Ontario Plan and applicable specific plans, provided that:

1. Develop in an Orderly and Efficient Manner. The reserved area is of a size and shape that permits the balance of the property within which the reservation is located to develop in an orderly and efficient manner;

2. Feasibility of Development. The amount of land reserved will not make development of the remaining land held by the subdivider economically infeasible; and

3. Consistency with Policy Plan (General Plan). The reserved area shall conform to the Policy Plan (General Plan) component of The Ontario Plan and applicable specific plans, and shall be in such multiples of streets and lots as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period. In such an event, the subdivider shall make those changes that are necessary to permit the reserved area to be developed for the intended purpose, consistent with good subdividing practices.

M. **Drainage Facilities and Grading.** Drainage facilities shall be provided and installed as necessary to help protect the lots, parcels, buildings, and structures from flooding, and to minimize flooding of the public streets therein or abutting the property.

1. Facilities shall be designed to minimize the inundation of private properties from storm runoff emanating from a 100-year frequency storm.

2. Public streets shall be protected from flooding from runoffs of a 10-year frequency storm pursuant to City standards or approved equivalent. Protection to higher levels may be required by the City Engineer, dependent upon the degree of flood risk involved, the topography, location, local drainage patterns, and the requirements of the San Bernardino County Flood Control District.

3. Hydrologic and hydraulic calculations and studies for required facilities shall be subject to review and acceptance by the City Engineer and/or Building Official. All grading done in conjunction with the development of a tract or property shall be performed in conformance with the City's building code, the City grading standards, and good engineering practices.

4. On-site and off-site storm drain facilities, and site grading, shall be designed and constructed to prevent undue erosion of the site or off-site properties, and to prevent excessive deposits of mud, silt, or debris upon any public street or easement, or within any channel, storm drain facility, swale, or watercourse. The drainage facilities shall be designed in accordance with the City's drainage master plan, applicable elements of the Policy Plan (General Plan) component of The Ontario Plan, and any applicable specific plan.

N. Sewage Facilities Improvements. Sewer mains, manholes, and appurtenances shall be constructed to serve each subdivision, lot, parcel, building or structure, and individual laterals shall be provided to each lot therein. All such facilities shall be installed prior to the paving of the streets, alleys, or improvement of the easements within the development. Sanitary sewers shall be constructed to the sizes, lines, grades, and design pursuant to City standards, and applicable elements of the Policy Plan (General Plan) component of The Ontario Plan, or any applicable specific plan.

O. Water Supply System Improvements. Water mains, service meters, cross connection control devices, valves, fire protection facilities, and all other appurtenances of the water system shall be provided to the applicable City master plan(s), and water lines, grades, and design shall be pursuant to City standards, and as required by applicable elements of the Policy Plan (General Plan) component of The Ontario Plan, or any applicable specific plan.

P. Underground Utilities and Service Lines. Whenever any tentative tract or parcel map, development project, or map for the reversion of lots to acreage is filed, all electrical, telephone, cable television, and similar wires, cables, services, and appurtenances that provide direct service to the property being subdivided, divided, or developed, shall be installed underground, and all existing facilities providing direct service to the building, structure, or development being added to or rebuilt, shall be underground as a condition precedent to the approval of the tentative tract or parcel map, by the City Council or City Engineer, as applicable.

Q. Development Impact Fees.

1. Prior to the issuance of a building permit for construction on any lot within any subdivision or development project, the applicant for such permit shall pay all development impact fees established by resolution or ordinance of the City.

2. The City Council may authorize by resolution, the imposition of development impact fees that are less than the maximum fees, to encourage the development of undeveloped and underdeveloped properties within the "Old Model Colony" area of the City.

3. Where it is determined that the public interest would be served by such an agreement, the City Manager is hereby authorized to negotiate and execute agreements on behalf of the City, in order to provide credits to a project applicant against certain development impact fees, in exchange for the applicant's construction and dedication of public improvements on those reasonable terms and conditions as may be negotiated on a case-by-case basis, subject to approval by the City Council.

4. The City Manager is further authorized to negotiate and execute agreements to defer, waive, or reduce any development impact fees imposed upon an applicant for a particular development project, based upon evidence presented by the Applicant, that:

a. The development project will provide a general benefit to the health, safety, morals, and welfare of the citizens of the City, and will not only be of special benefit to the project applicant; or

b. Other properties to be benefitted by any development impact fee will not be unfairly burdened by the delay, reduction, or waiver of said development impact fee; or

c. Deferral, waiver, or reduction in development impact fees will result in a more fair funding arrangement, and in the case of waiver or reduction, the owner will receive insufficient or no benefit from the development impact fee imposed, and would, therefore, be required, if the fee(s) were imposed in full, to pay more than their fair share for the benefit received.

5. The required findings (Subparagraphs 4.a through c, above) and any resulting agreement(s) to defer, waive, or reduce any development impact fee(s) shall be subject to approval by the City Council.

R. **Condemnation Proceedings.** When any dedication, improvement or design is required by the City Engineer, and the subdivider or developer does not have full control of the land required in connection with the dedication, improvement or design, and condemnation proceedings are necessary as determined by the City, the subdivider or developer shall pay all necessary and reasonable costs involved in the condemnation or acquisition including, but not limited to, appraisal and court costs.

6.08.040: Improvement Plans and Security

A. **Design of Improvement Plans.**

1. Following approval of a development project, tentative tract or parcel map, or vesting tentative map, and prior to the submission of any final map or parcel map, the subdivider or developer shall prepare and submit complete sets of improvement plans and cost estimates for any improvement(s) required.

2. The acceptance of all required improvement plans by the City Engineer shall be a prerequisite to the approval of the final map or parcel map, and in the case of a development project, shall be prerequisite to the issuance of any building permit.

3. All public or private improvement plans, profiles, descriptions, studies, calculations, notes, surveys and drawings required pursuant to this Division shall be provided at no expense to the City and shall be prepared pursuant to the requirements of this Section and as required by the City Engineer.

4. Construction plans for street, alley, drainage, sewer, and water improvements, traffic signals, and streetlights, and for any other required improvements, shall be drawn on standard City mylar film, in indelible ink, and shall be filed with the City Engineer for checking and review prior to their acceptance. All maps, sketches, descriptions, estimates, plans and other

drawings and items required to fulfill the requirements of this Division shall also be provided in the form, content, number, and details as specified by the City Engineer.

5. The plans and profiles of all required and proposed public and private improvements in a subdivision or development plan shall be furnished to the City Engineer and shall be ready for acceptance before a final map of the subdivision or the development plan is presented to the Approving Authority for approval.

6. No construction work shall commence on any of the improvements shown on any construction or improvement plans required herein until the plans have been reviewed, approved, and signed by the City Engineer. After acceptance and signature by the City Engineer, all original drawings shall become the property of the City.

B. Application Requirements. The improvement plans shall be prepared by or under the direction of a registered civil engineer licensed by the state of California, and shall show the complete plans, profiles and details for all streets and appurtenances, storm drainage, water systems and fire hydrants, sewers, utilities, grading and all other improvements proposed or necessary, on-site and off-site. They shall meet all the requirements deemed necessary by the City Engineer.

C. Application Review Process.

1. Upon receipt of a complete set of improvement plans, the City Engineer shall cause the plans to be reviewed and return one set to the applicant or their engineer, with the required revisions, if any, marked thereon.

2. When the plans are found to be complete and satisfactory to the City Engineer, the applicant shall submit copies in the number and term deemed necessary by the City Engineer. The copies shall be accompanied by any additional number of complete sets of copies the applicant, their engineer, and contractors may require, to be noted as approved by the City Engineer.

D. Acceptance by City Engineer.

1. Upon finding that all required revisions have been made, all required fees have been paid, and the plans conform to all applicable City ordinances, standards, and conditions of approval imposed upon the tentative map or development plan, the City Engineer shall accept the improvement plans.

2. Pursuant to GC Section 66456.2, the City Engineer shall act within 60 days of receiving the preliminary improvement plans and calculations, except that at least 15 days shall be provided for processing any resubmitted improvement plan. The period of 60 days shall not include any days during which the improvement plans have been returned to the subdivider for corrections or have been subject to review by any party other than the City or a private entity contracted by the City.

3. The City Engineer's acceptance of improvement plans shall not relieve the subdivider or developer of responsibility for the design of the improvements and for any deficiencies in the improvements.

E. Permit Required. The subdivider or developer shall not commence work on any portion of improvements prior to the issuance of an encroachment permit and payment of applicable

permit and inspection fees. The City Engineering Department shall be notified in advance of commencement of any portion of the work.

F. Construction of Improvements.

1. All construction methods and materials for improvements shall conform to the approved improvement plans, the requirements of the applicable construction permit, and any other applicable City standards and requirements.

2. All construction of improvements is subject to inspection by the City Engineer. The subdivider and/or developer shall notify the City Engineer before beginning the construction of any improvements. The City shall always have full access to the improvement work during its construction.

G. Completion of Improvements/Subdivision Improvement Agreement.

1. If any public improvement required with the approval of a subdivision will not be completed and accepted pursuant to Section 6.08.035 (Dedications and Improvements) of this Division, prior to approval of the final map, the subdivider, at their expense, shall enter into a Subdivision Improvement Agreement as a condition precedent to approval of the final map, to complete the public improvements. Performance of the Subdivision Improvement Agreement shall be guaranteed by the security specified in Subsection I (Improvement Security) of this Section, and GC 66499 et seq.

2. A subdivision improvement agreement shall be prepared by the City Engineer in a form approved by the City Attorney, and shall provide for the following:

a. Construction of all improvements shall be as set forth in the approved plans and specifications;

b. The maximum period within which all improvements shall be completed to the satisfaction of the City Engineer;

c. Provisions for inspection of all improvements by the City Engineer and payment of fees by the subdivider for the cost of such inspection and all other incidental costs incurred by the City in enforcing the agreement;

d. If the subdivider fails to complete the work within the specified period of time, or any extended period of time that may have lawfully been granted to the subdivider, the City may, at its option, complete the required improvement work and the subdivider and their surety shall be firmly bound, under a continuing obligation, for payment of the full cost and expense incurred or expended by the City in completing such work, including interest from the date of notice of said cost and expense until paid;

e. In the event of litigation occasioned by a default of the owner or subdivider, his successors or assignees, the owner or subdivider, their successors or assignees will pay all costs involved, including reasonable attorney's fees, and that the same may be recovered as part of a lien against the real property; and

f. Additional terms or provisions, as may be necessary, pertaining to the forfeiture, collection, and disposition of improvement security upon the failure of the contracting

party to comply with the terms and provisions thereof or with the terms and provisions of this Development Code.

3. A subdivision improvement agreement shall be valid for a period specified in the agreement, but not to exceed 2 years from the effective date of the agreement.

a. The term of a subdivision improvement agreement may be extended at the discretion of the City Engineer.

b. A subdivision improvement agreement shall not only bind the present subdivider, but also all heirs, successors, executors, administrators, and assignees, so that the obligation runs with the real property. All agreements shall be executed by all those parties executing the final or parcel map.

H. Inspection of Improvements.

1. The construction of improvements required pursuant to this Division shall be subject to inspection and testing by the City Engineer to ensure compliance with the standards and specifications specified and required by this Division. All work and improvements shall be found to conform to the standards and specifications as a condition of the City's acceptance and release of any improvement securities held therefor.

2. No construction shall commence or continue without arrangements first having been made with the City Engineer for inspection. The City Engineer and his authorized representatives shall have the right to stop any work, refuse to inspect any work, or reject any or all work and construction if it is found that the work is unauthorized, is unsafe in any way to the workers or the public, is inferior in materials or workmanship, was performed without inspection, or does not meet or comply with city standards, specifications, or city-approved construction plans. Reasonable access to the construction and work shall be provided at all times so that full knowledge of the progress, workmanship, and character of the materials used in the work can be gained.

3. Upon completion of the required improvements, the subdivider or developer shall apply in writing to the City Engineer for preliminary final inspection. The City Engineer shall conduct a preliminary final inspection and prepare a deficiency list, noting all additional work to be performed and deficiencies in existing work to be corrected. The City Engineer shall provide a copy of the deficiency list to the subdivider or developer. If there are an excessive number of deficiencies or missing improvements, the City Engineer may choose to postpone the inspection.

4. After the subdivider or developer has corrected all of the items on the deficiency list, the subdivider or developer shall apply to the City Engineer for final inspection. The City Engineer shall conduct a final inspection and verify that the items on the deficiency list have been corrected. Upon verification, and after receiving record drawings (improvement plans), the City Engineer shall accept the improvements and issue a notice of completion to the subdivider or developer.

5. The City Engineer's acceptance of improvements shall not relieve the subdivider or developer of responsibility for correcting any deficiency that subsequently is discovered.

I. Improvement Security. Performance of a subdivision improvement agreement required pursuant to Subsection G (Completion of Improvements/Subdivision Improvement Agreement) of this Section shall be guaranteed by the security specified herein and GC Section 66499 et seq.

Any public improvement required with the approval of the Development Plan submitted pursuant to Section 4.02.025 (Development Plans) of this Development Code, at the discretion of the City Engineer, shall be guaranteed by the security specified herein.

1. Acceptable Forms of Required Improvement Security. Improvement securities shall be posted as a guarantee of the performance of any act, improvement, or obligation required as a condition of approval of any final map or parcel map, parcel map waiver, lot line adjustment, lot merger or development project. Unless otherwise provided herein, all such improvement securities shall be provided in one of the following forms, subject to approval and acceptance by the City Engineer and City Attorney:

a. *Bonds by Authorized Corporate Sureties.* One or more bonds by one or more duly authorized corporate sureties substantially in the form prescribed by the Subdivision Map Act, and subject to approval and acceptance by the City Attorney and City Council;

b. *Negotiable Bonds or a Letter of Credit.* A deposit with the City of immediately negotiable bonds or a letter of credit; or

c. *Cash and/or Negotiable Bonds of The Kind Approved for Securing Deposits of Public Moneys.* A deposit with the City or a responsible escrow agent or trust company, at the option of the City, of cash and/or negotiable bonds of the kind approved for securing deposits of public moneys; or

d. *Lien or Other Security Interests.* Any other form of security, including a lien or other security interests in real property, which the City Engineer and the City Attorney may, in their discretion, allow; provided, they determine that it is equivalent to the foregoing forms of security in terms of security and liquidity. Any written contract or document creating security interests shall be recorded in the Office of the County Recorder. From the time of recordation, a lien shall attach to the real property described therein, which shall have the priority of a judgment lien in the amounts specified.

2. Required Security Amounts.

a. *Performance and Guarantee.* The subdivider or developer shall provide an amount determined by the City Engineer, up to 100 percent of the total estimated cost of the improvement to be performed, including costs and fees incurred by the City. The estimated cost of improvement shall include a 10 percent contingency and a 10 percent increase for projected inflation computed to the estimated mid-point of construction; and

b. *Payment.* The subdivider or developer shall provide an amount determined by the City Engineer, up to 100 percent of the total estimated cost of the improvement to be performed, excluding grading and monumentation.

3. Release of Improvement Security. Improvement security may be released upon the final completion and acceptance of the act or work by the City Engineer; provided, however, such release shall not apply to the amount of security deemed necessary by the City Engineer for the guarantee and warranty period, nor to costs and reasonable expense fees, including reasonable attorney's fees incurred by the City in enforcing any improvement agreement. The subdivider or developer shall not be entitled to any reduction in security, except pursuant to Paragraph 4 (Partial Release of Improvement Security), below, until all improvements have been completed to the satisfaction of, and have been accepted by, the City Engineer.

4. Partial Release of Improvement Security. A partial release of performance security may be requested in writing from the Engineering Department. The portion of the performance security, in conjunction with the satisfactory completion of a part of the improvements as the work progresses, may be released upon the approval of the City Engineer, subject to the following:

- a. No release shall be considered until at least 50 percent of the improvements are completed;
- b. No release shall be considered for an amount less than 10 percent of the original total improvement security given for performance and guarantee;
- c. An amount of up to 200 percent of the revised estimated construction cost for the remaining required improvements shall be required for the substitute security (or the remaining security);
- d. The City Engineer is responsible for reviewing all applications and shall determine the amount of substitute security required in accordance with Subparagraph I.4.c, above; and
- e. The original performance security may be released only upon receiving the proper substitute security, which has been determined acceptable by the City Attorney and the City Engineer.

J. Completion of Improvements.

1. Public improvements required as a condition of approval shall be completed pursuant to this Division unless they are deferred pursuant to Subsection K (Deferred Improvements) of this Section. The City Engineer shall review and approve any improvement agreement, conduct an inspection, and approve any constructed public improvement necessary to satisfy this provision, with the City Council delegating final approval to the City Engineer of any agreement or acceptance of any completed public improvement.

2. Once begun, public improvements for a final tract or parcel map, or development plan when required, shall be constructed to completion without interruption. The subdivider or developer shall exercise due diligence to ensure that this provision is met to the satisfaction of the City Engineer. Construction and inspection of public improvements shall be governed by City standards and the requirements of any applicable permit.

3. Notwithstanding any applicable agreement, the construction and maintenance of any public improvement is the responsibility of the subdivider or developer and shall remain so until such time that the City Council accepts the completed public improvements.

4. Upon acceptance of a public improvement, the City Engineer shall provide a notice of completion for that public improvement and shall release applicable securities for that public improvement. This action shall serve to transfer ownership and maintenance responsibility of the public improvement from the subdivider or developer to the City, and to provide full acceptance of the applicable dedication or easement, which acceptance had been contingent upon completion and acceptance of public improvements within said dedication or easement, subject to the terms of any applicable agreement.

K. Deferred Improvements. The Approving Authority for a tentative map or parcel map shall be responsible for approving any request for the deferred construction of on-site and off-site

improvements required by a tentative map or parcel map. The City Attorney shall approve the form and content of all deferred improvement agreements prior to the City accepting the document.

6.08.045: Common Interest Subdivisions

A. Purpose. The purpose of this Section is to establish criteria for the establishment of common interest subdivisions. For the purposes of this Section, the term “common interest subdivision” means a community apartment, condominium, planned development, or stock cooperative.

B. Applicability. The herein prescribed regulations shall be implemented in conjunction with the establishment of any common interest subdivision in the City.

C. Common Interest Subdivisions are Exempt from Minimum Lot Area and Building Setback Requirements. Common interest subdivisions shall be exempt from the minimum lot area and building setback regulations applicable to individually numbered and/or lettered lots identified on a tract or parcel map, excepting one-lot subdivisions. For the purposes of a common interest subdivision, any minimum lot area requirement shall be applied to the overall area of the common interest subdivision. Furthermore, any minimum building setback requirement shall only be applied to the exterior boundary of the common interest subdivision.

D. Recordation of a Tract or Parcel Map is Required. The establishment of a common interest subdivision shall require the approval and recordation of a tract or parcel map pursuant to the provisions of the Subdivision Map Act (commencing with GC Section 66410), Section 4.02.100 (Subdivisions—Tentative Tract and Parcel Maps, and Vesting Maps) and Section 4.03.030 (Final Maps and Parcel Maps) of this Development Code, and all applicable requirements of this Division.

E. Recordation of Covenants, Conditions, and Restrictions (CC&Rs). Covenants, conditions, and restrictions, if required, shall be recorded concurrently with the final map or parcel map, required pursuant to Subsection D (Recordation of a Tract or Parcel Map is Required), above, in the office of the San Bernardino County Recorder.

1. The purpose of the covenants, conditions, and restrictions is to guarantee compatibility and coordination of all lots or units within a common interest subdivision in terms of access, parking, landscaping, recreation facilities, open space, property and landscape maintenance, and architecture. Furthermore, the covenants, conditions, and restrictions shall establish a property owner (or homeowner) association for the purpose of maintaining common areas and facilities, enforcement of the covenants, conditions, and restrictions, regulation of operations and uses within the development, and ensuring continued architectural and landscaping compatibility within the development.

2. The covenants, conditions, and restrictions shall be subject to approval and acceptance by the Planning Director and City Engineer prior to recordation. Furthermore, the City may be required to be a non-voting member of the association and maintain the right of enforcement of the covenants, conditions, and restrictions.

3. The covenants, conditions, and restrictions shall include the establishment of a specific methodology or procedure for enforcement of its provisions by the City, if adequate maintenance of the development does not occur. Such procedures may include, but is not

limited to, granting the City the right of access to correct maintenance issues and assess the property owner (or homeowner) association for all costs incurred by the City.

F. **Recordation of a Condominium Plan.** The establishment of a condominium shall require the approval of a Condominium Plan by the City and the recordation of said Condominium Plan in the office of the San Bernardino County Recorder, prior to the sale of the first dwelling unit.

6.08.050: Conversion to a Residential Common Interest Project

This Section shall apply to the conversion of any existing residential real property to a common interest project, including condominium, community apartments, stock cooperative project, or any other similar form of common ownership, except conversion projects for which a final or parcel map has been approved prior to the effective date of this Development Code, or where the conversion involved a limited equity housing cooperative as defined in HSC Section 33007.5. All provisions, conditions, and further definitions of condominium development, as included in the California Civil Code, shall apply to the divisions of real property as permitted herein.

A. **Purpose.** The purpose of this Section regulating conversions to a residential common interest project is as follows:

1. Establish criteria for the conversion of existing single-family and multiple-family rental housing to community apartments, condominiums, planned developments, or stock cooperatives;
2. Ensure that converted housing achieves high quality appearance and safety, and is consistent with the goals and policies of The Ontario Plan;
3. Endeavor to maintain a reasonable balance of ownership and rental housing within the City, and a variety of housing choices of varying tenure, type, price, and location;
4. Ensure that the purchasers of community apartments, condominiums, planned developments, or stock cooperatives converted from existing rental housing stock have been properly informed as to the physical condition of dwellings offered for purchase; and
5. Ensure compliance with all requirements of applicable development, building, fire codes, plumbing, and electrical codes, and other applicable State and local laws and regulations, in effect at the time of filing of the tentative subdivision maps for conversion.

B. **Applicability.** Any conversion to a residential common interest project, including a community apartment, residential condominium, residential planned development, or residential stock cooperative, shall be subject to all applicable provisions of the Subdivision Map Act (commencing with GC Section 66410), the requirements of this Section, and all other applicable requirements of this Development Code and the Ontario Municipal Code.

C. **Application Requirements.** A residential common interest project conversion request shall consist of the following:

1. **Subdivision Application.** A subdivision application as required by Section 4.02.100 (Subdivisions—Tentative Tract and Parcel Maps, and Vesting Maps) of this Development Code.

2. Physical Elements Report. A report on the physical elements of all structures and facilities shall be submitted with the tentative or vesting tentative map. The report shall include, but not is limited to, the following:

a. Architect's or Engineer's Report. A report by a licensed architect or engineer detailing the structural condition of all elements of the property, including foundations, electrical, plumbing, utilities, walls, ceiling, windows, recreational equipment, parking facilities, appliances, and fixtures. The report shall state, to the best knowledge or estimate of the applicant, the following:

- (1) When the element was constructed or installed;
- (2) The condition of each element;
- (3) When the element was replaced;
- (4) The approximate condition of each element;
- (5) Any variation or non-compliance of the element from this Development Code and the Building Code in effect on the date the last building permit was issued for the subject structure;
- (6) The approximate date upon which the application for conversion was filed and accepted by the city; and
- (7) The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed.

b. Pest Control Report. A report from a licensed structural pest control operator, approved by the city, on each structure and each unit within the structure.

c. Soils and Geological Hazard Reports. Soils and geological hazard reports prepared pursuant to Section 6.08.025 (Reports) of this Division, regarding soil deposits, rock formations, faults, groundwater, landslides, and liquefaction within the vicinity of the project, and a statement regarding any known evidence of soil problems relating to the structures. Reference shall be made to any previous soils reports for the site and a copy submitted with the report.

d. Repairs and Improvements Report. A statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a high degree of appearance and safety.

e. Notice to Tenants. The subdivider shall supply proof of all written notices as required by the Subdivision Map Act for conversion projects, as listed in Subsection E (Notice to Tenants) of this Section.

f. Plans and Information. The subdivider shall provide plans, maps, reports, special studies, exhibits, and any other information deemed necessary by the City to process the conversion, as identified on the applicable City application forms.

g. Proposed Declaration. The subdivider shall provide a proposed declaration, as required by CC Section 1353. The declaration shall include an agreement for the

creation of an association responsible for common area maintenance, a clear designation of parking and signage rights, and a method for resolving differences.

h. Development Plan Application Required. The developer shall submit a Development Plan application for approval of the conversion pursuant to Section 4.02.030 (Development Plans) of this Development Code.

D. Procedures.

1. Notification and Hearing Requirements. A final subdivision map creating a community apartment, condominium, planned development, or stock cooperative from the conversion of rental housing units, unless the subdivider shows that the following notification procedures have been fulfilled:

a. Each of the tenants or prospective tenants of the proposed community apartment, condominium, planned development, or stock cooperative project has received or will receive each of the notices included in the Subdivision Map Act (commencing with GC Section 66410), including the following:

(1) Written notification pursuant to GC Section 66452.8 and GC Section 66452.9, of intention to convert, provided at least 60 days prior to the filing of a tentative map;

(2) Written notification at least 10 days prior to the date of the public hearing at which the Approving Authority will review the Conditional Use Permit for the requested conversion in compliance with GC Section 65090 and GC Section 65091. Notice shall also be mailed to the owner of the subject property, as well as all property owners within 300 FT of the subject property, as shown on the last equalized tax assessor roll. In addition, a notice of public hearing shall be published at least once in a newspaper of general circulation at least 10 days prior to the hearing;

(3) Written notification pursuant to GC Section 66427.1(a) that each tenant shall receive a 10-day notice that a final public report will be, or has been, submitted to the Department of Real Estate, that the period for each tenant's right to purchase begins with the issuance of the report, and that the report will be available from the City, upon request;

(4) Written notification that the subdivider has received the public report from the Department of Real Estate. This notice shall be provided within 5 days after the date that the subdivider receives the public report from the Department of Real Estate;

(5) Written notification within 10 days following approval of a final map for the proposed conversion;

(6) Upon approval of a final map for the proposed conversion, written notification shall continually be delivered to all prospective tenants prior to execution of a rental agreement using the form in GC Section 66459(a). Failure to do so will not be grounds to deny the conversion, but will require the subdivider to pay each prospective tenant who was entitled to that notice, an amount as indicated in GC Section 66459(f);

(7) Written notification pursuant to GC Section 66452.11 shall be provided to all affected tenants at least 180 days prior to termination of tenancy due to the conversion or proposed conversion, but not before the City has approved a tentative map for the conversion. The notice given pursuant to this subparagraph shall not alter or abridge the rights or

obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by CC Section 1941, 1941.1, and 1941.2; and

(8) Notice of an exclusive right to contract for the purchase of a tenant's respective unit upon the same terms and conditions that the unit will be initially offered to the general public, or terms more favorable to the tenant. The exclusive right to purchase shall commence on the date the subdivision public report is issued, as provided in BPC Section 11018.2, and shall run for a period of not fewer than 90 days, unless the tenant gives prior written notice of their intention not to exercise the right. Notice shall be given using the form included in GC Section 66452.12(b).

b. If a rental agreement was negotiated in a language other than English, all required written notices regarding the conversion of residential real property into a community apartment, condominium, planned development, or stock cooperative project shall be issued in that language.

2. Division of Airspace Not Required. A map of a community apartment, condominium, planned development, or stock cooperative project need not show the buildings or the manner in which the buildings or the airspace above the property shown on the map are to be divided. The City does not have the right to refuse approval, of a conversion project (tentative or final map, or parcel map), based upon the manner in which the airspace is divided or any of the provisions listed in GC Section 66472.

3. Limitation on the Number of Rental Housing Units Converted Within a Current Calendar Year. The conversion of rental housing units to a community apartment, condominium, planned development, or stock cooperative, shall not result in the conversion of more than 5 percent of the potentially convertible rental units in the City during any current calendar year.

E. Notice to Tenants.

1. Tenant Notifications. The developer shall notify current and potential tenants according to Paragraph D.1 (Notification and Hearing Requirements) of this Section and the Subdivision Map Act.

2. Tenant Rights.

a. *Tenants Right to Purchase.* As provided in GC Section 66427.1(b), any present tenant or tenants of any housing unit shall be given a nontransferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. The right of first refusal shall extend for at least 60 days from the date of issuance of the subdivision public report pursuant to BPC Section 11018.2, unless the tenant gives prior written notice of his intent not to exercise the right.

b. *Vacation of Units.* Each tenant that does not purchase a housing unit, and is not in default under the obligations of the rental agreement or lease under which they occupy the unit, shall have no fewer than 180 days from the date of receipt of notification from the owner of their intent to convert, or from the filing date of the final map, whichever date is later, to find substitute housing and to relocate. Tenants shall have the right to terminate leases at any time after receiving the notice.

c. *Increase in Rents.* From the date of submittal of the tentative or vesting tentative map, until the sale of the unit, no tenant's rent shall be increased more frequently than once every 12 months, at a rate no greater than the Consumer Price Index, as compiled by the Federal Bureau of Labor Statistics. This limitation shall not apply if rent increases are provided for in leases or contracts in existence prior to the filing date of the tentative map.

d. *Notice to New Tenants.* After submittal of the application to convert, any prospective tenant shall be notified in writing by the developer of the intent to convert prior to leasing or renting any unit and shall not be subject to the provisions of Subparagraph E.2.c (Increase in Rents) of this Section.

e. *Senior Citizens, the Handicapped, and the Disabled.* The developer shall be required to retain ownership of units occupied at the time of filing of the tentative map by senior citizens (persons 62 years of age or older) or the handicapped (as defined by HSC Section 50072) or the disabled (as defined by 42USC423), for a period of one year from the date of approval by the Approving Authority.

F. Standards for Conversion.

1. Building and Physical Standards.

a. The community apartment, condominium, planned development, or stock cooperative conversion project, and all individual units and common areas contained therein, shall comply with all applicable existing and current development, building (including energy conservation and sound transmission), fire, and subdivision requirements, unless legally nonconforming.

b. The community apartment, condominium, planned development, or stock cooperative conversion project shall comply with all applicable provisions of Ontario Municipal Code Chapter 11 (Security Standards for Building).

c. The consumption of gas, electricity and water within each unit shall be separately metered so that the unit owner can be separately billed for each unit. Each unit shall have its own panel, or access thereto, for all electrical circuits that serve the unit. The requirements of this subsection may be waived where the Approving Authority finds that full compliance with this provision would not be practicable and the developer submits an alternative plan approved by the Approving Authority.

d. The electrical, plumbing, mechanical, fire, and life safety systems of the structure shall be placed in a condition of good repair and maintenance.

e. The buildings and facilities shall be upgraded to meet the requirements of Ontario Municipal Code Title 5, Chapter 29 (Noise). The Approving Authority may require additional insulation or other upgrades to reduce noise to an acceptable level.

f. The developer shall dedicate land or easements for street widening, public access, or other public purposes in connection with the project, where determined necessary by the Approving Authority and in conformance with this Development Code.

g. All on-site and adjacent overhead utility service lines and poles shall be converted to an underground system consistent with the requirements of this Development Code.

h. All main buildings, structures, fences, patio enclosures, carports, irrigation systems, landscaped areas, accessory buildings, sidewalks, driveways and additional elements as required by the Approving Authority shall be refurbished and restored as necessary, to achieve a high quality appearance and safety.

i. If Development Impact Fees have not previously been paid for the affected residential units, the required fees shall be paid prior to the recordation of the final map, or as otherwise required by City ordinance.

j. The developer shall provide each purchaser with a copy of the below-listed items, prior to executing any purchase agreement or other contract to purchase a unit within the project and shall give the purchaser sufficient time to review the information. Copies of the information shall also be made available at all times at the sales office and a notice indicating that the reports and documentation are available shall be posted on the project site, at locations approved by the Planning Director. In addition, copies of the required reports and documentation shall be provided to the Homeowners Association upon its formation.

(1) Reports and documentation required by Paragraph C.2 (Physical Elements Report) of this Section, in their final form as accepted by the City; and

(2) A copy of the covenants, conditions, and restrictions, and a project maintenance plan.

k. Other conditions may be applied as deemed necessary by the Approving Authority to further the intent of this Section.

2. Securities and Penalties. All improvements and alterations required pursuant to this Section and all other applicable requirements of this Development Code, the Ontario Municipal Code, and the conditions of project approval, shall be made prior to the approval of the final map or parcel map, or upon approval of the Planning Director, City Engineer, and Building Official, and a deposit paid to the City pursuant to Division 2.06 (Performance Guarantees), to assure the completion of all required work prior to the closing of escrow on any unit within the project. The deposit shall be accompanied by an agreement by the developer, and owner of the project if different from the developer, in a form to be approved by the city attorney, guaranteeing completion of the work.

G. Findings. The Approving Authority, prior to approving a tentative tract or parcel map, or a Conditional Use Permit, for the conversion of rental housing units to a common interest project, including a community apartment, residential condominium, residential planned development, or residential stock cooperative, shall find and clearly establish the following findings:

1. Not Detrimental. All provisions of this Section have been met and the project will not be detrimental to the health, safety, or welfare of the community;

2. Consistency with The Ontario Plan. The proposed conversion is consistent with the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan;

3. Conformity with Title. The proposed conversion conforms to all applicable requirements of this Development Code; and

4. Housing Diversity. The proposed conversion of rental housing units to a community apartment, condominium, planned development, or stock cooperative, will not have an adverse effect on the diversity of housing types available in the City.

6.08.055: Conversion to a Nonresidential Common Interest Project

This Section shall apply to the conversion of any existing nonresidential real property to a common interest project, such as condominiums or any other similar form of common ownership, except conversion projects for which a final or parcel map has been approved prior to the effective date of this Development Code. All provisions, conditions, and further definitions of condominium development, as included in the California Civil Code, shall apply to the divisions of real property as permitted herein.

A. Purpose. The purpose of this Section is to provide a legal process for the conversion of existing nonresidential buildings to a common interest ownership, such as a condominium, so as to protect both the community and the purchasers of units within a common interest project. This Section provides regulations to ensure adequate and safe building design and maintenance for all industrial and commercial common interest conversions, in order to achieve this goal.

B. Applicability. Any conversion to a nonresidential common interest project shall be subject to all applicable provisions of the Subdivision Map Act (commencing with GC Section 66410), the requirements of this Section, and all other applicable requirements of this Development Code and the Ontario Municipal Code.

C. Application Requirements. A request for the approval of a parcel map for a nonresidential common interest project conversion, shall be accompanied by the following items:

1. Subdivision Application. A subdivision application as required by Section 4.02.100 (Subdivisions—Tentative Tract and Parcel Maps, and Vesting Maps) of this Development Code.

2. Physical Elements Report. A physical elements report shall be submitted for each structure and/or facility, as described in Paragraph C.2 (Physical Elements Report) of Section 6.08.045 (Conversion to a Residential Common Interest Project) of this Division.

3. Notice to Tenants. Proof of all written notices required by the Subdivision Map Act for conversion projects, as listed in Subsection E (Notice to Tenants) of Section 6.08.045 (Conversion to a Residential Common Interest Project) of this Division.

4. Plans and Information. Provide plans, maps, reports, special studies, exhibits, and any other information deemed necessary by the City to process the conversion, as identified on the applicable City application forms.

5. Proposed Declaration. Provide a copy of the declaration required by CC Section 1353. The declaration shall include an agreement for the creation of an association responsible for common area maintenance, a clear designation of parking and signage rights, and a method for resolving differences.

6. Development Plan Application Required. The developer shall submit a Development Plan application for approval of the conversion pursuant to Section 4.02.030 (Development Plans) of this Development Code.

D. Procedures.

1. Acceptance of Reports. The final form of the reports and other documents required under Subsection C (Application Requirements) of this Section shall be as approved by the City. The reports, in their accepted form, shall remain on file with the City for review by the public. The subdivider shall provide each purchaser with a copy of the reports in their final, accepted form.

2. Inspection. In conjunction with the filing of a nonresidential common interest project conversion request, the subdivider shall request that an inspection of the premises be made by the Building Official and the City Engineer. The inspection shall include structures, common areas, site improvements, public improvements, and all other related facilities. A deficiency list shall be compiled during the inspection, which lists all necessary corrections required to conform to the requirements of this Section and all other applicable codes and ordinances.

3. Corrective Work. Upon completion of the inspection required pursuant to Paragraph D.2 (Inspection), above, a copy of the deficiency list shall be transmitted to the subdivider. All deficiencies shall be corrected to the satisfaction of the City prior to filing a final map or parcel map. When plans for corrective work are required, they shall be as approved by the appropriate city official, prior to the filing of the final map or parcel map.

4. Payment of Inspection Fees. The City shall charge the usual fees, if applicable, or an hourly fee for the inspection and processing according to an estimated actual hourly cost to the city. The owner shall post a cash deposit in an amount equal to the estimated cost of inspection. The deposit will be applied toward the inspection fee, with any refund or balance due to be resolved before the approval of the final map by the Approving Authority. Any unpaid balances shall be paid prior to recordation of the final map.

E. Standards for Conversion.

1. Building and Physical Standards.

a. Building Regulations. The project shall conform to the applicable standards of the City's Building Code that was in effect at the time the last building permit was issued for the affected structures.

b. Fire Prevention. Each unit shall be provided with a fire-warning system conforming to the City's Building Code. All fire hydrants, fire alarm systems, portable fire extinguishers and other fire protective appliances shall be retained in an operable condition at all times.

c. Sound Transmission.

(1) *Vibration Transmission*. All permanent mechanical equipment, such as motors, compressors, pumps, compactors, or any item determined by the Building Official to be a source of structural vibration or structural-borne noise shall be vibration-isolated with inertia blocks or bases, or vibration isolator springs, in a manner approved by the Building Official.

(2) *Noise Standards*. The structures shall conform to all interior and exterior sound transmission standards of CCR Title 24, the City's Building Code, and the requirements of Ontario Municipal Code Chapter 29 (Noise). The Approving Authority may require additional insulation or other upgrades to reduce noise to an acceptable level.

d. Utility Metering. Each unit shall be separately metered for gas, electricity and water, unless the covenants, conditions, and restrictions provide for the property owner association to take responsibility for these utilities.

e. Landscape Maintenance. All landscaping shall be restored, or new landscaping shall be installed, to achieve a high degree of appearance and quality pursuant to Division 6.05 (Landscaping) of this Development Code. Provisions shall be made within the declaration required pursuant to Paragraph C.5 (Proposed Declaration) of this Section, for continuing maintenance of all landscaped areas. Existing landscaping is subject to review and approval by the Approving Authority. If new landscaping is proposed, the design of all landscaping is subject to review and approval by the City.

f. Off-Street Parking and Loading. Off-street parking and loading shall be provided pursuant to the requirements of Division 6.03 (Off-Street Parking and Loading) this Development Code, for allowed commercial and industrial land uses, as applicable.

g. Refurbishing and Restoration of Improvements. Each main building, structure, fence, accessory building, sidewalk, driveway, landscaped area, utilities, and additional element as required by the department shall be refurbished and restored as necessary to achieve a high degree of appearance, quality and safety. The refurbishing and restoration is subject to review and approval by the department.

h. Building Security Standards. Each unit shall comply with all applicable provisions of Ontario Municipal Code Chapter 11 (Security Standards for Building).

i. Dedication of Land and Easements. The developer shall dedicate land or easements for street widening, public access, or other public purposes in connection with the project, where determined necessary by the Approving Authority, and in conformance with this Development Code.

j. Undergrounding of Overhead Utilities. All on-site and adjacent overhead utility service lines and poles shall be converted to an underground system consistent with the requirements of this Development Code.

k. Copies of Reports and Documentation to be Provided to New Property Owners. The developer shall provide each purchaser with a copy of the below-listed items, prior to executing any purchase agreement or other contract to purchase a unit within the project and shall give the purchaser sufficient time to review the information. In addition, copies of the required reports and documentation shall be provided to the Property Owner Association upon its formation.

(1) Reports and documentation required by Paragraph C.2 (Physical Elements Report) of this Section, in their final form as accepted by the City; and

(2) A copy of the covenants, conditions, and restrictions.

l. Additional Conditions. Additional conditions may be applied as deemed necessary by the Approving Authority to further the intent of this Section.

2. Securities and Penalties. All improvements and alterations required pursuant to this Section and all other applicable requirements of this Development Code, the Ontario Municipal Code, and the conditions of project approval, shall be made prior to the approval of the final

map or parcel map, or upon approval of the Planning Director, City Engineer, and Building Official, and a deposit paid to the City pursuant to Division 2.06 (Performance Guarantees), to assure the completion of all required work prior to the closing of escrow on any unit within the project. The deposit shall be accompanied by an agreement by the developer, and owner of the project if different from the developer, in a form to be approved by the city attorney, guaranteeing completion of the work.

F. Findings. The Approving Authority may not approve a request for a conversion to an industrial or commercial common interest project, unless it finds and clearly establishes that the proposed conversion conforms to the requirements of this Section, and is consistent with the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and all other applicable requirements of this Development Code and the Ontario Municipal Code.

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Division 7.01—Historic Preservation

Sections:

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7.01.000: Purpose

The purpose of this Division is to specify significance criteria for the designation of historic resources, procedures for designation, and review procedures to:

- A. Safeguard the character and history of the City, which is reflected in its unique culturally, historically, and architecturally significant structures and heritage, with emphasis on the "Model Colony," as recognized by an Act of Congress and presented at the St. Louis World's Fair in 1904;
- B. Encourage and promote the adaptive reuse of the City's historic resources;
- C. Enhance, perpetuate, and preserve architecturally and historically significant structures and promote revitalization of historic neighborhoods and commercial areas;
- D. Ensure that the rights of the owners of historic resources are safeguarded;
- E. Foster civic pride in the beauty and noble accomplishments of the past by promoting private stewardship of historic resources that represent these accomplishments;
- F. Fulfill the City's responsibilities as a Certified Local Government under Federal preservation laws;
- G. Promote the identification, documentation, and evaluation of the significance of individual historic resources and districts;
- H. Implement the historic preservation goals, policies, and programs of the Policy Plan (General Plan) component of The Ontario Plan;
- I. Promote the City as a destination for tourists and as a desirable location for business;
- J. Promote public awareness of the value of rehabilitation, restoration, and maintenance of the existing building stock as a means to conserve reusable material and energy resources;

- K. Recognize the City's historic resources as economic assets and provide economic financial incentives for historic preservation;
- L. Stabilize and improve property values, and enhance the aesthetic and visual character, place making, diversity, and environmental amenities of the City's historic properties and areas;
- M. Promote public knowledge, appreciation, and understanding of the City's past, and foster civic and neighborhood pride in the beauty and accomplishments of the past;
- N. Promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of the City;
- O. Recognize historic resources and protect areas of historic structures from encroachment of incompatible designs;
- P. Promote public awareness of the benefits of preservation; and
- Q. Encourage public participation in historic preservation, thereby increasing civic pride in the City's heritage.

7.01.005: Applicability

The provisions of this Division shall apply to all historic resources within the City, including improvements, buildings, structures, signs, features, historic districts, conservation zones, trees, or other objects of cultural, architectural, or historical significance to the City, State of California, the Southern California region, or the nation, which have been determined eligible for nomination or designation, and determined to be appropriate for historic preservation by the City.

7.01.010: The Ontario Register of Historic Resources

- A. **Purpose.** The purpose of this Section is to establish an official local register, which includes an inventory of buildings, structures, sites, objects, and districts worthy of preservation due to their significance in history, architecture, archeology, engineering, and/or culture within the City.
- B. **Applicability.** The Historic Preservation Subcommittee is hereby empowered to review evaluations of potential historic resources, which have been identified, recorded, and documented through a Historic Resource Survey, against criteria for local landmark and district designations for the purpose of approving or denying inclusion of a potential historic resource to the Ontario Register. The Historic Preservation Subcommittee shall be responsible for maintaining the Ontario Register.
- C. **Historic Resource Surveys.** The City shall conduct, from time to time, a survey to identify properties that have the potential to become eligible historic resources, as well as areas and neighborhoods that, due to the geographic or thematic concentration of potential historic resources, have the potential to be historic districts. These properties, surveyed at the reconnaissance level pursuant to standards established by the California Office of Historic Preservation, are identified but not evaluated for historic significance, and, therefore, are not considered eligible historic structures or eligible historic districts.

D. **Eligible Historic Resources.** Any property or grouping of properties listed on the Ontario Register prior to September 1, 2003, or after September 1, 2003, surveyed at the intensive level pursuant to standards established by the California Office of Historic Preservation, and determined to meet the designation criteria for local historic landmarks or local historic districts set forth in Section 4.02.040 (Historic Preservation—Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservation Areas) of this Development Code, shall be determined by the Approving Authority to be an “eligible” historic resource.

E. **Historic Resources.** Those Improvements, buildings, structures, signs, features, Historic Districts, conservation zones, trees, or other objects of cultural, architectural, or historical significance to the City, State, Region, or the Nation, which have been determined to be eligible for nomination or designation and determined to be appropriate for historic preservation by the Approving Authority.

7.01.015: Historic Rehabilitation Financing Program

A. **Purpose.** The purpose of this Section is to establish a program of long term, low interest loans to finance the preservation, restoration, and rehabilitation of historic resources pursuant to the provisions of the Marks Historic Rehabilitation Act of 1976.

B. **Applicability.** The City hereby establishes a Historic Rehabilitation Financing Program pursuant to the provisions of the Marks Historic Rehabilitation Act of 1976. Any building, structure, object, or site that is eligible for funding pursuant to the Historic Rehabilitation Financing Program, shall be within a rehabilitation area, as defined in Subsection C (Rehabilitation Areas), below, and shall consist of one or more of the following:

1. The building, structure, object, or site shall be a designated local historic landmark;
2. The building, structure, object, or site shall be a contributing structure to a designated local historic district; or
3. The building, structure, object, or site shall be listed, or determined eligible for listing, on the California Register of Historic Resources or the National Register of Historic Places.

C. **Rehabilitation Areas.**

1. **Original Downtown and Euclid Avenue Area.** This area consists of the City’s original downtown, and extends north to include the historic districts adjacent to Euclid Avenue, the boundary of which is as follows:

Beginning at the intersection of the centerlines of State Street and San Antonio Avenue, thence north to the northernmost city boundary, thence east to the centerline of Sultana Avenue, thence south to the centerline of G Street, thence east to the centerline of Campus Avenue, thence south to the centerline of State Street, thence west to the point of beginning.

2. **Guasti.** This area consists of the Historic Guasti Winery, the boundary of which is as follows:

Beginning at the intersection of the centerline of Archibald Avenue and the Southern Pacific Railroad Mainline, thence east to a point 550.19 FT east of the

centerline of Turner Avenue, thence north 492.08 FT, thence west to the centerline of Turner Avenue, thence north to the centerline of Interstate 10 (San Bernardino Freeway), thence west to the centerline of Archibald Avenue, thence south to the point of beginning.

D. **Rehabilitation Requirements.** Any building, structure, object, or site that is rehabilitated with funds from the Historic Rehabilitation Financing Program, shall comply with the following:

1. **Rehabilitation Standards.** Any rehabilitation must use the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, or Reconstructing Historic Buildings, and any local preservation and design guidelines.

2. **Maintenance.** Any building, structure, object, or site rehabilitated with funding from the Historic Rehabilitation Financing Program shall be maintained for a period of at least 10 years, beginning on the date of completion of the rehabilitation.

E. **Advisory Board.** An advisory board shall be established pursuant to, and in accord with, the provisions of State law, if and when the implementation of the provisions of this Section are deemed warranted.

7.01.020: California Historical Building Code (CHBC)

The CHBC provides alternative building regulations to address unique construction issues inherent in the maintenance, rehabilitation, preservation, restoration, adaptive reuse, or relocation of structures surveyed and identified as a historic resource. The CHBC may be used for any historic resource in the City's building permit procedure.

7.01.025: Incentives for Historic Preservation

A. **Purpose.** The purpose of this Section is to allow for the use of certain incentives to support the preservation, maintenance, and appropriate rehabilitation of the City's designated historic resources.

B. **Applicability.**

1. **Qualifying Properties.** Preservation incentives shall be made available to owners of the following types of properties:

- a. Properties listed on the National Register of Historic Places;
- b. Properties listed on the California Register of Historic Resources;
- c. Properties designated as Local Historic Landmarks; or
- d. Properties that are contributing structures within designated local historic districts.

2. **Qualifying Projects.** The below-listed project types shall be eligible for the receipt of preservation incentives. Qualifying project types shall comply with the *Secretary of the Interior's*

Standards for the Treatment of Historic Properties and shall be approved by the City's Historic Preservation Commission.

- a. Restoration or exterior rehabilitation that includes the restoration, repair, or replacement, in kind, of significant architectural features, and that complies with the Secretary's Standards;
- b. Roof replacement with similar material, or repair and replacement of roofing where the roof is a significant architectural feature;
- c. Relocation to another site;
- d. Restoration of designated interior spaces, which complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties;
- e. Seismic reinforcement or structural rehabilitation;
- f. Replacement of building systems that will further the preservation of the historic resource; or
- g. Additions (eligible for development incentives only).

C. **Types of Incentives.** The below-listed incentives may be used for the eligible projects identified in Subsection B (Applicability) of this Section.

1. Economic and Financial Incentives. The following economic and financial incentives may be applied to a project following approval by the Historic Preservation Commission or the Historic Preservation Trust Board of Trustees, as applicable, and approval by the City Manager or the City Council, as applicable:

- a. Grants or loans approved through the Historic Preservation Trust pursuant to Section 7.01.030 (Historic Preservation Trust Fund) of this Division;
- b. Approval of a Mills Act contract pursuant to Section 4.02.070 (Historic Preservation—Mills Act Contracts) of this Development Code;
- c. Approval of funding through the Historic Rehabilitation Financing Program pursuant to Section 7.01.015 (California Historical Building Code) of this Division;
- d. Grants or loans through other City funding sources, including, but not limited to, redevelopment and housing funds;
- e. Preservation easements;
- f. Reduction or elimination of building plan check or permit fees;
- g. Reduction or elimination of development impact fees;
- h. Reduction or elimination of any other applicable City fees; or
- i. Federal rehabilitation tax credits (applied through the California Office of Historic Preservation).

2. Development Incentives. The following development incentives to be applied to the project:

a. *California Historical Building Code.* Use of the CHBC pursuant to Section 7.01.015 (California Historical Building Code) of this Division.

b. *Parking Reduction.* For existing single-family dwellings with a one-car garage, the Planning Director may waive the requirement for 2 off-street parking spaces within a garage when adding floor area, if an existing one-car garage contributes to the significance of the property and/or district, and the existing garage is in good condition, or, if deteriorated, will be returned to good condition as part of the work to add new living space to the residence.

c. *Setback Reductions and Increases in Maximum Building Height.* The Planning Director may grant reductions in required building setbacks or increases in the maximum allowed building height when the setback reduction or increase in allowed building height allows for the restoration of a character-defining feature, or allows character-defining features to be replicated in additions to historic structures. In no case, however, shall a reduction in a setback be granted when the reduction will cause an adverse effect to the property or neighboring property, or cause an adverse effect to the character of the neighborhood or district.

7.01.030: Historic Preservation Mitigation Fee

A. **Purpose.** The purpose of this Section is to establish the Historic Preservation Mitigation Fee whereby the impacts resulting from the demolition (either in part or whole) of historic resources may be lessened by the collection of fees that will provide a source of funds for the conservation, preservation, restoration, and rehabilitation of historic resources within the City.

B. **Applicability.**

1. A mitigation fee, in an amount established by this Section, shall be paid prior to the issuance of any permit for demolition, whether in whole or in part, of any historic resource, including accessory buildings and structures that do not contain living space, such as garages and workshops, which contribute to the historic significance of a property. The mitigation fee shall be deposited in the Historic Preservation Trust Fund established pursuant to Section 7.01.030 (Historic Preservation Trust Fund) of this Division.

2. The Historic Preservation Commission may reduce the amount of mitigation fee to be paid if it can be clearly established that the amount of fee to be paid would amount to a regulatory taking of property.

3. Additions and accessory buildings and structures determined not to be contributing to the significance of the property shall not be assessed a mitigation fee.

4. The mitigation fee structure shall be based on the most current International Code Council (ICC) Building Valuation Data. Fees can range from 10 to 30 percent of the square foot cost to construct the building or structure that is being demolished. The square foot construction cost is determined by the construction type (building occupancy group) of the demolished building or structure. The percentage (or fee amount) that is assessed is determined by historic significance and is applied to the cost per square foot of the building or structure that is being demolished.

a. The mitigation fee for historic resources listed on the Ontario Register shall be determined based upon a 3-tier system, established pursuant to Subsection 4.02.040.G (Historic Resource Tiering System) of this Development Code, which ranks historical resources within the City, based upon their size, type, and significance. Tier III historic resources are 10 percent, Tier II are 20 percent, and Tier I are 30 percent of the price per square foot construction cost as established in the most current ICC Building Valuation Data.

b. The mitigation fee for historic resources determined through survey evaluation, completed by individual(s) meeting the Secretary of the Interior Professional Standards, which are not listed in the Ontario Register, shall be determined by the level of historic integrity. Moderate-level integrity shall be 10 percent and high-level integrity shall be 20 percent of the price per square foot construction cost as established in the most current ICC Building Valuation Data.

7.01.035: Historic Preservation Trust Fund

A. **Purpose.** The purpose of the Historic Preservation Trust Fund is to provide funding, under direction of the City Council, for the conservation, preservation, restoration, and rehabilitation of historic resources within the City.

B. **Applicability.** The Historic Preservation Trust Fund is hereby established as means to receive, recycle, and replenish monies to assist the funding of historic preservation projects within the City. All funds deposited in the Historic Preservation Trust Fund shall be used solely for the conservation, preservation, restoration, and rehabilitation of historic resources, as provided in this Section.

C. **Trust Fund Administration.**

1. The City Council shall have authority for establishing policy for Historic Preservation Trust Fund expenditures.

2. The Historic Preservation Commission shall have authority to make recommendations to the City Council regarding grant and loan applications, acquisition of property, contracts and lease agreements, and any other action or activity necessary or appropriate to implement its powers or duties to fulfill the objectives of the Historic Preservation Trust Fund.

3. The City Manager, or designee of the City Manager, shall serve as financial administrator of the Historic Preservation Trust Fund and shall be responsible for management of its finances, which shall be carried-out pursuant to all applicable federal, State and local laws.

4. The Planning Director, or designee of the Planning Director, shall serve as program administrator of the Historic Preservation Trust Fund and shall be responsible for its day-to-day management and operations.

D. **Historic Preservation Trust Fund Proceeds.**

1. **Deposits.** All funds received by the City for historic preservation purposes shall be deposited in the Historic Preservation Trust Fund. The City's Fiscal Services Department may establish separate accounts within the Trust Fund for the purpose of separating deposits according to their origin or intended purpose.

2. Grants, Gifts, and Donations. In addition to any public funds appropriated expressly for the purpose of this Subsection, the program administrator may apply for grants, gifts, donations, subventions, rents, royalties, and other financial support, or real or personal property, from private sources, pursuant to City policies. All money received from private sources shall be deposited in a separate account established pursuant to Paragraph D.1 (Deposits), above, and shall be appropriated to the program administrator for expenditures for historic preservation projects pursuant to this Section.

3. Deposit of Proceeds from Any Lease, Rental, Sale, Exchange, or Transfer of Real Property. All proceeds from any lease, rental, sale, exchange, or transfer of real property, or any interest therein or option thereon, shall be deposited in the Historic Preservation Trust Fund, together with any other reimbursements, repayments, and income received by the program administrator.

E. Historic Preservation Trust Fund Program Activities.

1. Properties.

a. *Acquisition.* Pursuant to State Property Acquisition Law (GC Section 15850 et seq.), the City may acquire, fee title, or any lesser interest, in any real property whose preservation is required to meet the policies and objectives of the City's historic preservation program. The City may accept gifts or dedications of real property and may enter into an option to purchase real property in order to meet the purposes of this provision.

b. *Agreements for Preservation and Management.* In order to carry out historic preservation projects, the financial administrator may initiate, negotiate, and participate in agreements with public agencies, nonprofit organizations, private entities, or individuals for the preservation and management of historic resources under their control, and enter into any other agreements authorized by state law, as approved by the City Council.

c. *Real Property Transactions; Authorization.* Notwithstanding any other provision of federal, State or local law, the financial administrator may lease, rent, sell, exchange, or otherwise transfer any real property acquired under this section, or interest therein or option to purchase, provided that the City Council first determines that the action is in the best interests of the City.

d. *Acquisition, Conservation, Return, and Transfer of Title.*

(1) The City Council may acquire any interest in real property pursuant to Paragraph E.1 (Properties) of this Section, with historic (including archaeological) significance, or necessary for the preservation or management of a property, in order to prevent the loss of historic integrity, prevent imminent destruction, or to otherwise secure the preservation of the historical resource.

(2) The program administrator may undertake conservation or preservation activities for historic resources acquired Pursuant to this Section.

(3) The program administrator shall encourage, to the greatest extent feasible, the acquisition of historic resources by other qualified purchasers.

(4) The City Council shall take all feasible action to return or transfer title to historic resources, to a nonprofit organization, another public agency, private entity, or individual, for all properties acquired for historic resource preservation pursuant to this Section.

2. Loans and Grants. Money in the Historic Preservation Trust Fund shall be available, upon recommendation of the Historic Preservation Commission and appropriation by the City Council, for all loans and grants to public agencies, nonprofit organizations and private entities, to carry out the purposes of this Section.

a. *Qualifying Properties.* The City Council may award a grant or loan for properties that are designated a local historic landmark or a contributing structure in a designated local historic district, or are listed on the California Register of Historic Resources or the National Register of Historic Places, excepting those projects that are “interpretative,” as described in Subparagraph E.3.c (Interpretive Projects) of this Section.

b. *Agreements.* No loan or grant shall be made except pursuant to an agreement with the City, and subject to terms and conditions approved by the City Council, upon recommendation of the Historic Preservation Commission, which shall ensure that each requested loan or grant carries out the purposes of this Section.

c. *Authorization to Contract and Issue Grants or Loans.* The financial administrator may, upon City Council approval, enter into contracts and make grants or loans with public agencies, nonprofit organizations, or private entities, to further the purposes of City’s historic preservation program, and to carry out activities for this purpose.

d. *Matching Funds.* All grants and loans should include a cash match for the historic preservation project. Guidelines for determining the amount of required matching funds, if any, shall be adopted by resolution of the City Council. Donated materials and services, staff salaries and organizational overhead costs may be eligible sources of match. The City Council may waive the matching funds requirement.

e. *Excess Funds.* After completion of a historic preservation project, a grant or loan recipient shall return to the Historic Preservation Trust Fund, the amount of the grant or loan that exceeds the eligible project’s costs

3. Qualifying Projects for Competitive Grants and Loans. Competitive Grants and loans are hereby established for the following project types:

a. *Construction Projects.* Construction projects include the preservation, restoration, exterior rehabilitation, or rehabilitation of the foundation, structural, electrical, or plumbing systems of a historic resource. Qualifying construction projects do not include new additions, routine maintenance such as simple, small-scale activities requiring only minimal skills or training associated with regular (daily, weekly, monthly, etc.) and general upkeep of a property against normal wear and tear), reconstruction, demolition, or relocation;

b. *Planning Projects.* Planning projects identify, document, and record historic resources according to applicable local, state, and federal standards, and/or contribute to the development of the City’s historic context, and/or contribute to the development of a Historic Structures Report, Building Conditions Assessment, conservation plan or preservation plan; and

c. *Interpretative Projects.* Interpretative projects consist of the creation of interpretative media to educate the public on the City’s history and/or historic resources.

4. Project Selection Criteria. The award of a grant or loan for a historic preservation project shall be based upon consideration of the following criteria:

- a. Level of historic significance of the resource, based upon the Tier Designation;
- b. Level of urgency for the project to avoid the loss of a historic resource;
- c. Value of improvement to ensure preservation of the historic resource;
- d. Overall benefit to the community through the public's ability to observe and experience the historic resource;
- e. Ability to match funds, if required; and
- f. Level of professional qualifications for administering project to demonstrate the ability to successfully complete the project.

5. Qualifying Projects for Emergency Non-Competitive Grants and Loans. In the event that a historic resource is in need of immediate and unanticipated work to prevent its demolition resulting from an unforeseen disaster, such as fire, flood, wind, earthquake or other calamity, the public enemy, or other cause that is beyond the control of the property owner and could not otherwise have been prevented by reasonable care and maintenance of the structure, the City Council may establish a non-competitive emergency grant and/or loan for the following emergency project types, which are not otherwise covered by property owner insurance:

- a. Securing, shoring and/or stabilizing a historic resource;
- b. Abatement of hazardous health materials and sources which lead to structural deterioration; and
- c. Preparing a historic Structure Report and/or Preservation Plan approved by Planning Director.

7.01.040: Preservation Easements

Preservation easements on the facades of buildings designated historic resources may be acquired by the City, or on the City's behalf, by a nonprofit group designated by the City through purchase, donation, or condemnation pursuant to Section CC 815.

7.01.045: Owner's Duty to Keep a Historic Resource in Good Repair

A. **Purpose**. The purpose of this Section is to ensure the upkeep and maintenance of historic resources within the City by their owner or other responsible party.

B. **Applicability**. It shall be the duty of the owner of a historic resource, or any such person responsible for upkeep and maintenance of a historic resource other than the property owner, to keep in good repair, all exterior and interior features of such historic resources, which if not

maintained, may cause or tend to cause the exterior features of such resources to deteriorate, decay, become damaged, or fall into a state of disrepair.

C. Protection against Deterioration, Damage, and Decay. The owner of a historic resource, or any such person responsible for upkeep and maintenance of a historic resource other than the property owner, shall preserve such historic resource against deterioration, damage, and decay, and further, shall keep such historic resource free from structural defects through the prompt repair of the below-listed items:

1. Facades that may fall and injure a member of the public or property;
2. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls, or other vertical structural supports;
3. Members of ceilings, roofs and roof supports, or other horizontal members that age, split, or buckle due to defective material or deterioration;
4. Deteriorated or insufficient waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors;
5. Defective or insufficient weather protection for exterior wall covering, including lack of paint, or weathering due to lack of paint or other protective covering; and/or
6. Any fault or defect in the building, which renders the building not properly watertight or structurally unsafe.

D. Failure of Owner to Comply with this Section. A Certificate of Appropriateness shall not be issued for the demolition of a historic resource resulting from failure of the owner to comply with the provisions of this Section.

E. Enforcement of this Section. It shall be the duty of the Building Official to enforce this Section with guidance from the Historic Preservation Commission.

7.01.050: Ordinary Maintenance Repair

Nothing in this Division shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature within or on any property covered by this Division, which does not involve a change in design, material, or external appearance thereof (refer to Section 7.01.065 (Guidelines for the Treatment of Historic Properties)).

7.01.055: Unsafe or Dangerous Conditions

Nothing contained in this Division shall prohibit the construction, alteration, restoration, demolition, or relocation of any historic resource when such action is required to protect the public safety due to an unsafe or dangerous condition, which cannot be rectified through use of the CHBC. In such case, upon assessment and recommendation by the Building Official, the Planning Director shall certify to the Historic Preservation Commission that such condition exists, which shall not require the issuance of a Certificate of Appropriateness.

7.01.060: Enforcement and Penalties

In addition to the requirements of Section 1.02.010 (Enforcement) of this Development Code, the following enforcement and penalty provisions shall apply:

A. Misdemeanor. Anyone violating a requirement of this Division or failing to obey an order issued by the Historic Preservation Commission or Historic Preservation Subcommittee, or comply with a condition of approval of any certificate or permit issued pursuant to this Development Code shall be guilty of a misdemeanor, unless the citing official or the prosecuting attorney determines that it would be in the interests of justice to prosecute the offense as an infraction.

B. Demolition of a Historic Resource in Violation of this Division. Any alteration or demolition (including partial demolition) of a historic resource in violation of this Division is expressly declared to be a nuisance and shall be abated by restoring or reconstructing the property to its original condition prior to the violation. Any person or entity who demolishes or substantially alters or causes substantial alteration or demolition through deferred maintenance of a structure in violation of the provisions of this Division, shall be liable for civil penalties.

C. Temporary Moratorium. Alteration or demolition (including partial demolition) of a historic resource in violation of this Division shall authorize the City to issue a temporary moratorium for the development of the subject property for a period not to exceed 24 months from the date the City becomes aware of the alteration or demolition in violation of this Development Code. The purpose of the moratorium is to provide the City an opportunity to study and determine appropriate mitigation measures for the alteration or removal of the historic structure, and to ensure measures are incorporated into any future development plans and approvals for the subject property. Mitigation measures determined by the Planning Director, Historic Preservation Subcommittee, and/or Historic Preservation Commission, shall be imposed as a condition of any subsequent permit for development of the subject property.

D. Notification of Violation(s) and Assessment of Civil Penalties.

1. The Planning Director shall issue a Notification of Violation and Assessment Civil Penalties to the applicant, property owner, or entity responsible for the property of the alleged violation(s). The Notification of Violation and Assessment Civil Penalties shall include a description of the conditions that gave rise to the violation(s), and the civil penalties to be assessed pursuant to this Section. The notification shall be served by certified mail or may be delivered.

2. In the case of demolition (including partial demolition), the civil penalty to be assessed shall be equal to one-half the assessed value of the historic resource prior to the demolition. The assessed valuation prior to demolition shall be determined using the most recently published International Code Council (ICC) Building Valuation Data. In the case of alteration, the civil penalty shall be equal to one-half the cost of restoration of the altered portion of the historic resource. The cost of restoration shall be determined by the Building Official.

3. Upon payment of civil penalties, building and construction permits, and/or a Certificate of Occupancy, may be issued.

4. All monies collected pursuant to this Section shall be deposited into the City's Historic Preservation Trust Fund.

E. Appeal of Assessed Civil Penalties.

1. An appeal of a civil penalty may be filed with the Planning Department on a City application form, within 10 days following the date of the Notification of Violation and Assessment Civil Penalties issued pursuant to Paragraph D.1 of this Section. The appeal shall include a statement identifying the specific violation and civil penalty that is being appealed, the specific grounds for the appeal, and the relief requested from the Planning Director.

2. Within 45 days following receipt of an appeal, the Planning Director shall hold a hearing, which is open to the public, to hear and consider objections and/or protest of the alleged violation(s) and assessment of civil penalties stated in the appeal application. The Planning Director shall hear and receive all evidence and testimony relative to the violation(s) and assessment of civil penalties and shall consider all evidence. Within 15 days following conclusion of the hearing, the Planning Director shall render a decision in writing, determining the amount (if any) of civil penalties to be assessed. The decision of the Planning Director shall be final and conclusive in the absence of the filing of an appeal.

3. The Planning Director's decision may be appealed to the City Manager. The appeal shall be filed with the Planning Department on a City application form, within 10 days following issuance of the Planning Director's decision.

4. Within 30 days following receipt of the appeal of the Planning Director's decision, the City Manager shall hold a hearing, which is open to the public, to hear and consider the evidence and reasons not to uphold the Planning Director's decision. Within 15 days following conclusion of the hearing, the City Manager shall render a decision in writing, determining the amount (if any) of civil penalties to be assessed. The decision of the City Manager shall be final and conclusive.

F. Injunctive Relief. The City Attorney may maintain an action for injunctive relief to restrain a violation or cause, where possible, the complete or partial restoration, reconstruction or replacement of any structure demolished, partially demolished, altered, or partially altered in violation of this Division.

7.01.065: Guidelines for the Treatment of Historic Properties

A. In order to ensure that Ontario's historic resources are preserved for future generations, any proposed work on a historic resource shall follow the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*. The standards were developed by the federal government to be guiding principles regarding the treatment of historic properties.

B. In addition to the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*, any proposed work on a historic resource shall follow the standards and guidelines set forth by Division 6.01 (District Standards and Guidelines) of this Development Code, and the design guidelines established by Subsection D (Historic Preservation Design Guidelines) of this Section, as applicable.

C. The design guidelines referenced in this Section shall be enforceable in the same manner and to the same extent as any other provision of this Development Code.

D. The following design guidelines are intended to assist the designer in understanding the City's goals and objectives for the applicable development type. Furthermore, the guidelines are intended to compliment the mandatory development regulations contained in this Development Code by providing examples of potential design solutions and recommendations, and by providing design interpretations of the various mandatory regulations contained herein.

1. Additions.

a. *Converting Existing Space.* Using existing areas of the structure can provide additional usable square footage. Conversions of basements and attics to habitable space are the most preferred way of adding square footage. Consider introducing dormers to facilitate conversions. Small bays, if strategically spaced and in keeping with the overall design of the house, can accommodate more habitable space while maintaining the integrity of the overall design.

b. *New Construction.* All new construction shall be consistent with the existing structure. Large additions should be placed at the rear or side of structures to minimize visual impacts. New additions should be handled in one of two ways: [i] seamless additions that form a new dominant building mass consistent with the historic style and uses materials and architectural designs indistinguishable from what exists; and [ii] accented additions that express a new building projection as an additive element, reinforcing the identity of the original building, and is made from compatible, but not necessarily identical materials.

(1) New construction along the front of a building should generally maintain the proportion and arrangement of openings, projections, and other features.

(2) Upper-story additions are discouraged unless they are consistent with the original design and character of the house style.

(3) The architectural style shall be consistent with the original structure and shall use material similar to those used on the main structure, including siding treatment, windows, doors, trim, roof pitch, etc.

(4) Details on the addition shall match the architectural details on the original structure such as latticework projecting beams, etc.

c. *Garages and other Accessory Structures.* Garages and other accessory structures shall be consistent with the historic character of the main structure.

(1) The architectural style shall be consistent with the main structure and shall use material similar to those used on the main structure, including siding treatment, windows, doors, trim, roof pitch, etc.

(2) Details on the accessory structure shall match the architectural details on the main structure such as latticework, projecting beams, etc.

(3) Garages shall be located to the rear of the property and detached from the main structure.

2. Architectural Features.

a. *Common Features.*

Traditional buildings and houses have many common features, regardless of the style of architecture.

- Raised front porch;
- Massed columns on porch supports;
- Vertical orientation of windows;
- Window and door trim;
- Garage door (facing street) treatment (recessed, windows, ornamentation, etc.);
- Consistency of materials and colors with style of architecture;
- Detailed porch supports and railings;
- Dormers;
- Chimney;
- Balconies;
- Window Boxes; and
- Ornamentation (grill work over windows, tile accents, pop outs, relief bands, etc).



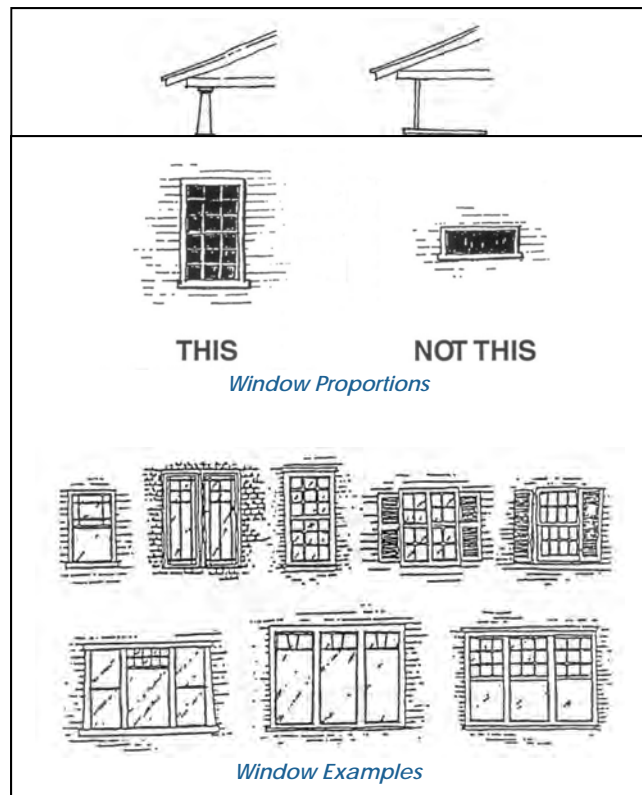
b. *Doors.* Traditional doors relate to the style of architecture of the building. Shown top right, are examples of door styles.

c. *Windows.* Traditional windows relate to the style of architecture of the building. Shown bottom right, are examples of window styles.

d. *Architectural Styles.*

Architectural styles should be used for new development that is compatible with the architecture of the neighborhood. Refer to Reference "B" (Architectural Styles Guide) of this Development Code for an architectural styles guide containing a list of architectural styles and some common features found with the style. This list of architectural styles has been developed with the assistance of the California Office of Historic Preservation and these styles are the only styles approved, except where noted, for use with Historic Resource Surveys. The list is based on the following books about California Architecture:

- The Guide to architecture in San Francisco and Northern California by David Gebhard, Robert Winter and Eric Sandweiss.
- Guide to the Architecture of Los Angeles and Southern California by David Gebhard and Robert Winter.



The list of architectural styles has been revised to include only those styles either present in Ontario, or those styles, which could be used for infill development. In addition, the descriptive drawings are taken from the following books:

- A Field Guide to American Houses by Virginia & Lee McAlester; an American Shelter by Lester Walker

3. Wood Siding and Architectural Details.

a. *Preservation.* All original wood siding and architectural details should be identified, retained, and preserved. All wall coverings that hide original wood siding and architectural details should be removed.

b. *Protection.* All causes of wood siding and architectural detail deterioration should be identified, evaluated and treated. Causes may include faulty flashing, leaking gutters, breaks and cracks, open joints, deteriorated caulking and sealants, insect or fungus infestation, and deteriorated coating such as paint or stain,

c. *Cleaning.* All deteriorated paint or stain should be removed by the gentlest method possible such as hand scraping, hand sanding, hot air heat guns, and chemical strippers. Paint shall not be removed by the propane butane torches, sandblasting, or water blasting. All wood surfaces that have had paint or stain removed shall be given new coatings to protect the wood.

d. *Repairs.* All deteriorated wood elements that cannot be repaired shall be removed. All removed wood elements shall be replaced with new wood details that match the size, shape and profile of the original element.

4. Concrete Walls.

a. *Preservation.* All original exterior concrete walls should be identified, retained and preserved. All original finish materials and coatings that have been applied should be identified.

b. *Protection.* All causes of concrete deterioration should be identified, evaluated and treated. Causes may include exposed steel reinforcing members or metal ties that are rusting, cracked broken concrete, flat surfaces that permit water to penetrate concrete, faulty flashing, and leaking gutters

c. *Cleaning.* All concrete walls shall be cleaned with gentle methods that will not damage the plaster finish or concrete surface such as water and detergents applied with natural bristle brushes and low water pressure. After adequate testing, other cleaning methods, such as liquid chemical cleaners, that do not damage the concrete or cause ecological damage, high pressure water, and paint removal strippers may be permitted. Sandblasting is not permitted.

d. *Repairs.* All rusted steel reinforcing and metal ties shall be removed. All broken and loose concrete shall be removed. All concrete shall be patched using appropriate repair procedures all original finish materials shall be repaired.

e. *Replace Missing Concrete Details.* All missing or broken concrete details shall be replaced with new details that match the size, shape, color, and texture of the original detail.

5. Masonry Walls.

a. *Preservation.* All original exterior masonry walls should be identified, retained, and preserved. All finish materials and coatings that have been applied should be identified.

b. *Protection.* All causes of concrete deterioration should be identified, evaluated, and treated. Causes may include deteriorated roofs, insufficient drainage, deferred pointing, application of coatings and finish materials, faulty flashing, and leaking gutters.

c. *Cleaning.* All concrete walls shall be cleaned with gentle methods such water and detergents applied with natural bristle brushes and low water pressure as not to cause damage to the masonry or mortar. After adequate testing, cleaning methods such as liquid chemical cleaners that do not damage the masonry or mortar or cause ecological damage, high pressure water, and paint removal strippers may be permitted. Cleaning methods such as sandblasting, acid wash on limestone and marble, and metal bristle brushes are not permitted. Prior to initiating the work, all cleaning procedures should be tested to ensure that the masonry will not be damaged.

d. *Pointing Repair.* Deteriorated pointing will be repaired when it is identified. Deteriorated mortar will be removed using hand tools. Power tools shall not be used to remove deteriorated pointing. The new mortar should match the strength of the original. The new mortar should match the color, texture and style of the original mortar. The new pointing shall match the width and profile of the original.

e. *Repairing the Masonry.* Masonry units shall be replaced with new masonry units that match the size, texture and color of the original material. Broken masonry units should be patch rather than replaced.

f. *Replacing Masonry.* All missing or broken masonry units that cannot be repaired shall be replaced with masonry units that match the size, shape, color and texture of the original detail.

6. Architectural Metals.

a. *Preservation.* All original metal architectural features should be identified, retained and preserved. Metal architectural features which are important in defining the historic character of the building shall not be removed.

b. *Protection.* All causes of metal corrosion should be identified, evaluated and treated. Causes may include exposing bare metal to water and moisture, deterioration of protective coatings, and galvanic action between two incompatible metals.

c. *Cleaning Non Ferrous Materials and Alloys.* The type of metal material shall be identified in order to determine the type of cleaning to be used. Non-ferrous metals (lead, tin, copper, zinc) whose natural patina should be preserved shall be identified. Non-ferrous materials with a natural patina shall have cleaned using gentle methods used in order to clean the surface without damaging the patina or coating. Alloys that may require protective coatings shall be identified. A gentle cleaning method that will not abrade the protective coating shall be used.

d. *Cleaning Ferrous Metals.* The type of ferrous material (cast iron, wrought iron, steel) shall be identified. The type of coating and condition of metal shall be determined. Hand scraping shall be used to remove corrosion and deteriorated paint. Low pressure grit blasting may be used to remove corrosion and coatings when hand scraping is ineffective. Cleaned ferrous metals should be painted immediately with a corrosive resistant coating.

e. *Repair.* Metal features that are broken or dented shall be repaired. Metal features that are broken or dented shall not be replaced.

f. *Replacement.* Metal features that are too deteriorated to be repaired should be replaced. The original metal feature shall be used as a model for the new feature. Missing features shall not be replaced with details that do not convey the same visual appearance.

7. Exterior Plaster (Stucco).

a. *Preservation.* All original exterior plaster features should be identified, retained and preserved. Original exterior plaster features that are important in defining the overall historic character of the building shall not be removed.

b. *Protection.* All causes of plaster deterioration should be identified, evaluated and treated. Causes may include leaking roofs, faulty flashing, leaking gutters, broken concrete substrate, deteriorated or rusted metal lath, and deteriorated wood members.

c. *Cleaning.* All plaster shall be cleaned with gentle methods that will not damage the plaster. Use water and detergent with a soft natural bristle brush. Cleaning methods such as sandblasting or high pressure water are not permitted.

d. *Repairs.* All types of deterioration shall be identified such as spalling, broken, or cracked plaster and missing plaster details. All deteriorated substrate material shall be removed. All plaster shall be patched using industry approved repair procedures and materials. Where a large area of plaster needs to be replaced, the adjacent panel should be completely replaced in order to avoid a patched appearance.

8. Roofs.

a. *Preservation.* All original character defining features of the roof should be identified, retained and preserved. Features include shape, slope, roofing materials, and decorative details. The original defining features that have been removed or altered should be identified. The character defining features of the roof shall not be altered. Sound character defining features of the roof shall not be removed.

b. *Protection.* All causes of roof deterioration should be identified, evaluated and treated. Causes may include blocked drains and gutters, moisture condensation, faulty flashing, overhanging tree limbs, insect and fungus infestation, deteriorated roofing material, faulty application of roof fasteners, and deteriorated fasteners.

c. *Repairs.* All features shall be repaired with similar materials.

d. *Replacement.* All features that are not repairable shall be replaced. The deteriorated elements of the roof should be replaced with new material that preserves the overall

shape and slope of the roof. Materials that do not convey the visual appearance of the original roof shall not be used.

e. *Additions to Buildings.* Roofs over additions should retain the character defining features of the original roof.

f. *Additions to Original Roofs.* Mechanical or solar collection should be installed so that they are not visible from the public right of way. Unless an original decorative feature on a house, downspouts should be located in an inconspicuous place, such as the corner, side or back of a building.

9. Doors.

a. *Preservation.* All original character defining features of doors should be identified, retained and preserved. Features include frames, jambs, door, transoms, sills, trim, screen door, and fan lights and sidelights. Doors that are important in defining the overall historic character of the building shall not be removed or radically changed. The pattern of the door shall not be changed. The historic appearance of doors through the use of inappropriate design, materials, finishes or color shall not be changed. Original fittings on doors shall not be stripped.

b. *Protection.* All causes of deterioration should be identified, evaluated and treated. Causes may include weathering due to paint deterioration, rusting due to paint deterioration, and sealant and caulking deterioration.

c. *Repairs.* Original broken door detail should be repaired. When repair of material or missing parts is appropriate, the entire door shall not be replaced.

d. *Replacement.* When a door can no longer be repaired, or is missing, replace it with a new door that matches the original. Character defining doors should not be replaced with new doors that do not convey the same visual appearance of the original.

e. *Doors in Additions to the Original Buildings.* New doors in additions to the original buildings should be compatible with the overall design of the original building, but not duplicate the pattern of the original door.

10. Windows.

a. *Preservation.* All original character defining features of windows should be identified, retained and preserved. Features include frames, heads, sills, trim, jambs, muntins, shutters, awnings, sash, glazing, blinds, and screens. Windows that are important in defining the overall historic character of the building shall not be removed or radically changed. The number, location, size or glazing pattern of windows shall not be changed. The historic appearance of windows through the use of inappropriate design, materials, finishes or color shall not be changed. Window trim should not be obscured with other materials. Original fittings on windows shall not be stripped.

b. *Protection.* All causes of deterioration should be identified, evaluated, and treated. Causes may include water penetration, weathering due to paint deterioration, rusting due to paint deterioration, and sealant and caulking deterioration.

c. *Repairs.* Original broken window features should be repaired. When repair of material or missing parts is appropriate, entire windows shall not be replaced.

d. *Replacement.* When a window can no longer be repaired, or is missing, replace it with a new window that matches the original. Character defining windows should not be replaced with new windows that do not convey the same visual appearance of the original.

e. *Windows in Additions to the Original Buildings.* New windows in additions to the original buildings should be compatible with the overall design of the original building, but not duplicate the fenestration pattern and detailing of the original window.

11. Entrances and Porches.

a. *Preservation.* All original entrance or porch, including doors, entablatures, columns, balustrades, and stairs should be identified, retained and preserved. If replacement is necessary, the proportion and composition of original design should be retained, preferably by using traditional moldings and balusters. An entrance or porch shall not be removed in order to reorient the building for a new use. Columns and railings for porches, stoops and front steps should be substantial looking and not be replaced with pipes, wrought iron or "ranch-style" members. Brick stairs are rarely appropriate; wood stairs are most appropriate to Late Victorian and Classical Revival houses. New entrances shall not be cut into the primary façade. Utilitarian or service entrances shall not be altered so they appear to be the formal entrance.

b. *Protection.* All causes of deterioration should be identified, evaluated, and treated. Causes may include water penetration, weathering due to paint deterioration, rusting due to paint deterioration, and sealant and caulking deterioration.

c. *Repairs.* The historic materials used in the character defining features should be repaired. Original materials should be used for repairs or substitute materials that are compatible. Substitute materials or features that do not convey the visual appearance of the original features shall not be used.

d. *Replacement.* When an entrance or porch can no longer be repaired, or is missing, replace it with a new entrance or porch that conveys the same visual appearance.

e. *A New Entrance or Porch on Additions to the Original Building.* A new entrance or porch should be designed to be compatible to the original buildings.

12. Storefronts.

a. *Preservation.* All original storefront should be identified, retained, and preserved. Store front features include bulkhead, window frames, door transom, recessed ceiling, lighting, wall material, display window, entry door, awnings, recessed paving, and parapets. The original features of the storefront shall not be removed. The location of the storefront main entrance shall not be changed. The original configuration of the storefront shall not be altered. Inappropriate materials shall not be added over original ones.

b. *Protection.* All causes of deterioration on the storefront should be identified, evaluated, and treated. Causes may include, water penetration, weathering due to paint deterioration, rusting due to paint deterioration, and sealant and caulking deterioration. Historic materials shall not be stripped from the storefront.

c. *Repairs.* The historic materials used in the character defining features of the storefront should be repaired. Original Materials or substitute materials that are compatible should

be used for repair. Materials or features that do not convey the visual appearance of the original features should not be substituted.

d. *Replacement.* If there is insufficient information about the original appearance of the storefront, it should be rebuilt using a new design whose size, scale, style, detail, and color are compatible with the original appearance. When a storefront can no longer be repaired, or is missing, replace it with a reconstructed storefront based on the available historical, pictorial and physical documentation available. A new design that is incompatible in size, scale, material, style and color with the original appearance is not allowed.

13. Significant Interior Space Features and Finishes.

a. *Preservation of Interior Spaces.* A floor plan or significant interior spaces that are important in defining the overall historic character of the building should be identified, retained, and preserved. Elements to be considered of the interior space are size, proportions, configuration, relationship of rooms, individual room or space, and relationship of features to spaces or rooms. The floor plan or significant interior spaces that are important in defining the overall historic character of the building shall not be radically changed. Interior space should not be altered or destroyed by inserting floors, cutting through floors, lowering ceilings, or adding or removing walls. A feature should not be relocated so that a historic relationship between the feature and the space is altered.

b. *Preservation of Interior Features and Finishes.* Interior features and finishes that are important in defining the overall historic character of the building should be identified, retained and preserved and shall not be removed or radically changed. New features or finishes that obscure the character defining features of the building should not be applied.

c. *Protection.* All causes of deterioration should be identified, evaluated, and treated. Causes include surface dirt, moisture penetration from the exterior, insect and fungus infestation, excessive moist or dry air, vandalism, improper cleaning procedures, and excessive use. The original features and finishes should be protected from inappropriate changes: removal of original features, replacement of original features, repainting of original finishes, and introduction of new mechanical, plumbing and electrical systems that cause damage when they are installed.

d. *Repairs.* Deteriorated features or finishes should be repaired using the same or compatible materials. Do not make repairs with incompatible materials.

e. *Replacement.* Un-repairable features or finishes should be replaced with new features or finishes that match the original. Features or finishes should not be replaced with new features or finishes that do not convey the same visual appearance of the original.

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Division 8.01—Sign Regulations

Sections:

- [8.01.000](#): Purpose
- [8.01.005](#): Applicability
- [8.01.010](#): Exempt Signs
- [8.01.015](#): Prohibited Signs
- [8.01.020](#): Sign Standards
- [8.01.025](#): Design Guidelines

8.01.000: Purpose

A. The regulations set forth by this Division contain the primary tools for implementing the sign policies, standards, and regulations of the City pursuant to the provisions of the State Outdoor Advertising Act (BPC Section 5200 et seq.), and other applicable state and local requirements, and prescribe standards for the type, placement, size, number, height, and illumination of signs in order to achieve the following purposes:

1. Maintain the attractiveness and orderliness of the City's appearance by avoiding sign clutter;
2. Protect agricultural, residential, commercial, industrial, civic, open space and utilities, from the loss of visual prominence resulting from excessive signing on nearby sites;
3. Protect public and private investment in buildings and open spaces;
4. Protect residentially zoned areas lying adjacent to commercial and industrial areas from the negative effects of excessive signs;
5. Enable users of goods and services to identify establishments offering services to meet their needs;
6. Encourage sound signing practices as an aid to business and inform the public, but to prevent excessive and confusing sign displays;
7. Regulate the number, size, height, and location of signs according to standards consistent with the types of establishments in each zoning district;
8. Promote traffic safety through appropriate and reasonable controls on signs;
9. Promote the public health, safety, and welfare by regulating and controlling all matters relating to signs; and
10. Protect the health, safety, and welfare of City residents from hazards resulting from improper, excessive, distracting and otherwise unsafe signage.

B. It is the determination of the City Council that a sign is intended to serve primarily to identify the general nature of an establishment, or to direct attention to a product, activity, place, person, organization or enterprise. The City Council further determines that as identification devices, signs should not subject the citizenry to excessive competition for their visual attention, and as

appropriate identification devices, signs should harmonize with the building or activity they serve, the neighborhood in which they are located, and other signs within the surrounding area and in the same zoning district.

C. The installation of signs that improve the appearance of a building and neighborhood is encouraged. As such, The City Council hereby promotes the use of artistry and innovation in the design of signs is decidedly encouraged.

8.01.005: Applicability

A. No sign, including copy change or a temporary sign, shall be approved and a permit therefore issued, except in conformance with the requirements of Table 2.02-1 (Review Matrix) and Section 4.03.020 (Sign Plans) of this Development Code, and the requirements of this Division.

B. No sign shall be erected, constructed, attached, affixed, or maintained on any property, except in conformity with the provisions of this Division, and expressly exempted by the provisions of Section 8.01.010 (Exempt Signs) of this Division.

C. It shall be illegal to use, occupy, or maintain property in violation of this Division. Any violation or failure to comply with the provisions of this Division shall render a person guilty of such violation, punishable in accordance with OMC Title 1, Chapter 2 (Penalty Provisions).

8.01.010: Exempt Signs

No sign, including copy change or a temporary sign, shall be placed, installed, constructed, displayed, or altered without a Sign Plan approved by the City pursuant to Section 4.03.020 (Sign Plans) of this Development Code, excepting the following:

A. **Official Notices.** Any sign, posting, notice or other indication used exclusively to display official notices, notices of any court or public office, or posted by a public officer in the performance of a public duty, or required by a public entity in carrying out its responsibility to protect the public health, safety or welfare, or otherwise required by law.

B. **Street and Traffic Control Signs.** Street name and traffic control signs, directional signs, informational signs of a public or semi-public nature, historical markers placed by a governmental or non-profit organization, and railroad crossing, danger, or other emergency warning signs, provided that no individual sign exceeds 4 SF in area.

C. **Directional Signs.** Signs guiding and directing traffic in parking lots and facilities, provided that no individual sign exceeds 4 SF in area and 4 FT in height.

D. **Public Convenience Signs.** Signs showing the location of public restrooms, telephones, other public conveniences, and underground utilities, provided no individual sign exceeds 2 SF in area.

E. **Business Hours, Emergency Phone Numbers, Honoring Credit Cards, and Association Membership Signs.** Signs indicating business hours, emergency phone numbers, honoring credit cards, association memberships and similar types of sign, provided no individual sign exceeds one SF in area and the total area of all such signs does not exceed 4 SF.

- F. **Interior Signs.** Signs located entirely within a building, structure or complex of buildings, which are not visible from a public street or from other adjacent properties.
- G. **Menu Boards for Drive-In, Drive-Through, and Walk-Up Restaurants.** Menu boards not exceeding 36 SF in area and 6 FT in height for drive-in, drive-through, and walk-up restaurants, not to exceed 2 menu boards per restaurant.
- H. **Building Plaques.** The names of buildings and dates of erection and dedicatory, memorial or historical plaques not exceeding 4 SF in area, which are constructed of bronze or other nonflammable material.
- I. **Political Signs.** Political campaign signs installed pursuant to Subsection 8.01.025.J (Political Signs) of this Division.
- J. **Posters and Bulletin Boards.** Temporary posters on private property, not exceeding 4 SF in area, which are located in windows or on bulletin boards, advertising benefit activities and events sponsored by local nonprofit organizations.
- K. **Holiday Lights and Displays.** Holiday lights and displays that do not advertise any business establishment, product, or other commercial activity, limited to 30 days within any 60-day period.
- L. **Real Estate and Construction Signs.** Temporary real estate and construction signs allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Division.
- M. **Home Occupation Signs.** Signs attached to the exterior wall of a dwelling, at or near the building entrance, which identify a legally established home occupation conducted therein, not to exceed one sign per dwelling, maximum 18 inches square in size, and mounted at eye level, no higher than 6 FT above finished floor of the dwelling, measured at the top edge of the sign.

8.01.015: Prohibited Signs

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

- A. Any sign not specifically allowed by this Division; however, nothing in this Division shall be construed to prohibit any sign, notice, or advertisement required by Federal, State, or local laws.
- B. Billboards, including vehicle-mounted billboards (roving or stationary), excepting [i] billboards established pursuant to a Billboard Relocation Agreement, implemented pursuant to Section 4.02.010 (Billboard Relocation Agreements); and [ii] billboards located within the ONT zoning district, established pursuant to the requirements of Table 8.01-1 (Sign Regulations Matrix) of this Development Code.
- C. Rotating, revolving, or otherwise moving signs designed to attract attention by visual means through the movement or semblance of movement of the whole or any part of the sign, including rotation, special lighting or wind actuated devices, and signs that flash, blink or reflect light by means of a glossy, polished, or mirrored surface, excepting barber poles, time and temperature signs, and electronic message displays allowed pursuant to Paragraph C.3 (Electronic Message Displays) of this Section.

- D. Searchlights, open flames, or loudspeakers used to call attention to a product, service or property.
- E. Signs that float in the air, such as signs affixed to, or printed on, hot air balloons, helium balloons, or kites, inflated signs, and any other type of aerial sign, except as temporary signs or displays allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Division.
- F. Banner signs, except as temporary promotional or special event signs allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Division.
- G. Signs that emit or amplify any sounds or noise.
- H. Signs illuminated by lighting that changes in color or intensity of color, excepting electronic message displays allowed pursuant to Paragraph C.3 (Electronic Message Displays) of this Section.
- I. Signs that generate particulate matter, including but not limited to, bubbles, smoke, fog, confetti or ashes.
- J. Swooper signs, except as temporary promotional or special event signs allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Division.
- K. Signs placed on, affixed to, or erected on or over public rights-of-way, excepting street banners allowed pursuant to Subsection 8.01.025.G (Street Banner Program and Street Banners) of this Division.
- L. Signs that identify or advertise a product or service not available on the premises, excepting offsite real estate signs allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Division.
- M. Signs erected on roofs, or that project above the eave, parapet line or roofline, or above a canopy of a building.
- N. Internally illuminated signs with a directly exposed source of light.
- O. Lit borders consisting of neon or LED fixtures, which are affixed around the interior or exterior perimeter of windows, excepting holiday and/or seasonal lights and displays allowed pursuant to Subsection 8.01.010.K of this Division.
- P. Externally illuminated signs where the source of light is directly visible to pedestrians or vehicular traffic.
- Q. Signs that emit or reflect light by means of direct fluorescence, phosphorescence, or "day-glow" colors.
- R. Signs that obstruct the visual lines of sight at corners or intersections for drivers of motor vehicles.
- S. Signs that may obstruct the free use of any exit, entrance, window, vent, emergency access, fire lane, fire hydrant, or standpipe.
- T. Signs that may interfere with, obstruct, confuse or mislead pedestrian or vehicular traffic.

- U. Any sign illumination that, in the opinion of the Zoning Administrator, exhibits undue glare.
- V. Signs affixed to trucks, automobiles, trailers or any other vehicle that advertise, identify, or provide direction to a use or activity not related to its lawful making of deliveries or sales of merchandise, or rendering of services from such vehicles.
- W. Parking of legitimate delivery, sales, or service vehicles in an off-site location, or on-site, within a parking lot adjacent to a public street for the purpose of advertising.
- X. Any sandwich board, "A" frame sign, or other portable sign, except as temporary signs or displays allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Division;
- Y. Signs affixed to, or painted on, a rock, tree, or any other natural feature.
- Z. Changeable copy signs, excepting electronic message displays allowed pursuant to Paragraph 8.01.025.C.3 (Electronic Message Displays) of this Division, and those changeable copy signs specifically allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Division;
- AA. Any sign having a dimension in excess of 1.5 FT in height and 1.5 FT in width, which identifies a home occupation.
- BB. Any sign consisting of several sheets of paper connected together by perforations, tape, staples or any other means.
- CC. Signage painted on the exterior walls or fascia of a building or structure.
- DD. Supergraphics.
- EE. Human signs, including human billboards, human directionals, and sign walkers, wavers and twirlers (holding or wearing a sign, or the act of spinning or dancing while holding or wearing a sign, or wearing a costume, in order to attract attention).

8.01.020: Sign Standards

A. General Regulations.

1. No sign shall be placed on private property, including vacant property, without written authorization from the owner or the occupant, and approval of plans by the City, pursuant to the provisions of Section 4.03.020 (Sign Plans) of this Development Code.
2. No sign shall be placed on public property or within the public right-of-way without written City approval. Signs placed on public property or in the public right-of-way without specific approval, shall be deemed illegal and shall be abated pursuant to the provisions of Section 3.02.015 (Illegal Signs) of this Development Code.
3. Creative and imaginative signage is strongly encouraged and is the standard by which Sign Plan applications will be judged, together with the specific architectural style of adjacent buildings.

4. There are many acceptable sign treatments that may be used; however, a mixed media, three-dimensional approach, which incorporates a combination of fabrication and lighting techniques, is preferred.

5. Consider [i] the overall concept of the project a proposed sign will serve, [ii] the scale of the proposed sign, and [iii] the critical viewing angles and sight lines when designing appropriate graphics and signs for site and storefront installations.

6. A sign shall be located on the same site as the use, activity, or structure it identifies, except as otherwise expressly permitted by this Division.

7. No sign shall resemble a traffic safety or control device or, by intensity of illumination, location or design, impair the vision of, or create a hazard for, motorists on a public street or highway.

8. Lateral and columnar sign supports are to be designed to be architecturally integrated with the building to which it is attached, or so that required bracing, including but not limited to, angle irons, guy wires, cables or other appurtenances, shall not be exposed to public view.

9. All signs shall be constructed to conceal conduits and raceways, exposed wiring, and electrical appurtenances.

B. Sign Regulations.

1. Sign Regulation Matrix. Table 8.01-1 (Sign Regulation Matrix) of this Division, identifies the sign classification, type, number, location, area, height, length, allowed within each zoning district of the City, along with any applicable special regulations. The standards contained in the Sign Regulation Matrix are maximums, unless otherwise stated. The maximum standard established by Table 8.01-1 (Sign Regulation Matrix) may be reduced by the Approving Authority in cases when the Approving Authority can clearly establish by written decision that that implementation of the maximum standard would:

- a. Adversely affect the public health, safety or welfare; or
- b. Result in a sign design and/or placement inconsistent with the requirements of this Section; or
- c. Be contrary to the aesthetic sensibilities of the neighborhood in which the sign is proposed.

2. Downtown Ontario Design Guidelines. The Downtown Ontario Design Guidelines, included as Reference "C" of this Development Code, establishes a set of architectural, graphic, and lighting design principles for the rehabilitation of properties within the City's historic original downtown area (project area). Signs proposed within the project area shall be subject to the sign requirements contained within the Downtown Ontario Design Guidelines. The affected area is bordered by "I" Street on the north, Vine Street on the west, Sultana Avenue on the east, and railroad tracks on the south, and is defined in Figure 1.4 (Land Use Districts) of the Downtown Ontario Design Guidelines. The design guidelines also apply to those properties located across the street from, and directly abut, the project area.

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Maximum Number, and Location</i>	<i>Maximum Sign Area</i>	<i>Maximum Height</i>	<i>Maximum Sign Length</i>	<i>Special Regulations</i>
A. ALL ZONING DISTRICTS (excepting those “specialty signs” listed in Subsection G (Standards for Specialty Signs) of this Table)					
1. Temporary Signs					
a. Construction Signs	One freestanding sign or wall sign per parcel.	32 SF per sign face.	8 FT	No restriction.	<p>[1] Signs shall be nonilluminated.</p> <p>[2] Signs shall be removed within 5 days following the sale or lease of the last unit, or final Building Department inspection.</p>
b. Off-Site Residential Subdivision Signs	Number and location subject to Planning Director approval; however, a sign shall not be located more than 600 FT from any other Off-Site Residential Subdivision Sign location.	35 SF	<p><u>Sign</u>: 7 FT (overall)</p> <p><u>Business Panel Signs</u>: 10 inches (each)</p>	Panel: 5 FT (each)	<p>[1] The design, construction materials, and color scheme of Off-Site Residential Subdivision Signs shall be pursuant to an Off-Site Residential Subdivision Sign Program approved by the Planning Director. No more than 6 sign panels shall be affixed to any one structure.</p> <p>[2] Each sign panel may only contain the name of the residential subdivision and a directional arrow.</p> <p>[3] The placement of Off-Site Residential Subdivision Signs within the public right-of-way shall be subject to approval of an encroachment permit by the City Engineer.</p> <p>[4] No flags, balloons, pennants, or other riders or decorations are permitted. The illumination of Off-Site Subdivision Signs is not permitted.</p> <p>[5] Signs shall not advertise residential subdivisions</p>

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Maximum Number, and Location</i>	<i>Maximum Sign Area</i>	<i>Maximum Height</i>	<i>Maximum Sign Length</i>	<i>Special Regulations</i>
					<p>located outside of the city limits.</p> <p>[6] Individual directional panels shall be allowed to remain until such time that the respective subdivision is sold-out.</p> <p>[7] It shall be unlawful for any person to place or erect an Off-Site Residential Subdivision Sign, except in conformity with the herein stated provisions</p> <p>[8] The City Council may by resolution, authorize the administration of an Off-Site Residential Subdivision Sign Program by one or more organizations of its choosing.</p>
<p>c. Off-Site Business Signs</p>	<p>Number and location subject to Planning Commission approval.</p>	<p>35 SF</p>	<p>Sign: 7 FT (overall) Business Panel Signs: 10 inches (each)</p>	<p>Business Panel Signs: 5 FT (each)</p>	<p>[1] A maximum of 2 Off-Site Business Signs may be permitted for a business, or group of businesses, when the Planning Commission can make each of the following findings:</p> <ul style="list-style-type: none"> ▪ Five or more businesses are affected by the same special circumstances; and ▪ Special circumstances exist which adversely affect the businesses, such as temporary closure of a public street, which provides main access to the businesses; <p>[2] The design, construction materials, and color scheme of an Off-Site Business Sign</p>

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Maximum Number, and Location</i>	<i>Maximum Sign Area</i>	<i>Maximum Height</i>	<i>Maximum Sign Length</i>	<i>Special Regulations</i>
					<p>shall be subject to approval by the Planning Commission.</p> <p>[3] No more than 6 business panel signs shall be affixed to any one structure.</p> <p>[4] The placement of Off-Site Business Signs within the public right-of-way shall be subject to approval of an encroachment permit by the City Engineer.</p> <p>[5] No flags, balloons, pennants, or other riders or decorations are permitted. The illumination of Off-Site Business Signs is not permitted.</p> <p>[6] It shall be unlawful for any person to place or erect an Off-Site Business Sign, except in conformity with the herein stated provisions.</p> <p>[7] An Off-Site Business Sign shall be removed within 30 days following the special circumstances that allowed the sign, ceases to exist.</p> <p>[8] No otherwise eligible business shall be allowed an Off-Site Business Sign until all illegal signs associated with such businesses are removed.</p>
d. Political Signs					Refer to Paragraph 8.01.020.K (Political Signs) of this Division for political sign regulations.
e. Street Banners	Pursuant to Subsection 8.01.020.G (Street Banners)	No restriction.	No restriction.	No restriction.	Comply with the requirements of Subsection

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Maximum Number, and Location</i>	<i>Maximum Sign Area</i>	<i>Maximum Height</i>	<i>Maximum Sign Length</i>	<i>Special Regulations</i>
	and Street Banner Programs) of this Division.				8.01.020.G (Street Banners and Street Banner Programs)
2. Permanent Signs					
a. Address Signs	One wall sign and rooftop sign per building or divided tenant space.				Street addresses shall be posted pursuant to Subsections 6.06.020.B (Posting of Street Address Numbers) and D (Posting of Rooftop Address Numbers) of this Development Code.
b. Directional Signs	Pole, monument, or wall sign.	4 SF per sign face.	Pole or monument signs shall not exceed 6 FT in height.		Signs shall be for the purpose of serving the public safety or convenience (e.g., signs such as "parking," "entrance," "exit" and the like). The sign may include the name/logo of the business it serves.
c. Directory Signs	Monument or wall sign. The number and location shall be at the discretion of the Planning Director.	6 SF per sign face.	6 FT		Directory signs should include a plot plan showing all private drives and roads, building locations with unit numbers and addresses, and fire hydrant locations. The directory should also include a reference point on the plot plan indicating the location of the directory and a north arrow.
d. Government Flags and Emblems	No restrictions.	No restriction.	No restriction.	No restriction.	Includes flags or emblems of the United States of America, the State of California, the County of San Bernardino and the City of Ontario.
e. Wall Murals	Murals shall be original, non-commercial works of art; uniquely designed for the specific location it is proposed. Ideally, murals should depict the historic	There is no maximum allowed sign area; however, murals must complement the scale and architectural features of the building on which they are located.	No restriction.	No restriction.	[1] Murals are intended to enhance the quality of the area in which it is located, and the community as a whole. They should not serve to direct attention to a

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Maximum Number, and Location</i>	<i>Maximum Sign Area</i>	<i>Maximum Height</i>	<i>Maximum Sign Length</i>	<i>Special Regulations</i>
	character of the community or reflect Ontario's environmental setting.				specific business, product, or service. [2] Wall murals may be approved by the Planning Commission, upon consideration of the following: <ul style="list-style-type: none"> ▪ Compatibility of the design with the immediate environment of the site; ▪ Appropriateness of the design and size to the function of the site; ▪ Compatibility of the design and location within a unified theme; and ▪ Appropriateness of the design as a public work of art. The design may portray, but not be limited to, a cultural, historical, or scenic subject.
B. RESIDENTIAL ZONING DISTRICTS (excepting those "specialty signs" listed in Subsection G (Standards for Specialty Signs) of this Table)					
1. Temporary Signs					
a. Real Estate Signs (signs identifying properties and dwellings for resale)	One freestanding sign per lot, which identifies a property as "For Sale," "For Lease" or "For Rent." One on-site freestanding sign per event, which identifies an "Open House." Four off-site freestanding directional signs, which identifies the location of an "Open House" event.	8 SF per sign face. 4 SF per sign face. 4 SF per sign face.	5 FT 3 FT 3 FT		[1] Only nonilluminated signs shall be allowed. [2] A sign identifying a property for sale/lease/rent shall be removed within 5 days following the close of escrow. [3] Open House" signs shall be allowed as follows: <ul style="list-style-type: none"> ▪ Signs may be placed between the hours of 8:00AM and 8:00PM, on

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Maximum Number, and Location</i>	<i>Maximum Sign Area</i>	<i>Maximum Height</i>	<i>Maximum Sign Length</i>	<i>Special Regulations</i>
					Friday, Saturday, Sunday, and legal holidays; <ul style="list-style-type: none"> ▪ Off-site directional signs shall be located no farther than 0.5-mile from the Open House location; ▪ Signs shall not be placed on the public sidewalk; and ▪ No flags, balloons, pennants, or other sign riders or decorations shall be used.
b. Subdivision Sales Office < 5 acres	One freestanding or wall sign per subdivision.	32 SF per sign face.	12 FT		[1] Only nonilluminated signs shall be allowed. [2] Signs shall be removed within 30 days following the sale of the last unit in the complex.
c. Subdivision Sales Office ≥ 5 acres	One freestanding or wall signs per street frontage of a subdivision, not to exceed a total of 3 signs.	32 FT per sign face.	12 FT		
2. Permanent Signs					
a. Single-Family Signs					
<ul style="list-style-type: none"> ▪ Subdivision Signs 	One monument sign or wall sign per subdivision, located at the subdivision entry or at major intersecting boundary streets.	12 SF per sign face.	4 FT (freestanding)		[1] Only nonilluminated signs shall be allowed. [2] The Planning Director may implement measures to ensure sign maintenance, such as the establishment of a homeowners association and the recordation of appropriate CC&Rs with the San Bernardino County Recorder’s office, or other suitable measures.

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Maximum Number, and Location</i>	<i>Maximum Sign Area</i>	<i>Maximum Height</i>	<i>Maximum Sign Length</i>	<i>Special Regulations</i>
<ul style="list-style-type: none"> ▪ Home Occupation Signs 	One wall sign per dwelling, located at or near the building entrance.	2.25 SF	1.5 FT	1.5 FT	Home occupation signs shall be mounted at eye level, no higher than 6 FT above finished floor of the dwelling, measured at the top edge of the sign.
b. Multiple-Family Signs					
<ul style="list-style-type: none"> ▪ Complex Signs 	One monument sign or wall sign per street frontage.	24 SF per sign face.	6 FT (freestanding)		<p>[1] Signs shall be nonilluminated.</p> <p>[2] Wall signs shall comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division.</p> <p>[3] Monument signs shall comply with Paragraph 8.01.020.C.1 of this Division.</p>
<ul style="list-style-type: none"> ▪ Site Directory Signs 	One monument or wall site directory sign per vehicle entry.	12 SF per sign face.	6 FT (freestanding)		
c. Institutional User Signs (e.g., day care facilities, religious assembly, schools, etc.)	<p><u>Wall Signs:</u> One sign per street frontage, not to exceed 2 signs per building.</p> <p><u>Monument Signs:</u> One sign per street frontage.</p>	<p><u>Wall Signs:</u> 24 SF per building elevation.</p> <p><u>Monument Signs:</u> 24 SF per sign face</p>	<p><u>Wall Signs:</u> 2 FT maximum alphanumeric character height</p> <p><u>Monument Signs:</u> 6 FT</p>	<p><u>Wall Signs:</u> Not to exceed 80% of the elevation width upon which the sign is located.</p>	<p><u>Wall Signs:</u> Signs shall comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division.</p> <p><u>Monument Signs:</u> Signs shall comply with Paragraph 8.01.020.C.1 of this Division.</p>
C. COMMERCIAL ZONING DISTRICTS (excepting those “specialty signs” listed in Subsection G (Standards for Specialty Signs) of this Table)					
1. Temporary Signs					
<ul style="list-style-type: none"> a. Real Estate Signs 	One freestanding sign or wall sign per parcel.	32 SF per sign face.	8 FT		<p>[1] Signs shall be nonilluminated.</p> <p>[2] Signs shall be removed within 5 days following the sale or lease of the last unit has been completed.</p>

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Maximum Number, and Location</i>	<i>Maximum Sign Area</i>	<i>Maximum Height</i>	<i>Maximum Sign Length</i>	<i>Special Regulations</i>
b. Window Signs and Displays	Window signs	Limited to 25% of the window area, excepting within the area covered by the Downtown Ontario Design Guidelines (see Reference “C” of this Development Code for applicable standards).			<p>[1] Window signs shall be allowed for a maximum of 3 periods of 30 days per year.</p> <p>[2] Window signs shall be allowed only on windows located on the ground floor of a building frontage.</p> <p>[3] Window signs shall be painted or mounted only on the inside of doors and windows.</p> <p>[4] Signs placed on the interior of a building, which are located within 3 FT of a storefront window and are visible from the building exterior, shall be deemed a window sign.</p>
c. On-Site Promotional and Special Event Signs and Banners					
▪ ≤ 8,000 SF of tenant GFA	One wall-mounted banner per tenant.	50 SF per sign face.	3 FT	Not to exceed 50% of the elevation width upon which the sign is located.	[1] <u>Business Grand Opening</u> . A new business may be allowed temporary signage identifying its grand opening, one time, for a maximum of 30 days duration.
▪ > 8,000 SF of tenant GFA	One wall-mounted banner per tenant.	75 SF per sign face.	5 FT	Not to exceed 50% of the elevation width upon which the sign is located.	[2] <u>Retail Sales Event</u> . A Retail Sales Event pursuant to Paragraph 5.03.395.G.1 of this Development Code may be allowed temporary signage for maximum 7 days duration during the specified “holiday sale periods,” and during the specified “additional periods” for which a Temporary Use Permit has been issued, not to exceed a total of 56 days

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Maximum Number, and Location</i>	<i>Maximum Sign Area</i>	<i>Maximum Height</i>	<i>Maximum Sign Length</i>	<i>Special Regulations</i>
					<p>per calendar year. Each “additional period” may be used consecutively with “holiday sale periods,” not to exceed a total of 6 consecutive periods (42 consecutive days).</p> <p>[3] <u>Holiday Retail Sales.</u> Holiday Retail Sales established pursuant to Paragraph 5.03.395.G.2 of this Development Code may be allowed temporary signage for maximum 30 days duration.</p> <p>[4] <u>Shows and Exhibits.</u> Shows and Exhibits established pursuant to Paragraph 5.03.395.G.3 of this Development Code may be allowed temporary signage for maximum 30 days duration.</p> <p>[5] <u>Amusement and/or Sporting Events.</u> Amusement and/or Sporting Events established pursuant to Paragraph 5.03.395.G.4 of this Development Code may be allowed temporary signage for maximum 30 days duration per calendar year, which may be used in a single period, or in 2 periods of 15 days duration.</p> <p>[6] <u>Tent Revivals.</u> Tent Revivals established pursuant to Paragraph 5.03.395.G.5 of this Development Code may be allowed temporary signage for maximum 30 days duration per calendar</p>

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Maximum Number, and Location</i>	<i>Maximum Sign Area</i>	<i>Maximum Height</i>	<i>Maximum Sign Length</i>	<i>Special Regulations</i>
					year, which may be used in a single period, or in 2 periods of 15 days duration. [7] <u>Charitable and Fund Raising Events</u> . Charitable and Fund Raising Events established pursuant to Paragraph 5.03.395.G.6 of this Development Code may be allowed temporary signage during the specified “holiday periods,” and the specified “additional events” for which a Temporary Use Permit has been issued.
2. Permanent Signs					
a. Wall Signs					
<ul style="list-style-type: none"> ▪ <u>Retail</u>: Businesses Occupying > 100,000 SF 	One primary wall sign per building elevation, not to exceed 3 signs, plus 2 descriptor signs.	200 SF per building elevation.	<u>Primary Signs</u> : 6 FT for alphanumeric characters and graphic logos/icons. <u>Descriptor Signs</u> : 2 FT for alphanumeric characters and graphic logos/icons.		Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division.
<ul style="list-style-type: none"> ▪ <u>Retail</u>: Businesses Occupying 50,000 SF to 99,999 SF 	One primary wall sign per building elevation, not to exceed 3 signs, plus 2 descriptor signs.	175 SF per building elevation.	<u>Primary Signs</u> : 5 FT for alphanumeric characters and graphic logos/icons. <u>Descriptor Signs</u> : 2 FT for alphanumeric characters and graphic logos/icons.		
<ul style="list-style-type: none"> ▪ <u>Retail</u>: Businesses Occupying 20,000 SF to 49,999 SF 	One primary wall sign per building elevation, not to exceed 3 signs, plus 2 descriptor signs.	150 SF per building elevation.	<u>Primary Signs</u> : 4 FT for alphanumeric characters and graphic logos/icons. <u>Descriptor Signs</u> : 1.5 FT for alphanumeric characters and graphic logos/icons.		

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Maximum Number, and Location</i>	<i>Maximum Sign Area</i>	<i>Maximum Height</i>	<i>Maximum Sign Length</i>	<i>Special Regulations</i>
<ul style="list-style-type: none"> ▪ Retail: Businesses Occupying 8,000 SF to 19,999 SF 	One primary wall sign per building elevation, not to exceed 3 signs, plus 2 descriptor signs.	100 SF per building elevation.	<u>Primary Signs:</u> 3 FT for alphanumeric characters and graphic logos/icons. <u>Descriptor Signs:</u> 12 inches for alphanumeric characters and graphic logos/icons.		
<ul style="list-style-type: none"> ▪ Retail: Businesses Occupying < 8,000 SF 	One wall sign per building elevation, not to exceed 3 signs.	50 SF per building elevation.	<u>Alphanumeric Characters:</u> 2 FT. <u>Logos/Icons:</u> 4 FT.		
<ul style="list-style-type: none"> ▪ Office: Multiple-Story Building Identification 	One wall sign per building elevation, not to exceed 2 signs.	100 SF per building elevation.	3 FT for alphanumeric characters and graphic logos/icons.		[1] Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division. [2] Signage shall be limited to identification of the building, and not individual tenants.
<ul style="list-style-type: none"> ▪ Office: Multiple Story Building—Tenant Identification 	One wall sign per building elevation, not to exceed 2 signs.	50 SF per building elevation.	2 FT for alphanumeric characters and graphic logos/icons.		[1] Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division. [2] A maximum of 2 tenant identification signs shall be permitted regardless of the number of tenants contained within the building.
<ul style="list-style-type: none"> ▪ Office: Single Story Building—Tenant Identification 	One wall sign per building elevation, not to exceed 2 signs. Alternately, for multiple tenant buildings, one nameplate may be provided for each tenant (2 nameplates may be provided for end/corner-unit tenants).	<u>Wall Signs:</u> 50 SF. <u>Nameplates:</u> 15 SF.	<u>Wall Signs:</u> 2 FT for alphanumeric characters and graphic logos/icons. <u>Nameplates:</u> 1.5 FT for nameplates and 12-inches for alphanumeric characters and graphic logos/icons.		[1] Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division. [2] Nameplates shall not be illuminated.
b. Monument Signs					
<ul style="list-style-type: none"> ▪ Commercial Center Identification Signs 	One monument sign for each 500 FT (lineal) of street frontage, with a minimum	50 SF per sign face.	7 FT (3.5 FT for a sign installed within the corner cut-off area of intersecting streets)		Comply with Paragraph 8.01.020.C.1 (Monument Signs) of this Division.

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Maximum Number, and Location</i>	<i>Maximum Sign Area</i>	<i>Maximum Height</i>	<i>Maximum Sign Length</i>	<i>Special Regulations</i>
	300 FT spacing between signs.				
▪ Building Identification Signs (not a part of a center or complex)	One monument sign per street frontage.	36 SF per sign face.	6 FT		
c. Directional Signs (On-Site)	Freestanding directional signs (on-site only) shall be permitted as determined appropriate by the Planning Director.	5 SF per sign face	5 FT		The design of directional signs shall be consistent with the architectural design of the buildings they serve.
d. Freeway Signs	[1] One sign per parcel having a minimum of 600 FT of freeway frontage and is developed as a single entity. [2] Two signs per parcel having a minimum of 1,800 FT of freeway frontage, a minimum of 10 acres in area, and is developed as a single entity. [3] Three signs per parcel having a minimum of 3,000 FT of freeway frontage, a minimum of 10 acres in area, and is developed as a single entity.	150 SF per sign face.	35 FT maximum; however, the height may be increased to 45 FT if the site is at least 10 FT lower than the freeway finish surface.	No sign face shall exceed 25 FT in any direction.	[1] Comply with Paragraph 8.01.020.C.2 (Freeway Signs) of this Division. [2] No advertising display shall contain flashing, intermittent, or moving lights, other than that part necessary to give public service information, including, but not limited to, the time, date, temperature, weather, or similar information, or an Electronic Message Display that complies with Paragraph 8.01.020.C.3 (Electronic Message Displays) of this Division.
D. MIXED-USE ZONING DISTRICTS (excepting those "specialty signs" uses listed in Subsection F (Standards for Specialty Signs) of this Table)					
All Signs	Rely upon the sign standards for residential land uses established by Subsection B (Residential Zoning Districts) of this Table; and rely upon the sign standards for commercial land uses established by Subsection C (Commercial Zoning Districts) of this Table				
E. INDUSTRIAL ZONING DISTRICTS (excepting those "specialty signs" uses listed in Subsection G (Standards for Specialty Signs) of this Table)					
1. Temporary Signs					
a. Real Estate Signs	One freestanding sign or wall sign per parcel.	32 SF per sign face.	8 FT.		[1] Signs shall be nonilluminated.

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Maximum Number, and Location</i>	<i>Maximum Sign Area</i>	<i>Maximum Height</i>	<i>Maximum Sign Length</i>	<i>Special Regulations</i>
					[2] Signs shall be removed within 5 days following the sale or lease of the last unit has been completed.
b. Window Signs and Displays	Window signs	Limited to 25% of the window area.			[1] Window signs shall be allowed for a maximum of 3 periods of 30 days per year. [2] Window signs shall be allowed only on windows located on the ground floor of a building frontage. [3] Window signs shall be painted or mounted only on the inside of doors and windows. [4] Signs placed on the interior of a building, which are located within 3 FT of a storefront window and are visible from the building exterior, shall be deemed a window sign.
c. On-Site Promotional and Special Event Signs and Banners	One wall-mounted banner per tenant.	One-half the area allowed for permanent tenant identification signage, not to exceed 50 SF.		Not to exceed 50% of the elevation width upon which the sign is located.	[1] <u>Business Grand Opening</u> . A new business may be allowed temporary signage identifying its grand opening, one time, for a maximum of 30 days duration. [2] <u>Retail Sales Event</u> . A Retail Sales Event pursuant to Paragraph 5.03.395.G.1 of this Development Code may be allowed temporary signage for maximum 7 days duration during the specified “holiday sale periods,” and during the specified “additional periods” for which a Temporary Use Permit has been issued, not

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Maximum Number, and Location</i>	<i>Maximum Sign Area</i>	<i>Maximum Height</i>	<i>Maximum Sign Length</i>	<i>Special Regulations</i>
					<p>to exceed a total of 56 days per calendar year. Each “additional period” may be used consecutively with “holiday sale periods,” not to exceed a total of 6 consecutive periods (42 consecutive days).</p> <p>[3] <u>Holiday Retail Sales.</u> Holiday Retail Sales established pursuant to Paragraph 5.03.395.G.2 of this Development Code may be allowed temporary signage for maximum 30 days duration.</p> <p>[4] <u>Shows and Exhibits.</u> Shows and Exhibits established pursuant to Paragraph 5.03.395.G.3 of this Development Code may be allowed temporary signage for maximum 30 days duration.</p> <p>[5] <u>Amusement and/or Sporting Events.</u> Amusement and/or Sporting Events established pursuant to Paragraph 5.03.395.G.4 of this Development Code may be allowed temporary signage for maximum 30 days duration per calendar year, which may be used in a single period, or in 2 periods of 15 days duration.</p> <p>[6] <u>Tent Revivals.</u> Tent Revivals established pursuant to Paragraph 5.03.395.G.5 of this Development Code may be allowed temporary signage for maximum 30</p>

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Maximum Number, and Location</i>	<i>Maximum Sign Area</i>	<i>Maximum Height</i>	<i>Maximum Sign Length</i>	<i>Special Regulations</i>
					days duration per calendar year, which may be used in a single period, or in 2 periods of 15 days duration. <u>[7] Charitable and Fund Raising Events.</u> Charitable and Fund Raising Events established pursuant to Paragraph 5.03.395.G.6 of this Development Code may be allowed temporary signage during the specified “holiday periods,” and the specified “additional events” for which a Temporary Use Permit has been issued.
2. Permanent Signs					
a. Wall Signs					
▪ Businesses Occupying > 250,000 SF	One wall sign per street frontage, and/or at a public entrance facing a parking lot, not to exceed 2 signs per tenant.	250 SF per wall sign	<u>Wall Signs:</u> 6 FT for alphanumeric characters and graphic logos/icons.	Not to exceed 75% of the elevation width upon which the sign is located.	Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division.
▪ Businesses Occupying 249,999 SF to 100,000 SF	One wall sign per street frontage, and/or at a public entrance facing a parking lot, not to exceed 2 signs per tenant.	200 SF per wall sign	<u>Wall Signs:</u> 5 FT for alphanumeric characters and graphic logos/icons.	Not to exceed 75% of the elevation width upon which the sign is located.	
▪ Businesses Occupying 99,999 SF to 50,000 SF	One wall sign per street frontage, and/or at a public entrance facing a parking lot, not to exceed 2 signs per tenant.	150 SF per wall sign	<u>Wall Signs:</u> 4 FT for alphanumeric characters and graphic logos/icons.	Not to exceed 75% of the elevation width upon which the sign is located.	
▪ Businesses Occupying 49,999 SF to 20,000 SF	One wall sign per street frontage, and/or at a public entrance facing a parking lot, not to exceed 2 signs per tenant.	100 SF per wall sign	<u>Wall Signs:</u> 3 FT for alphanumeric characters and graphic logos/icons.	Not to exceed 75% of the elevation width upon which the sign is located.	

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Maximum Number, and Location</i>	<i>Maximum Sign Area</i>	<i>Maximum Height</i>	<i>Maximum Sign Length</i>	<i>Special Regulations</i>
<ul style="list-style-type: none"> Businesses Occupying < 20,000 SF 	One wall sign per street frontage, and/or at a public entrance facing a parking lot, not to exceed 2 signs per tenant.	50 SF per wall sign	<u>Wall Signs</u> : 2 FT for alphanumeric characters and graphic logos/icons.	Not to exceed 75% of the elevation width upon which the sign is located.	
[b] Monument Signs					
<ul style="list-style-type: none"> Industrial Park, Center or Complex Identification Sign 	One sign per street frontage, not to exceed 2 signs.	36 SF per sign face.	6 FT (3.5 FT for a sign installed within the corner cut-off area of intersecting streets)		Comply with Paragraph 8.01.020.C.1 (Monument Signs) of this Division.
<ul style="list-style-type: none"> Single or Multiple-Tenant Building Identification Signs—Not a Part of a Park, Center or Complex 	One sign per street frontage, not to exceed 2 signs.	36 SF per sign face.	6 FT (3.5 FT for a sign installed within the corner cut-off area of intersecting streets)		
F. SPECIAL USE ZONING DISTRICTS (excepting those “Specialty Signs” listed in Subsection F (Standards for Specialty Signs) of this Table)					
1. Agriculture	<p><u>Residential Uses</u>: Rely upon the sign standards for residential land uses established by Subsection B (Residential Zoning Districts) of this Table.</p> <p><u>Retail Commercial and Office Uses</u>: Rely upon the sign standards for retail commercial and office land uses established by Subsection C (Commercial Zoning Districts) of this Table</p> <p><u>Industrial Uses</u>: Rely upon the sign standards for single-family residential land uses established by Subsection B (Residential Zoning Districts) of this Table</p>				
2. Civic	Rely upon the sign standards for office land uses established by Subsection C (Commercial Zoning Districts) of this Table.				
3. Mobile Home Park	One monument sign per street frontage.	24 SF per sign face.	6 FT		<p>[1] Non-illuminated or indirect illumination only.</p> <p>[2] Signs shall not be located within a required setback area.</p>
4. Ontario International Airport					
a. Temporary Signs					
<ul style="list-style-type: none"> Real Estate Signs 	One freestanding or wall sign per parcel.	24 SF per sign face.	7 FT		<p>[1] Only nonilluminated signs shall be allowed.</p> <p>[2] Signs shall be removed within 5 days following the</p>

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Maximum Number, and Location</i>	<i>Maximum Sign Area</i>	<i>Maximum Height</i>	<i>Maximum Sign Length</i>	<i>Special Regulations</i>
					sale or lease of the last unit, or final Building Department inspection.
▪ Window Signs and Displays	Window signs	Limited to 25% of the window area.			[1] Window signs shall be allowed for a maximum of 3 periods of 30 days, annually. [2] Window signs shall be allowed only on windows located on the ground floor of a building frontage. [3] Window signs shall be painted or mounted only on the inside of doors and windows. [4] Signs placed on the interior of a building that are located within 3 FT of a storefront window and are visible from the building exterior shall be deemed a window sign.
▪ On-Site Signs and Banners	One wall-mounted sign or banner per business.	50 SF per sign face.			
b. Permanent Signs					
▪ Wall Signs	As allowed by a Sign Program established pursuant to Subsection F (Sign Program) of Development Code Section 8.01.020 (Sign Standards).				
▪ Monument Sign	As allowed by a Sign Program established pursuant to Subsection F (Sign Program) of Development Code Section 8.01.020 (Sign Standards).				
▪ Wayfinding and Directional Signs	As allowed by a Sign Program established pursuant to Subsection F (Sign Program) of Development Code Section 8.01.020 (Sign Standards).				
▪ Billboards	Three LED signs and three static message signs	<u>LED Signs:</u> 675 SF per sign face <u>Static Signs:</u> 250 SF per sign face <u>Total Sign Area:</u> The combined area of all	<u>LED Signs:</u> 35 FT <u>Static Signs:</u> 35 FT	<u>LED Signs:</u> 48 FT <u>Static Signs:</u> 11 FT	All billboard signs shall be located in close proximity to the terminals and/or rental car area of the airport.

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Maximum Number, and Location</i>	<i>Maximum Sign Area</i>	<i>Maximum Height</i>	<i>Maximum Sign Length</i>	<i>Special Regulations</i>
		billboard signs shall not exceed 2,500 SF.			
5. Open Space—Cemetery	As determined appropriate by the Planning Director.				
6. Open Space—Recreation	As determined appropriate by the Planning Director.				
7. Rail Corridor	As determined appropriate by the Planning Director.				
8. Utilities Corridor	As determined appropriate by the Planning Director.				
G. STANDARDS FOR SPECIALTY SIGNS (<i>Note: The below-listed standards are for the placement of permanent signs. Refer to the general zoning district standards contained in this table for the standards for temporary sign standards</i>)					
1. Fuel Sales (Service Stations) Signs					
a. Wall Signs	One primary wall sign per building elevation, not to exceed 3 signs.	50 SF per building elevation.	[1] 2 FT alphanumeric characters. [2] 2.5 FT graphic icons/logos.	Not to exceed 80% of the elevation width upon which the sign is located.	Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division.
b. Fuel Island Canopy Sign	One fuel island canopy sign per elevation, not to exceed 2 signs.	16 SF per building elevation.	[1] 2 FT alphanumeric characters. [2] 2.5 FT graphic logos/icons may be installed in place of alphanumeric characters.	4 FT graphic logos/icons in place of alphanumeric characters.	Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division.
c. Fuel Pump Identification	One logo/icon identification sign per fuel pump face, not to exceed 2 signs per pump.	2.25 SF	1.5 FT graphic logo/icon		
d. Monument Signs	One monument fuel pricing sign per street frontage.	[1] 25 SF per sign face. [2] 50 SF per sign face, when combined with business identification signage.	7 FT		Comply with Paragraph 8.01.020.C.1 (Monument Signs) of this Division.
2. Drive-Thru Restaurant Signs					
a. Wall Signs	One wall sign per building elevation, not to exceed 3 signs.	25 SF per sign face.	[1] 2 FT alphanumeric characters. [2] 2.5 FT graphic icons/logos.		Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division.

Table 8.01-1: Sign Regulation Matrix

<i>Sign Classification</i>	<i>Sign Type, Maximum Number, and Location</i>	<i>Maximum Sign Area</i>	<i>Maximum Height</i>	<i>Maximum Sign Length</i>	<i>Special Regulations</i>
b. Menu Boards	One pre-order board and one order board per business.	36 SF per sign face.	6 FT (freestanding)		
c. Monument Signs	One monument sign per business	50 SF per sign face	6 FT		Comply with Paragraph 8.01.020.C.1 (Monument Signs) of this Division.

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C. **Freestanding Signs.** The following requirements apply generally to the design and placement of freestanding signs, including monument signs and freeway signs, and the use of electronic message or text display:

1. **Monument Signs.** Any freestanding sign that identifies: [i] a residential subdivision; [ii] a multiple-family or mixed-use development project; [iii] an individual building on an individual lot containing one or more nonresidential uses; or [iv] a center or complex consisting of 2 or more buildings containing one or more nonresidential uses per building, shall be designed as a monument sign, which complies with the following:

a. Table 8.01-1 (Sign Regulation Matrix) of this Division establishes the number, location, area, height, and additional regulations applicable to monument signs.

b. The minimum letter height shall be 8 inches.

c. Monument signs for centers/complexes shall be limited to the display of the name of the center/complex and the identification of a maximum of 7 tenants within the center/complex.

d. Monument signs shall have a maximum of 2 sign faces.

e. Monument signs may be oriented toward arterial, collector and/or local streets, or private drives, and shall not be oriented toward freeways.

f. No monument sign shall be located within a public right-of-way and must be wholly located behind the right-of-way line (street property line) for its full height. Furthermore, such signs shall be located a minimum of 10 FT behind the adjacent curb face (public and private streets).

g. A monument sign shall be located a minimum of 30 FT from a monument sign on an adjacent lot, and a minimum of 5 FT from an interior property line or driveway that intersects a public street.

h. Monument signs shall contain an address (or range of addresses) identifying the property on which the sign is located. Address numbers shall be a minimum of 6 inches in height and shall be clearly visible from the adjacent public street. The area of the address numerals shall not be calculated against the allowed sign area.

i. Unless otherwise specifically prohibited by Table 8.01-1 (Sign Regulation Matrix) of this Division, a monument sign may be internally or externally illuminated, provided that the illumination is not harsh or overly bright. Signs shall consist of individual letters/characters affixed to an opaque, matte finished background. The sign background shall not be internally illuminated; only letters/characters shall be internally illuminated.

2. **Freeway Signs.** Freeway signs may be allowed on lots with property lines that are common with the right-of-way of Interstate 10, Interstate 15, or State Route 60 freeways, which have at least 600 linear FT of freeway frontage, and are subject to the following:

a. Table 8.01-1 (Sign Regulation Matrix), above, establishes the number, location, area, height, and additional regulations applicable to freeway signs.

b. The maximum vertical or horizontal dimension of any freeway sign display surface is 25 FT.

c. A freeway sign shall be placed a minimum of 600 FT from any other freeway sign on the same property or on an adjacent property and shall be placed no further than 40 FT from the freeway right-of-way.

d. Freeway signs shall consist of no more than 2 faces unless alternative configurations are approved by the Planning Commission.

e. No tentative tract or parcel map, or lot merger shall be granted, which would result in the consolidation of multiple lots into a single lot with freeway signs in excess of the maximum number, location, area, and/or spacing of signs prescribed by this Section.

f. A freeway sign shall be placed no closer than 10 FT to an interior property line, drive aisle, or private drive.

3. Electronic Message Center. An Electronic Message Center may be incorporated into a freeway sign for a public or private school; public facility or service; convention centers, arenas and other similar places of assembly; and auto malls and shall be subject to review and approval by the Planning Commission. An Electronic Message Center shall comply with the following requirements:

a. The Electronic Message Center display shall not include any message or pictorial that is in motion or appears to be in motion;

b. The Electronic Message Center display shall not change the intensity of illumination; and

c. The Electronic Message Center display shall not change the message or pictorial more than once every 4 seconds.

d. No Electronic Message Center shall be placed within 1,000 FT of another Electronic Message Display located on the same side of the freeway.

e. An Electronic Message Center shall only advertise the business conducted, services rendered, or goods produced or sold upon the property on which the display is placed.

4. Electronic Text Display. An Electronic Text Display may be incorporated into a monument sign to facilitate a fuel pricing sign required pursuant to BPC Sections 13530 through 13540, or for the purpose of providing messages and information related to public or private schools, government facilities, facilities for religious assembly, theaters, convention centers, arenas, and other similar places of assembly. An Electronic Text Display shall comply with the following requirements:

a. An Electronic Text Display shall not include any pictorial display;

b. An Electronic Text Display shall not change the intensity of illumination; and

c. An Electronic Text Display shall not change the message more than once every 4 seconds.

d. No Electronic Text Display shall be placed within 600 feet of another Electronic Text Display located on the same side of the street, excepting fuel pricing signs provided pursuant to BPC Sections 13530 through 13540.

e. An Electronic Text Display shall only advertise the business name, and events and services conducted on the property upon which the Electronic Text Display is installed.

D. Building Wall and Fascia Signs.

1. Wall and/or fascia signs shall consist of individual channel letters placed flat against the exterior wall or parapet of a building, or suspended from the building eaves or overhang, or from the ceiling of a covered walkway, and having an overall depth of no more than 12 inches. A suspended sign shall have a clear space of at least 8 FT between the bottom of the sign and the surface of any walkway that may pass under the sign.

2. Acceptable wall and/or fascia sign designs include one or more of the following elements:

a. Halo lit channel letters;

b. Standard channel letters;

c. Front and halo lit channel letters;

d. Pin mounted sandblasted, textured, and/or burnished metal-leaf faced letters;

e. Signs mounted to hard canopies, eyebrows, or other projecting architectural elements, such as screens, grids or mesh, or etched, polished, patina or abraded materials; and/or

f. Mixed media signs (utilizing the designs described in Subparagraphs D.1.2.a through e, above), incorporating imagery and icons/logos. Although simple rectangular cabinet signs are generally not allowed, mixed media signs may be composed of several elements, one of which may be a sculptured cabinet; however, the cabinet sign shall not exceed 25 percent of the total sign area of each sign.

3. Wall and/or fascia signs may be located on an exterior building elevation that: [i] fronts/faces a public street, or [ii] faces an interior side or rear of a site, and contains a public entrance, pursuant to the standards prescribed by Table 8.01-1 (Sign Regulation Matrix), of this Section.

4. The characters that comprise a sign shall not occupy more than 75 percent of the length of the building wall or fascia upon which it is placed.

5. Electrical raceways and conduits shall be placed so that they are not within public view. Where this is physically impractical or doing so would damage significant architectural features or materials, the Zoning Administrator may grant a waiver from this requirement, provided all conduits, raceways, and similar devices are kept as small as possible and are painted the same colors as adjacent wall surfaces.

6. Electrical raceways shall not extend beyond the outside edges of the sign copy and shall be painted to match the color of the background on which they are placed.

7. Signs shall be placed flat against the wall and shall not project from the wall more than required for normal construction purposes and in no case more than 12 inches. The Zoning Administrator may modify this requirement in special circumstances where a projection greater than 12 inches may be desirable to allow the creation of an especially creative and unique sign design.

8. Signs shall not be placed to obstruct any portion of a window or cover architectural elements, such as cornices, transom windows, vertical piers and columns, and similar elements.

E. Address Signs Required. The City finds that it is in the interest of public safety that all street addresses be clearly visible. Unless otherwise authorized in writing by the Police and Fire Departments, all permanent structures within the City shall display street address numerals of a size, color, and location, which are clearly visible from a public right-of-way. Address signs shall not count toward the maximum sign area allowed by this Division.

F. Sign Programs.

1. A Sign Program may be allowed pursuant to Section 4.02.075 (Sign Programs) of this Development Code, for the purpose of:

- a. Providing coordinated signing within a development project
- b. Utilizing common design elements; and
- c. Integrating the design of signs with the context of the building and landscape design, to form a unified architectural statement.

2. A Sign Program may allow certain deviations from the standards prescribed by Table 8.01-1 (Sign Regulation Matrix) of this Division, limited to: [i] a 20 percent increase in maximum sign area, [ii] an increase in the maximum number of signs allowed, and [iii] the use of decorative exposed neon. In approving such deviation(s), the following findings must be clearly established:

- a. The Plan's contribution to the overall design quality of the site and the surrounding area will be superior to the quality that would otherwise result under regulations normally applicable to the site;
- b. The proposed signs are compatible with the style or character of existing improvements on the site and are well-related to each other; and
- c. Any deviations from the standards prescribed by Table 8.01-1 (Sign Regulation Matrix) of this Development Code are fully consistent with the purposes of this Development Code.

3. A Sign Program may allow the use of complex-shaped (i.e., Polyhedron) sculptured cabinets if dimensional elements are also incorporated, such as burnished metal-leaf faced letters that are pin mounted from the cabinet face, or decorative exposed neon.

G. Street Banners and Street Banner Programs.

1. Street Banners.

a. No street banner, flag, pennant, or street decoration shall be placed or installed over and/or above any street or other public thoroughfare, without first obtaining City Manager approval, and the issuance of an encroachment permit by the City Engineer.

b. No person, either as principal, agent, or otherwise, shall hang or suspend any street banner above any street or other public thoroughfare, or cause the same be done, unless a Street Banner Program has approved pursuant to the requirements of Paragraph G.2 (Street Banner Programs) of this Section.

c. A street banner, flag, pennant, or street decoration shall be safely suspended not less than 17 FT above a public street, upon approval of the City Engineer and Building Official.

d. A street banner, flag, pennant, or street decoration shall not contain the name or designation of any individual, firm, or corporation as an advertisement for private gain.

e. A street banner, flag, pennant, or street decoration shall not remain in place longer than 30 days from the date permission is granted by the City Manager pursuant to Subparagraph G.1.a of this Section.

f. The Building Official shall, upon receipt of the required application, issue a permit for the erection and maintenance of a street banner, flag, pennant, or street decoration, according to [i] the terms of the City Manager’s approval, [ii] the encroachment permit issued by the City Engineer, and [iii] the Street Banner Program described in Paragraph G.2 (Street Banner Programs), below (if required).

2. Street Banner Programs. A Street Banner Program shall be subject to review and approval by the Zoning Administrator, and must adhere to the following guidelines:

a. *Application.* The street banner program application shall contain the following minimum information:

(1) Street Banner Design—A fully dimensioned plan that clearly depicts the street banner design, materials, colors, and letter style;

(2) Street Banner Elevations—A fully dimensioned elevation drawing(s) depicting streetlight poles with each proposed banner type attached;

(3) Street Banner Location—A site plan drawn to scale, which depicts the specific location of each proposed street banner and the affected streetlight poles; and

(4) Equipment—All hardware and bracketry necessary for mounting the proposed street banner(s) to the affected streetlight poles, which shall meet or exceed City specifications.

b. *Private Business Recognition.* Private sponsorship of street banners shall only be permitted in association with an approved street banner program, with identification of the sponsor regulated as follows:

(1) Placement—The street banner sponsor may be identified on each street banner by lettering no greater than 6 inches in height, which runs the width of the banner, and covering no more than 10 percent of the banner area;

(2) Font—A uniform font type, style, size, and color shall be used for banner sponsor names within a given banner program.

(3) Graphics—There shall be no private logos or trademark graphics allowed.

c. *Maintenance.* At a minimum, street banners shall be removed for cleaning annually, and shall be removed for repair or replacement when worn, torn, or faded. The City may require that street banners be alternated seasonally (3 to 4 times per year). Furthermore, Street banners shall be removed for repair or replacement when worn, torn, or faded.

H. Awnings and Canopies, and Outside Umbrellas.

1. As a design feature of any building, structure, or business establishment, all awnings and canopies, and outside umbrellas, shall be reviewed in the same manner as a sign, ensuring enhancement of the building or structure in which it is placed, erected, or installed.

2. Awnings and canopies that contain advertising shall be counted toward the total allowable signing for the business that it serves.

3. Umbrellas shall not contain advertising.

4. The use of backlit awnings and/or canopies shall be prohibited.

I. Accent Lighting.

1. As a design feature of any building, structure, or business establishment, all accent lighting shall be reviewed in the same manner as a sign, ensuring enhancement of the building or structure in which it is placed or installed. Accent lighting should be limited to confined areas, such as building entries, architectural features, or used to reinforce specific architectural elements, such as tower and cornice elements.

2. Accent lighting elements and luminaires placed directly on a building façade shall be shielded. Lighting elements and luminaires placed directly on a building façade so as to be directly exposed to public view, is prohibited.

J. Construction, Installation and Maintenance.

1. Construction. The construction and installation of signs shall be enforced and administered by the Building Official. All signs and advertising structures shall be designed and constructed to withstand wind loads, dead loads, and lateral forces as required by the City's Building Code and the provisions of this Division.

2. Identification. Every sign or other advertising structure hereafter erected in the City shall have an identifying number, name of erector, installation year and, if illuminated, the voltage plainly placed on the exterior surface of the sign body, in a location where the information is readily visible after erection and installation.

3. Illumination.

a. *General Requirements.*

(1) Signs with electrical components shall be constructed, inspected, and approved by the Underwriters Laboratory (UL), or equal, and a label of approval from the laboratory shall be affixed to the sign in plain view.

(2) Awnings with back-lighting are prohibited.

(3) Light sources (luminaires) used for externally illuminated signs shall not be visible within 100 FT of any residential zoning district. Internally illuminated signs visible from any residential zoning district shall not be illuminated between the hours of 11:00PM and 6:00AM, unless they identify an establishment open for business during those hours.

(4) Signs shall not have exposed fluorescent tubes or incandescent bulbs exceeding 15 watts, and the brightness of luminous or backlit signs shall not exceed 250 footlamberts (fl).

b. *Internally Illuminated Signs.* The illumination level of a sign shall be reduced if it is determined to be excessive as a result of City evaluation. Illumination shall be considered excessive if the illumination level:

(1) Is substantially greater than the illumination level of other nearby signs;

(2) Interferes with the visibility of other signs, or with the perception of objects or buildings in the vicinity of the sign;

(3) Directs glare toward streets or motorists;

(4) Adversely impacts nearby residents or residential neighborhoods;

and/or

(5) Reduces the nighttime readability of the sign.

c. *Externally Illuminated Signs.* The light source for externally illuminated signs shall be arranged and shielded to substantially confine all direct light rays to the sign face, and away from streets and adjacent properties.

4. Maintenance. All signs, together with their supports and appurtenances, shall be kept neatly painted and posted. The Zoning Administrator, Building Official, or Code Enforcement Director may order the removal of any sign that is not maintained in accordance with the provisions of this Division.

K. Political Signs.

1. Purpose.

a. The purpose of these political sign regulations is to identify the compatibility between the utilization of political signs, the protection of the right to privacy of individuals, and the quiet and undisturbed enjoyment of property.

b. It is recognized that there have been abuses in the placement of political signs within the City, including: [i] trespassing upon private property; [ii] placement of political signs without permission from the property owner; [iii] placement of political signs in such a fashion as to make it difficult to remove them; [iv] littering caused by dislodged political signs; [v] sight distance hazards to traffic due to sign size and location; [vi] distracting appearance; [vii] aesthetically displeasing impact; [viii] unnecessary proliferation; and [ix] other reasons, all of which are determined to be contrary to the best interests of the community, and in opposition to the public health, safety and welfare.

c. The reasonable regulation of political signs will obviate many of the objections that have been raised to the unregulated placement of such signs.

d. It is recognized that to the extent that placement of political signs is not contrary to the purposes stated herein, it is in the best interests of the City and its inhabitants to allow political expression, and, for that reason, it is but to avoid the total prohibition of such signs.

e. It is believed that responsibility for the placement of political signs should lie with the candidate for public office, the proponents and opponents of ballot measures, and the various political committees connected therewith. It is recognized that political signs are printed by, or at the direction of, those listed herein, and that the ultimate responsibility for the distribution of such signs and their placement lies with them.

2. Definition. The term "political sign," as used herein, means any election or nonelection sign, advertising structure, or display, which communicate any message or idea identifying, supporting, opposing, promoting, or conveying a position upon, or relating to, any political cause or issue, or candidate for public office, or proposition or issue connected with any local, special, state, or national election.

3. Political Sign Registration. Pursuant to BPC Section 5405.3, any candidate (or their designee) or the proponents of a ballot measure who seek to utilize political signs, shall first file a Statement of Responsibility with the Code Enforcement Department, on a City registration form. The registrant shall be responsible for removing the temporary political sign and may be required to reimburse the City for any cost incurred for temporary political sign removal.

4. Permitted Signs. Political signs, as herein defined, shall be permitted within any zoning district subject to compliance with all of the rules and regulations set forth in Paragraph K.5 (Regulations) herein.

5. Regulations.

a. No provision in this Development Code shall be so construed as to prohibit the placing of temporary political signs.

b. No political sign shall be installed or displayed sooner than 45 days preceding the election for which the sign is intended.

c. No political sign shall exceed 16 SF in total area, except that a double-faced sign, not exceeding 16 SF on each side, shall be permitted.

d. No political sign shall exceed an overall height of 8 FT, except if such sign shall be within an enclosed building or structure.

e. No candidate for public office, proponent or opponent of ballot measures, and/or any political committees connected therewith, shall post more than one political sign per lot or parcel.

f. No political sign shall be lighted either directly or indirectly.

g. No political sign shall be placed on private property, vacant or otherwise, without the permission of the owner of the property.

h. No political sign shall be placed or affixed to a tree, fence, post, utility pole, or any structure, by glue, nails, or screws.

i. No political sign shall be posted on any public property or in the public right-of-way.

j. No political sign shall be placed within the right-of-way of any highway, or with 660 FT of the edge of, and visible from, the right-of-way of a landscaped freeway.

k. No political signs shall be posted in violation of any other provisions of this Development Code.

l. All political signs shall be removed within 10 days following the date of the election for which the sign was intended.

6. Removal of Illegally Placed Political Signs. The Building Official or Community Improvement Manager may cause the removal of any sign placed contrary to any provision of the Political Sign provisions contained herein (commencing with Subsection K (Political Signs) of this Section).

8.01.025: Design Guidelines

A. Introduction.

1. The following design guidelines are intended as a reference to assist the designer in understanding the city's goals and objectives for high quality sign design, construction, and placement throughout the city. These guidelines are intended to complement the mandatory standards contained in Section 8.01.020 (Sign Standards) of this Division, by providing good examples of potential design solutions and by providing design interpretations of the various mandatory requirements.

2. The design guidelines are general and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized during the city's review of a sign

program or sign plan to encourage the highest level of design quality, while at the same time providing the flexibility necessary to encourage creativity on the part of the designer. Nonetheless, unless there is a compelling reason, these design guidelines shall be observed.

B. General Guidelines.

1. Use a Brief Message. The fewer words used, the more effective the sign. A sign with a brief message is quicker and easier to read, looks cleaner and is more attractive. A sign should only include the name and/or nature of the business, and in addition to the name, may contain a maximum of three words describing the business or service provided.

2. Avoid Overly Intricate Fonts. Signs utilizing very intricate font styles are generally difficult to read and reduce a sign's ability to communicate effectively.

3. Avoid Faddish and Peculiar Fonts. Signs utilizing faddish or peculiar fonts may look good today, but soon go out of style. The image conveyed may quickly become that of a dated and unfashionable business.

4. Sign Colors and Materials. The colors and materials of a sign should be selected so that they contribute to sign legibility and design integrity. Even the most carefully thought out sign may be unattractive and a poor communicator because of poor color selection. Dayglow, fluorescent, and overly bright or loud colors should not be used.

5. Provide Contrast Between Background and Letters/Symbols. Use significant contrast between the sign's letter/symbol color and its background color. If there is little contrast in the hue (shade or tint) and intensity (brightness) between the background and letter/symbol colors, it will be difficult to read.

6. Avoid Too Many Different Colors. The use of too many different colors will overwhelm the basic function of communication. The colors compete with sign content for the viewer's attention. The limited use of accent colors can increase legibility, while large areas of competing colors tend to confuse and annoy.

7. Sign Placement. Generally, building wall and fascia signs should be located within the middle 75 percent of the building frontage, measured from tenant line to tenant line for multiple tenant buildings, and measured across the full width of the building elevation for single tenant buildings. The Zoning Administrator shall have the authority to modify this requirement where it can be shown that:

- a. The directed placement would severely limit proper sign placement; or
- b. The directed placement would be contrary to the sign placement approved by a Development Plan.

8. Proportion, Scale and Rhythm of Sign Placement. Signs should be placed consistent with the proportions and scale of building elements within a building's facade:

- a. A particular sign may fit well on a large, plain wall area, but would overpower the finer scale and proportion of the lower storefront.

b. Signs can be used to establish facade rhythm, scale, and proportion where such elements are weak in the building design. On buildings having a monolithic or plain facade, signs can be used to establish or continue appropriate design rhythm, proportion, and scale.

c. The proportion of letter area to sign background area should be carefully considered. If the letters take up too much of the background area, they may be harder to read — large letters are not necessarily more legible than smaller ones.

d. Generally, the characters that comprise a sign should not occupy more than 70 percent of the area of a sign's background.

9. Pedestrian Signs. Signs oriented to pedestrians should be smaller in scale. The pedestrian -oriented sign is usually read from a distance of 15 to 20 feet, whereas the vehicle-oriented sign is designed to be viewed from a much greater distance. The closer the sign's viewing distance, the smaller the sign needs to be.

10. Freestanding Signs. Freestanding signs should incorporate the materials and architectural features used in the building(s) they serve.

C. Building Wall and Fascia Signs.

1. Building wall and fascia signs should be compatible with the predominant visual elements of the building. Commercial centers and offices, industrial parks, business parks, and other similar facilities, are required to be part of a sign program in accordance with the provisions of Section 4.02.080 (Sign Programs) of this Development Code.

2. Where there is more than one sign for a business (e.g., single tenant buildings) or group of businesses (e.g., multiple tenant buildings, commercial centers, or business or industrial parks), all signs should be complementary to one another in the following ways:

- a. Type of construction materials (sign copy, supports, etc.);
- b. Letter size and style of copy;
- c. Method and design of sign support (wall mounting or monument base);
- d. Configuration of sign area; and
- e. Proportion of sign copy area to background.

3. Lighted signs, whether internally or externally illuminated, are permitted; provided, they are not harsh or overly bright. Can-type box signs with translucent backlit panels should not be used.

4. Signs with backlit or internally illuminated individual channel letters are strongly encouraged.

D. Freestanding Signs.

1. Freestanding signs are intended to provide identification for single-tenant buildings, multiple-tenant buildings, commercial offices and centers, and business and industrial parks. Signs for single-tenant buildings should include the street address of the business.

2. Signs for multiple-tenant buildings, commercial offices and centers, and business and industrial parks should display the range of business addresses for that development. The business address shall not be included in the sign area calculation.

3. Lighted signs, whether internally or externally illuminated, are permitted, provided they are not harsh or overly bright. Signs should consist of individual affixed to an opaque, matte finished background. The use of backlit (halo lighting) letters is strongly encouraged.

4. Freestanding signs should be placed perpendicular to approaching vehicular traffic.

5. Freestanding signs should be placed in landscaped planters of sufficient area, shape and design that will provide a compatible setting and ground definition to the signs.

6. Monument signs should be provided with a base, which measures from 12 to 18 inches in height, to accommodate the growth of landscaping around the sign base, without interrupting view of the sign face.

Division 9.01—Definitions

Sections:

- [9.01.000](#): Purpose
- [9.01.005](#): Applicability
- [9.01.010](#): Terms and Phrases
- [9.01.015](#): Acronyms and Abbreviations

9.01.000: Purpose

The purpose of this Division is to establish definitions for terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage.

9.01.005: Applicability

A. Unless otherwise apparent from the context, certain words, terms, phrases, abbreviations, and acronyms used in this Development Code are defined in this Division and are listed herein, in correct alphabetical order.

B. If any of the definitions in this Division conflict with definitions in other City codes and ordinances, such as the Ontario Municipal Code, or an adopted specific plan or planned unit development, these definitions shall control for the purposes of this Development Code. If a word is not defined in this Division, the Zoning Administrator shall be responsible for determining the correct definition.

C. Words used in the present tense include the future, words in the singular number also include the plural, and words in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

D. The word "shall," indicates a mandatory requirement, except as when used in connection with an action or decision of the City Council, or any City commission, board, or official; in which case, the word "shall" is directory only.

E. The word "may," is a permissive term, similar in context as the terms "might," "can," or "could."

F. Whenever used in this Development Code, the word "day" shall mean a calendar day.

9.01.010: Terms and Phrases

A. Definitions of Words Beginning with the Letter "A."

Abandonment of Use. The cessation of a land use by the owner without intent to transfer the land use to another or resume the land use within the time limitations specified in Division 3.01 (Nonconforming Lots, Land Uses, and Structures) of this Development Code.

Abatement. Reducing or eliminating the degree or intensity of a nuisance or other property-related problem.

Abutting. Having property line or zoning district boundaries in common; for example, two lots are abutting if they have property lines in common.

Access. A way of approaching or entering a property. "Access" includes ingress (the right to enter) and egress (the right to leave). In zoning and subdivision regulations, recorded lots are required to have direct access to a public street or highway, or to a private street meeting public standards. This guarantees entry by owners and emergency vehicles.

Accessory (Ancillary) Structure. A structure which is incidental or subordinate to the principal structure on the same site, or the use of which is incidental or subordinate to the use of the principal structure of the site. An accessory structure that is attached or joined to a principal structure and shares a common wall therewith or is attached by a roof, which extends the full width of the structure, creating a covered breezeway (a roofed, open passage connecting two buildings, such as a house and garage), shall be deemed a part of the principal structure.

Accessory (Ancillary) Use. The use of a structure or site, or a portion of a structure or site, which is incidental or subordinate to the principal (primary) use and is located on the same property as the principle use. An accessory use shall generally be considered less intensive as it relates to area, activity, and traffic generation.

Adult Business. A business in the form of an adult arcade, adult bookstore, adult mini-motion picture theater, class "D" cabaret, escort agency, massage establishment, nude model/figure studio, sexual encounter/rap studio or sexual novelty store, as defined in this section. This definition of adult business does not include those uses, businesses, or activities of licensed professionals who are otherwise exempt from classifications as a "massage establishment" pursuant to Section 5.03.275 (Massage Services) of this Development Code. For the purposes of the adult business regulations contained in Section 5.03.015 (Adult-Oriented Businesses) of this Development Code, the following definitions shall apply:

1) **Adult Arcade.** An establishment having coin-operated or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices that show images to one person per machine at any one time, and where the images so displayed are distinguished or characterized by depicting or describing "specified sexual activities," or "specified anatomical areas," as defined in this section.

2) **Adult Bookstore.** An establishment which has a substantial portion of its stock-in-trade (a minimum of 30 percent) and offers for sale for any form of consideration, any one or more of the following:

a) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis on "specified sexual activities" or "specified anatomical areas"; or

b) Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities," as defined in this section. This definition does not include such items customarily sold by a bona fide pharmacy.

3) **Adult Motion Picture Theater.** An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown to

an audience and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas.”

4) **Adult Mini-Motion Picture Theater.** An enclosed building with a capacity of less than 50 persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to “specified sexual activities” or “specific anatomical areas,” as defined in this section, for observation by patrons therein.

5) **Adult Theater.** A theater, concert hall, auditorium or other similar establishment, which, for any form of consideration, regularly features live performances which are characterized by the exposure of “specified anatomical areas” or by an emphasis upon the depiction of “specified sexual activities,” as defined in this section.

6) **Adult Video Store.** An establishment having up to 20 percent or more of its floor area trade in films, motion pictures, video cassettes or video reproduction or other visual representations which are distinguished or characterized by their emphasis on matter depicting or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this section, or any establishment devoted to the sale or display of such material.

7) **Class 'D' Cabaret.** A cabaret that features topless dancers, bottomless dancers, go-go dancers, strippers, male or female impersonators or similar entertainment.

8) **Nude Model/Figure Studio.** Any place where a person, who appears in a state of nudity or displays “specified anatomical areas,” is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any other form of consideration.

9) **Sexual Encounter/Rap Studio.** Any business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

b) Activities between male and female persons and/or persons of the same sex when “specified anatomical areas” of one or more of the persons are exposed or “specified sexual activities” as defined in this section occur.

10) **Sexual Novelty Store.** An establishment having as a portion of its stock-in-trade goods which are replicas of, or which simulate, “specified anatomical areas,” as defined in this article, or goods which are designed to be placed on “specified anatomical areas,” as defined in this article, to cause sexual excitement.

11) **Specified Anatomical Areas.** Any of the following:

a) Less than completely and opaquely covered:

i) Human genitals, pubic region;

ii) Buttocks;

iii) Female breasts below a point immediately above the top of the areola;

b) Human male genitalia in a discernible turgid state, even if completely and opaquely covered.

12) Specified Sexual Activities. Any of the following:

a) Human genitals in a state of sexual stimulation or arousal;

b) Acts of human masturbation, sexual intercourse, oral copulation, or sodomy;

c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

Advertising Display Manufacture. A business establishment engaged in the commercial preparation, fabrication, construction or manufacture of a sign of any type.

Advisory Authority. A body, commission, committee, board or position listed in Table 2.02-1 (Review Matrix) of this Development Code, which is responsible for advising the Approving Authority on the appropriate action to take on [i] a land use or development entitlement, permit, or license; or [ii] other planning, zoning, or development action or decision, pursuant to Division 2.02 (Application Filing and Processing) of this Development Code.

Aesthetics. A term dealing with form, design, and/or quality of construction of a particular sign, building, site or structure, which presents a judgmental statement concerning the level of beauty or artistic value.

Affordable Housing. Housing that is economically feasible for persons whose income level is categorized as very low, low, or moderate within standards set by the California Department of Housing and Community Development or the United States Department of Housing and Urban Development.

Agenda. A document that specifies what will be discussed at a meeting of an Advisory, Approving or Appeal Authority (Reviewing Authorities). Agendas contain a brief, general description of each item the Reviewing Authority will be addressing. Members of the public may request that an agenda be mailed to them. Local agencies generally cannot discuss and make decisions on items that are not on the agenda (see GC Section 54950).

Alcoholic Beverage. Includes alcohol, spirits, liquor, wine, beer, brandy, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

Alcoholic Beverage Manufacturing. The manufacture or production of alcoholic beverages within the City of Ontario, by any person or entity properly licensed by the Department of Alcoholic Beverage Control of the State of California, which may include the sale or distribution of said products. Typical uses include breweries, distilleries, and wineries. Tasting rooms may be included in conjunction with the manufacturing activity.

Alcoholic Beverage Manufacturer. Any person or entity within the City of Ontario that is properly licensed by the Department of Alcoholic Beverage Control of the State of California, or any officer, director, employee, or agent of any such person or entity, which manufactures or produces alcoholic beverages.

Alcoholic Beverage Sales, Off-Sale. Establishments properly licensed by the Department of Alcoholic Beverage Control of the State of California (ABC), which sell alcoholic beverages of varying types, as allowed by the type of ABC license held by the establishment, for consumption off the premises in which they are sold. Typical uses include convenience markets, grocery stores, and liquor stores.

Alcoholic Beverage Sales, On-Sale. Establishments properly licensed by the Department of Alcoholic Beverage Control of the State of California (ABC), which sell alcoholic beverages of varying types, as allowed by the type of ABC license held by the establishment, for consumption on the premises in which they are sold. Typical uses include bars, brew pubs, nightclubs, wine bars, and restaurants that serve alcoholic beverages.

Alley. A public right-of-way that is permanently reserved as a secondary means of vehicular access to abutting property, which is improved by means of asphalt, concrete, decorative laid brick or block pavers, or other similar material providing all-weather access, and excluding loose materials, such as gravel, stone or slag.

Alter. To change, add to, or modify construction, use or occupancy.

Amortization. The process by which nonconforming uses and structures must be discontinued or made to conform to requirements of the current zoning ordinance at the end of a specified period of time.

Ancillary Use, Activity or Facility. A use, activity or facility that is incidental, supplementary, or otherwise subordinate to a primary permitted or conditionally permitted use, activity or facility.

Animal Hospital. A facility in which animals or pets are given medical or surgical treatment and care during the time of such treatment, and in which the boarding of such animals or pets is permitted incidental to their medical or surgical treatment and care.

Antenna. Any exterior transmitting or receiving device mounted on a tower, building structure, or alternative tower structure and used in communications, that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunication signals or other communication signals which transmit or receive radio signals. Antennas typically are either dish, panel or whip type structures.

Apartment. A residential dwelling unit within a multiple-family dwelling, which is available for lease for an extended period.

Appeal. When a person believes a decision was made in error, an appeal may be filed so that a higher decision-making body may be allowed to review the case.

Appeal Authority. A body, commission, committee, board, or position listed in Table 2.02-1 (Review Matrix) of this Development Code, which is responsible for acting on an appeal filed pursuant to Division 2.04 (Appeals) of this Development Code, regarding an action made on [i] a land use or development entitlement, permit, or license; or [ii] other planning, zoning, or development action or decision, pursuant to Division 2.02 (Application Filing and Processing) of this Development Code.

Approving Authority. A body, commission, committee, board, or position listed in Table 2.02-1 (Review Matrix) of this Development Code, which is responsible for approving, approving

with conditions, or denying [i] a land use or development entitlement, permit, or license; or [ii] other planning, zoning, or development action or decision pursuant to the provisions of Chapter 2.0 (Administration and Procedures) and Chapter 4.0 (Permits, Actions and Decisions) of this Development Code.

Architectural Element. The unique details and component parts that, together, form the architectural style of a building or structure.

Architectural Projection. A building feature that is mounted on, and/or extends from the surface of the building wall or façade, typically above ground level. Examples of architectural projections include balconies, bay windows, lighting fixtures, marquees, canopies, and other similar projections of a building.

Artisan, Small-Scale, and Micro Manufacturing. A facility where shared or individual tools, equipment, equipment, or machinery are used to manufacture specialty products on a small scale or in limited quantities (a single product or small batches of product). Products are typically manufactured by hand or with a restricted level of automation. Artisan small-scale and micro manufacturing activities include design, production, processing, printing, assembly, treatment, testing, repair, and packaging, as-well-as any incidental storage, retail, or wholesale sales and distribution. Typical small-scale and micro manufacturing activities include, but are not limited to, electronics, food products, nonalcoholic beverages, leather products, clocks and watches, jewelry, clothing/apparel, metal work, furniture and fine woodworking, glass, ceramics, paper and paper products, soaps, perfumes, and lotions, together with ancillary training and/or educational program activities. Artisan small-scale and micro manufacturing facilities are small in scale and utilize production methods using limited quantities of hazardous materials and hazardous waste production. Furthermore, artisan small-scale and micro manufacturing does not involve the use of large assembly lines, rather relying upon single workplaces or production cells that carry out production steps, until specific components or the whole product is completed. Artisan small-scale and micro manufacturing does not include agriculture, alcoholic beverage production or sales, restaurants and other eating places, or industrial activities deemed “heavy” in nature.

Automated Teller Machine (ATM). An electronic banking device, either freestanding or attached to a building, which dispenses and collects money from or to individual bank accounts. The terms “Automated Teller Machine” and “ATM” may be used interchangeably.

B. Definitions of Words Beginning with the Letter “B.”

Base Zoning District. The principal zoning district in which a lot or area is classified at the same time it is classified in a combined or overlay zoning district.

Bed and Breakfast Inn. A structure in which paying guests are lodged on an overnight basis, with breakfast served in connection with their lodging.

Beer. Any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof in water, and includes ale, porter, brown, stout, lager beer, small beer, and strong beer, but does not include sake (also known as Japanese rice wine). Beer aged in an empty wooden barrel previously used to contain wine or distilled spirits, shall be defined exclusively as “beer,” and shall not be considered a dilution or mixture of any other alcoholic beverage.

Beer Manufacturer. Any establishment properly licensed by the Department of Alcoholic Beverage Control of the State of California, which has facilities and equipment for the purposes of, and is engaged in, the commercial manufacture of beer.

Brandy Manufacturer. Any establishment properly licensed by the Department of Alcoholic Beverage Control of the State of California, which is engaged in the manufacture of brandy only, and not in engaged in the manufacture of any other distilled spirits.

Billboard. An outdoor advertising sign supported by posts or standards and braces set into the ground or attached to a building or other structure and containing advertising copy on the sign face not related to a use, structure or activity located on the same site.

Billiard Parlor. An establishment that provides more than 2 billiard or pool tables or has 50 percent or more of the public floor area devoted to the use of billiard or pool tables by the public for compensation, whether or not the use of billiard or pool tables constitute the primary use or an accessory or incidental use. The terms “Billiard Parlor” “Pool Hall” may be used interchangeably.

Block Face. The properties abutting on one side of a street and lying between the 2 nearest intersecting streets or nearest the intersecting street and railroad right-of-way, unsubdivided land, watercourse, or City boundary.

Boarding House (Lodging House or Rooming House). A dwelling, other than a hotel, motel, residence inn, or other similar traveler accommodation, wherein one or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental or lease agreements, either written or oral, whether or not an owner, agent or manager is in residence. The terms “boarding house,” lodging house,” and “rooming house” may be used interchangeably.

Bona Fide Eating Place. A place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation, and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods that may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health. For the purpose of this definition, the term “meals” means the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement. Furthermore, the term “guests” means persons who, during the hours when meals are regularly served therein, come to a bona fide public eating place for the purpose of obtaining, and actually order and obtain at such time, in good faith, a meal therein. Nothing in this definition, however, shall be construed to require that any food be sold or purchased with any beverage.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building Foundation. All dwellings and accessory structures shall be affixed to a permanent, continuous concrete or masonry foundation. The exterior building finish shall extend over the foundation, to within 6 inches of the adjacent finished grade.

Building Height. See “Height (of a building or structure).”

Building Official. The Building Official of the City of Ontario.

Bus. Any vehicle designed, used, or maintained: [i] to carry more than 15 persons, including the driver, or [ii] to carry more than 10 persons, including the driver, when it is used to transport persons for compensation or profit, or is used by a nonprofit organization (CVC Section 233).

Business Services. Services that are provided to business establishments in a support capacity, such as but not limited to duplicating, stenographic and messenger services.

C. Definitions of Words Beginning with the Letter “C.”

Carpport. An accessory structure or portion of a main structure, open on at least 2 sides, designed for the storage of motor vehicles.

Cattery. A place in which 4 or more cats over 4 months in age are kept.

Central Business District. The area of the City bounded by “H” Street on the north, Sultana Avenue on the east, Main Street on the south and Vine Avenue on the west.

Charitable Institution. An establishment engaged in the giving of foods, goods, financial assistance, or grants or offering services or other socially useful programs on a benevolent, non-profit basis.

City. The City of Ontario, a California municipal corporation.

City Attorney. The City Attorney of the City of Ontario, or his/her designee.

City Council. The City Council of the City of Ontario.

City Engineer. The City Engineer of the City of Ontario, or his/her designee.

City Manager. The City Manager of the City of Ontario, or his/her designee.

Clinic. An establishment where patients are admitted for outpatient examination and treatment by one or more physicians, dentists, psychologists, or social workers and where patients are not lodged overnight, excluding chemical dependency clinics.

Code Enforcement Director. The Code Enforcement Director of the City of Ontario, or his/her designee.

College (University). Establishments primarily engaged in furnishing academic courses and granting degrees at baccalaureate or graduate levels. The requirement for admission is at least a high school diploma or equivalent general academic training. Instruction may be provided in diverse settings, such as the establishments or client’s training facilities, educational institutions, the workplace, or the home, and through diverse means, such as correspondence, television, the internet, or other electronic and distance-learning methods. The training provided by these establishments may include the use of simulators and simulation methods.

The term “College” or “University” may include ancillary support services and facilities, which include, but are not limited to, student and/or faculty housing, bookstores and student stores, food services, healthcare services, social assistance services, performing arts facilities, and athletic facilities.

Collocate. Locating wireless telecommunications antennas and related equipment from more than one provider on a single site.

Commercial Center (Commercial Complex). A development within a commercial or mixed-use zoning or land use district, which consists of 2 or more buildings or a single building divided into 5 or more tenant spaces, constructed by a single developer or group of developers and designed to function as a single cohesive unit in terms of access, parking, landscaping, property and landscape maintenance, and architecture, regardless of the subsequent parcelization. The terms "commercial center" and "commercial complex" may be used interchangeably.

Commercial Recreation. An establishment, activity or use of a site or structure in which a fee is charged to provide space, services, or facilities for individual or group use in the pursuit of any recreational purpose.

Commercial Speech. Any message, the prevailing thrust of which is to propose a commercial transaction.

Commercial Vehicle. A vehicle that is used or maintained for the transportation of persons for hire, compensation, or profit (i.e., taxi or limousine), or is designed, used, or maintained primarily for the transportation of property (CVC Section 260).

Community Apartment. A development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon.

Community Care Facility. Any facility place or building that is maintained and operated to provide nonmedical residential care, day treatment adult day care or foster family agency services for children, adults, or children and adults, including but not limited to, the physically handicapped, mentally impaired incompetent persons and abused or neglected children, and includes the following, as defined by the California Community Care Facilities Act (HSC Section 1500 et seq.):

- 1) Residential care facility;
- 2) Adult day program;
- 3) Therapeutic day services facility;
- 4) Foster family agency;
- 5) Foster family home;
- 6) Small family home;
- 7) Social rehabilitation facility;
- 8) Community treatment facility;
- 9) Full-service adoption agency;
- 10) Noncustodial adoption agency;

- 11) Transitional shelter care facility; and
- 12) Transitional housing placement facility.

The term “Community Care Facility” is limited to those facilities places or buildings that are both subject to regulation by the State of California and actually licensed by the State of California. No facility place or building that may otherwise be regulated by the State of California, but which is not actually licensed by the State of California, shall be deemed a “Community Care Facility” for purposes of this title.

Community Noise Equivalent Level (CNEL). A scale for measuring noise activities that takes into account the sounds received at a point from all noise events causing noise levels above a prescribed value. Weighing factors are included which accord greater significance to noise events occurring during evening hours (7:00PM to 10:00PM), and even greater significance to noise events occurring at night (10:00PM to 7:00AM), than to noise events occurring during daytime hours (7:00AM to 7:00PM).

Compatibility. The characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict. The designation of permitted and conditionally permitted uses in a zoning district is intended to achieve compatibility. Some elements affecting compatibility include intensity of occupancy, as measured by dwelling units per acre; pedestrian or vehicular traffic generated; volume of goods handled; and environmental effects, such as noise, vibration, glare, air pollution, or radiation.

Conditionally Permitted Use. A land use that is allowed within a specified zoning district, subject to the approval of a Conditional Use Permit.

Conditional Use Permit. A zoning instrument used primarily to review the location, site development or operation of certain land uses. A Conditional Use Permit is granted at the discretion of the Planning Commission or Zoning Administrator and is not the automatic right of the applicant or landowner.

Condominium. A development consisting of an undivided common interest in a portion of real property, coupled with a separate interest in space within a residential, commercial or industrial building, called a unit, the boundaries of which area described on a recorded final map, parcel map, or condominium plan, in sufficient detail to locate the boundaries thereof. The area of these boundaries may be filled with air, earth, water, or any combination thereof, and need not physically be attached to land, except by easements for access and, if necessary, support.

Congregate Care Facility. A facility that provides communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services and other support services appropriate for the residents. A “Congregate Care Facility” is subject to regulation by the State of California as a “Community Care Facility.”

Convalescent Home (Convalescent Hospital). See “Nursing Home.”

Convenience Store (Convenience Market or Mini-Market). A retail establishment, limited to a maximum size of 10,000 SF, offering for sale, prepackaged food products, household items, newspapers and magazines, and sandwiches/salads and other freshly prepared foods for off-site consumption. The terms “convenience store,” “convenience market” and “mini-market” may be used interchangeably.

County. The County of San Bernardino.

County Recorder. The recorder for the County of San Bernardino.

Covenant. A private legal restriction that places a burden on a parcel of land in favor of another parcel, which is recorded in the deed. Covenants are commonly used in the establishment of a subdivision to restrict the use of lots within the development, guarantee views and solar access, and guarantee access and maintenance of designated areas.

D. Definitions of Words Beginning with the Letter “D.”

Day. A calendar day.

Day Care Facilities. Day care facilities shall be defined as follows:

1) **Adult Day Care Facilities.** Facilities of any capacity that provide programs for frail, elderly and developmentally disabled and/or mentally disabled adults (persons 18 years of age and older) in a day care setting.

2) **Child Day Care Center.** A facility, other than an adult and family day care facility, providing non-medical care for children (persons less than 18 years of age) on less than a 24 hour per day basis, including infant care, pre-schools, and extended day care for school-aged children.

3) **Family Child Day Care.** A home that regularly provides family day care, protection and supervision for 14 or fewer children (persons less than 18 years of age) in the provider's own home, for periods of less than 24 hours per day while parents or guardians are away, and includes the following:

a) **Small Family Day Care.** Provides family day care to 8 or fewer children, including those children under the age of 10 years who reside at the provider's residence; and

b) **Large Family Day Care.** Provides family day care for 7 to 14 children, inclusive, including those children under the age of 10 who reside at the provider's residence.

dB(A). A number in decibels which is read from a sound level meter with the meter switched to its weighting scale labeled “A.” The number is an approximate measurement of the relative noisiness or annoyance level of common sounds.

Deck. An outdoor living area on a floor or platform that extends from a building, or may be freestanding, and which is no more than 2.5 FT above finished grade at any point. A deck is typically made of wood, or a composite wood material or vinyl.

Dedication. Property that is transferred from an owner to a public agency to be used for roads, parks, school sites or other public uses or facilities. Dedication requirements are typically imposed as a condition of a tentative map, parcel map or as a condition of development.

Deed Restriction. A private legal restriction on the use of land recorded in the deed. The restriction burdens or limits the use of the property in some way.

Density (Residential Density). A quantitative measure of the intensity with which residentially zoned land may be developed in terms of the minimum and maximum number of allowed dwelling units for each net acre of land. In calculating the allowed minimum residential density of a lot, if a fractional number results from calculations performed, the number shall be rounded up, to the higher whole number. In calculating the allowed maximum residential density of a lot, if a fractional number results from calculations performed, the number shall be rounded down, to the lower whole number.

Department Store. A retail store offering a full line of general merchandise items.

Development Advisory Board (DAB). A City panel, whose membership is established by resolution of the City Council, which is charged with the responsibility for the review and approval of certain classifications of development plans.

Development Agreement. An agreement duly entered into pursuant to GC Section 65864 et seq. of the State of California.

Development Code. The Development Code of the City of Ontario, including all text and maps, as may be amended from time to time.

Direct Access. Having unimpaired access to a public street over a front, side or rear property line adjoining a street.

Discount Store. A retail establishment that offers continually changing merchandise for sale at below market price, and has no regular stock, constant inventory, or standard supplier. Merchandise typically consists of discontinued items, stock over-runs, out of season merchandise, and one-time, large-lot purchases.

Discretionary Project. An activity that requires a public agency to exercise judgment in deciding whether or not to approve, conditionally approve, or deny a project.

Dish Antenna. A dish-like antenna used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.

Distilled Spirits. An alcoholic beverage obtained by the distillation of fermented agricultural products, and includes alcohol for beverage use, spirits of wine, whiskey, rum, brandy, and gin, including all dilutions and mixtures thereof.

Distilled Spirits Manufacturer. Any establishment licensed by the Department of Alcoholic Beverage Control of the State of California, who produces distilled spirits from naturally fermented materials or in any other manner.

Drive-Through (Drive-Thru). Outdoor service provided by a business establishment by means of a window counter for the purpose of accommodating persons in motor vehicles.

Drive Aisle. A privately owned vehicular access, 26 FT or less in width (excluding adjoining off-street parking spaces), which is improved by means of asphalt, concrete, laid brick or block pavers, or other similar material providing all-weather access, and excluding loose materials, such as gravel, stone or slag, which is needed for vehicular access to off-street parking facilities required by this Development Code, and may include emergency vehicle accesses provided pursuant to the Ontario Fire Code (Ontario Municipal Code Title 4, Chapter 4 (Fire Code)).

Drive, Private. The principal means of vehicular access through a master planned development project, minimum 24 FT in width (excluding adjacent off-street parking spaces), which is privately owned and improved by means of asphalt, concrete, laid brick or block pavers, or other similar material providing all-weather access, and excluding loose materials, such as gravel, stone or slag, and may include emergency vehicle accesses provided pursuant to the Ontario Fire Code (Ontario Municipal Code Title 4, Chapter 4 (Fire Code)).

Driveway. The necessary hard-surfaced area, improved by means of asphalt, concrete, laid brick or block pavers, or other similar material providing all-weather access, excluding loose materials, such as gravel, stone or slag, which is needed for vehicular ingress and egress to a garage, carport or other off-street parking designed pursuant to Division 6.03 (Off-street Parking and Loading) of this Development Code.

Dwelling. Any building, or any portion thereof, which is not an apartment hotel, hotel, motel and which contains one or more dwelling units or guest rooms used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied or which are occupied for living purposes. The classifications of “dwelling” are as follows:

1) **Accessory Dwelling Unit (ADU).** Refer to Section 5.03.010 (Accessory Residential Structures) of this Development Code.

2) **Multiple-Family Dwellings.** Two or more attached dwelling units, with each dwelling designed for occupancy by independent households. Multiple-family dwellings shall not include “second dwelling units.”

3) **Single-Family Dwellings.** A single detached dwelling unit designed and intended exclusively for occupancy by a single household. Single-family dwellings may be designed or arranged in a traditional development consisting of a single detached dwelling unit on a residentially zoned lot of record, or small lot and cluster developments consisting of two or more detached dwelling units, regardless of the number or configuration of lots. In either case, there may be some portion of the development owned in common by all residents.

4) **Studio Dwelling.** An apartment or condominium unit containing no more than one room and bath, and cooking facilities.

Dwelling Unit. One or more habitable rooms, which are designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities, and containing no more than one kitchen, provided within the same unit for the exclusive use of the household.

E. Definitions of Words Beginning with the Letter “E.”

Electronic Message Center. An advertising display where the message is changed more than once every two minutes, but no more than once every four seconds (BPC Section 5216.4).

Eligible Facilities Request. Has meaning as set forth in 47 CFR Section 1.6100(b)(3), or any successor provision.

Emergency Shelter. As defined in HSC Section 50801(e), “emergency shelter” means housing with minimal supportive services for homeless persons, which is limited to an occupancy of 6 months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Employee (Farmworker) Housing. Has the same meaning as defined in HSC Section 17008.

Equestrian Trail. A trail which is a segment of a planned trail system designed, improved, and intended to be used for horseback riding purposes and on which use by vehicles of any type, except for maintenance and service vehicles directly related to equestrian activities and public safety vehicles, is prohibited.

Escort Agency. A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

Exotic Pet. Any warm-blooded or cold-blooded animal of the biological kingdom Animalia, generally considered as wild, exotic, dangerous, or not normally domesticated. The term “exotic animal” does not include venomous reptiles.

F. Definitions of Words Beginning with the Letter “F.”

Façade. The exterior walls of a building exposed to public view or that wall viewed by persons not within the building. The primary facade is the exterior building face that is parallel to the front property line.

Family. One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.

Final Map. A map showing a subdivision of 5 or more parcels for which a tentative and final map are required by the Subdivision Map Act and this Development Code, prepared in accordance with the provisions of the Subdivision Map Act and this Development Code, and designed to be filed for recordation in the office of the County Recorder.

Flophouse. A flophouse offers very inexpensive lodging, generally by providing minimal services. Flophouse occupants generally share bathroom facilities and reside in quarters that are typically very small and may resemble office cubicles more than a room in a hotel or apartment building. Persons making use of this type of lodging are often transients.

Floor Area, Gross (GFA). The total area calculation of all floors and mezzanines of a building, measured to the outside face of the exterior walls, including hallways, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a clear height of at least 7 FT, but excluding area used exclusively for vehicle parking or loading. The GFA calculation also includes any usable area not provided with surrounding walls, which is under the horizontal projection of a roof or canopy, or floor above. A GFA calculation shall not include mezzanine areas used as catwalks and platforms for conveyers, equipment, and related workstations.

Floor Area, Net. The total area calculation of all floor areas and mezzanines of a building, measured to the inside face of the exterior walls, excluding stairwells, elevator shafts, equipment rooms, and all floors below the ground floor, except when used or intended to be used for human habitation or service to the public, and area used exclusively for vehicle parking or loading. A net floor area calculation shall not include mezzanine areas used as catwalks and platforms for conveyers, equipment, and related workstations.

Floor Area Ratio (FAR). Floor area ratio is used as a measure of the intensity of a site being developed, represented by the mathematical formula of dividing the gross floor area of the building (measured in SF) by the lot area of the same lot on which the building is located, to generate a ratio of building area to land area.

Frontage. The edge of a property that is adjacent to a public or private street, or main drive aisle through a common interest subdivision.

Fueling Stations. See "Gasoline Service Station."

Funeral Director Services. The occupation or function of organizing funerals and funeral activities and managing funeral establishments.

Funeral Establishment. A business with assembly facilities for the purpose of conducting observances for dead persons, such as viewing bodies, funerals, and memorial services. A funeral establishment does not include facilities for the preparation of the dead for burial or cremation.

Funeral Parlors (Mortuaries). Establishments with facilities for the preparation of the dead for burial or cremation, excluding establishments with facilities for viewing bodies and for funerals.

G. Definitions of Words Beginning with the Letter "G."

Game Arcade. An establishment that has 50 percent or more of the public floor area devoted to the use of video games, pinball machines, computers, or other similar devices, which are available to the public for compensation. The devices may be used for gaming, internet access, e-mail, access to computer software programs, and other similar activities. "Game arcades" includes cyber cafes, on-line internet gaming, and other similar facilities.

Garage. An accessory structure or portion of a main structure enclosed on 3 or more sides and designed for the shelter or storage of motor vehicles.

Gasoline Service Station (Fueling Station, Gasoline (Gas) Station, or Service Station). A retail business engaged primarily in the sale of motor fuels, but also supplying goods and services generally required in the operation and maintenance of automotive vehicles and fulfilling motorist needs, including the sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; lubrication services; washing of automobiles as an incidental part of the business; performance of minor automotive repair, including engine tune ups, tire and battery replacement and brake replacement, but excluding painting, body work, steam cleaning or major repairs; and the supplying of other such incidental customer services, including limited food and sundry items. The terms "fueling station," "gasoline station," "gas station," and "service station," may be used interchangeably.

General Plan. The Policy Plan (General Plan) component of The Ontario Plan, which includes all adopted elements and maps, as it may be amended from time to time. The General Plan is the foundation for local land use planning, providing a vision for the foreseeable planning horizon—usually 10 to 20 years—and translates it into goals and policies for the physical development of the community.

Geologically Hazardous Area. An area that may be affected by one or more of the geologic hazards discussed in the General Plan of the City.

Government Code. The Government Code of the State of California. If at any time any of the sections of the Government Code referred to in this Development Code are redesignated by a new number, such new number shall thereupon be deemed substituted for such old number wherever the same appears in this Development Code.

Grocery Store. A retail establishment with at least 12,000 SF of floor area devoted to the sale of prepackaged food products, household items, newspapers and magazines, and sandwiches/salads and other freshly prepared foods for off-site consumption.

Gross Vehicle Weight Rating. The weight that equals the total unladen weight of the vehicle, plus the weight of the heaviest load that can be safely transported on the vehicle, according to the vehicle manufacturer.

Group Home. A residential facility for 6 or fewer occupants, which serves children or adults with chronic disabilities (mental or physical) and is staffed 24 hours a day by trained caregivers.

Guesthouse. Living quarters within a residential structure, which may be attached to, or detached from, the main dwelling, and is for the sole use of occupants of the main dwelling and persons employed on the premises, or for temporary use by non-paying guests for a period not to exceed 90 days within any 120-day period. A guesthouse has no kitchen facilities and cannot be rented or otherwise used as a separate residence.

H. Definitions of Words Beginning with the Letter "H."

Hardscape. A hard-surfaced area (e.g., driveways, patios, sidewalks, streets, walkways, water features, etc.), improved by means of asphalt, concrete, decomposed granite, laid block and/or brick, gravel, rock, slag, stone, and other similar materials, but excludes mulch.

Hazardous Waste. A waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of, or otherwise managed. Unless expressly provided otherwise, the term "hazardous waste" shall be understood to also include "extremely hazardous waste" (HSC Section 25117). The EPA has established four characteristics of hazardous waste that can be determined by tests:

- **Ignitability:** The ability to catch fire, or to burst into flame spontaneously or by interaction with another substance or material;
- **Corrosivity:** The ability to wear away or destroy other materials, including human issue;
- **Reactivity:** The ability to enter into a violent chemical reaction, which may involve explosion or flumes; and
- **Toxicity:** The ability to release certain toxic constituents when leached with a mild acid (33 USC Section 1321 (b)(2)(A)).

For the purposes of the hazardous waste regulations contained in this Development Code, the following definitions shall apply:

- 1) **Cement Kiln Incineration.** The burning of organic wastes as a supplementary fuel at very high temperature during the production of cement.

2) Class "I" Land Disposal Facility. A land disposal facility which must conform to the requirements of the State Water Resources Control Board for Class "I" units, and which must be located where natural geologic features provide optimum conditions for isolation of wastes from waters of the state. Currently, these facilities may accept solid and dry hazardous waste. After 1990, they will be precluded from accepting any untreated hazardous wastes.

3) Class "II" Land Disposal Facility. A land disposal facility that must be located where site characteristics and containment structures isolate wastes from the waters of the State. Class "II" land disposal facilities are suitable for wastes which have been granted a variance from Hazardous Waste Management requirements pursuant to 22 CCR Section 66310.

4) Class "III" Land Disposal Facility. A land disposal facility for nonhazardous waste, including garbage, trash, refuse, paper, ashes, etc., provided such wastes do not contain hazardous or designated wastes. Class "III" facilities must conform to the requirements of the State Water Resources Control Board as specified in CCR, Title 23, Division 3, Chapter 15, commencing with Section 2510, and must be located where site characteristics provided adequate separation between the waste and the waters of the State (also called municipal or sanitary landfill.)

5) Deep Well Injection. Subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension (22 CCR Section 66224).

6) Disposal, Hazardous Waste. Hazardous waste disposal shall be defined as follows:

a) The discharge, deposit, injection, dumping, spilling, leaking or placing of any waste so that the waste or any constituent of the waste is or may be emitted into the air or discharged into or on any land or waters, including groundwater, or may otherwise enter the environment;

b) The abandonment of any waste (HSC Section 25113).

7) Hazardous Material. A substance or combination of substances which, because of its facility, concentration, or physical, chemical or infectious characteristics, may either:

a) Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

b) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of or otherwise managed. Unless expressly provided otherwise, the term "hazardous material" shall be understood to also include extremely hazardous material (22 CCR Section 66084).

8) Hazardous Substance. Hazardous substances shall be defined as follows:

a) Any substance designated pursuant to States Environmental Protection Agency has taken action pursuant to 15 USC Section 2606;

b) Any element, compound, mixture, solution or substance designated pursuant to Section 102 of the Federal Act, 42 USC Section 9602;

c) Any hazardous waste having the characteristics identified under or listed pursuant to 42 USC Section 6921, but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by act of Congress;

- d) Any toxic pollutant listed under 33 USC Section 1317(a);
- e) Any hazardous air pollutant listed under 42 USC Section 7412;
- f) Any imminently hazardous chemical substance or mixture with respect to which the Administrator of the United Procedure or Waste Extraction Test), or demonstrate toxicity in animal studies (22 CCR Section 66696 et seq.); and

g) Any hazardous waste or extremely hazardous waste as defined by HSC Section 25117 and HSC Section 25115, respectively, unless expressly excluded (HSC Section 25316).

9) **Hazardous Waste Facility.** Hazardous waste facility or facilities means all contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, or recycling of hazardous waste. A hazardous waste facility may consist of one or more treatment, transfer storage, resource recovery, or recycling hazardous waste management units, or combinations of these units (HSC Section 25117.1).

10) **Hazardous Waste Landfill.** A disposal facility, or part of a facility, where hazardous waste is placed in or on land that is not a land treatment facility, a surface impoundment, or an injection well (22 CCR Section 66123). After 1990, the disposal of untreated hazardous waste, except solid clean up waste from existing contaminated sites in a landfill will be illegal (HSC Section 15179.6).

11) **Hazardous Waste Collection.** Establishments engaged in collecting and/or hauling hazardous waste within a local area.

12) **Household Hazardous Waste Collection Center.** A collection center that accepts household hazardous waste from residents, which consist of but not limited to, paint, waste oil, thinners, household cleansers, etc., with a capacity of less than 55 drums (equal to 3025 gallons) of waste;

13) **Incinerator.** An enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down hazardous waste, examples are a rotary kiln, fluidized bed liquid injection and a cement kiln;

14) **Land Disposal Facility.** Where hazardous waste is disposed in, on, under or to the land;

15) **Land Farming (Land Application, Land Spreading).** A treatment technique that involves spreading the waste on land and utilizing evaporation and microbial action to degrade the wastes. Used primarily for crude oil wastes;

16) **Off-Site Hazardous Waste Facility.** An operation involving handling, treatment, storage or disposal of hazardous waste at a site physically separate from the site where the waste was generated; at a site not owned by, or leased to the producer of the waste; or at a site which receives hazardous waste from more than one generator. Also see "specified hazardous waste facility;"

17) **On-Site Hazardous Waste Facility.** An operation involving treatment and storage of hazardous waste on land owned by the waste producer, contiguous to the site of waste generation, which receives hazardous waste produced only by the generator;

18) **Residuals Repository.** A hazardous waste facility which accepts for disposal only treated hazardous waste, meets all applicable federal and state regulations, and holds a hazardous waste facility permit;

19) **Specified Hazardous Waste Facility.** An off-site hazardous waste facility that accepts disposal wastes from more than one producer of hazardous waste (HSC Section 25199.1(m)). For purposes of this Development Code, a household hazardous waste collection center with a capacity of less than 50 drums of waste is not considered a specified hazardous waste facility;

20) **Storage Facility/Hazardous Waste.** A hazardous waste facility at which hazardous waste is contained for a period greater than 96 hours at an off-site facility or for periods greater than 90 days at an on-site facility (HSC Section 25123.3);

21) **Surface Impoundment.** A facility or part of a facility that is a natural topographic depression, man-made excavation, or diked area, formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an accumulation of liquid wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds and lagoons (HSC Section 66200);

22) **Transfer Stations.** Any hazardous waste facility where hazardous wastes are located, unloaded, pumped or packaged (22 CCR Section 66212);

23) **Transportable Treatment Unit.** Hazardous waste treatment works which are designed to be moved either intact or in modules and which are intended to be operated at a given location for a limited period of time;

24) **Treatment Facility.** A facility at which hazardous waste generated in the City of Ontario is subjected to treatment or where a resource is recovered from a hazardous waste;

25) **Waste Pile.** Any non-containerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage (22 CCR Section 66160).

Height (of a Building or Structure). The vertical dimension of a building or any other type of structure measured from the lower of existing grade or finished grade elevation to the highest point of the roof, not including chimneys, antennas, or other appurtenant structures. The height of structures shall be measured vertically, from a line representing a horizontal plane drawn through either the base of the structure at the lowest elevation of the existing grade prior to development or finished grade of the structure, whichever is lower, to a line representing a horizontal plane drawn through the highest point of the roof or through the coping of a flat roof, the deck line of a mansard roof or the highest ridge of a sloping roof.

Historic Preservation. "Historic Preservation" refers to the treatment of historic places and sites. For the purposes of the historic preservation regulations contained in this Development Code, the following definitions shall apply:

1) **Alteration.** Any exterior change or modification, through public or private action, to the character-defining or significant physical features of properties affected by this Development Code, such as changes to or modification of a structure, architectural details or characteristics, rock curbs, the addition of new structures, cutting or removal of trees, and the placement or removal of significant objects, including but not limited to signs, plaques, light fixtures, street

furniture, walls, fences, or steps, which affect the significant historical qualities of the property. This may also include any identified significant interior features of historic property.

2) **Certificate of Appropriateness.** A certificate issued by the Approving Authority approving plans, specifications, statements of work, and any other information that are reasonably required by the Approving Authority to make a decision on any proposed alteration, restoration, rehabilitation, construction, removal, relocation, or demolition, in whole or in part, or to an historic resource.

3) **Certificate of Economic Hardship.** A certificate authorizing work described in the accompanying Certificate of Appropriateness granted by the Approving Authority because of extreme financial privation or adversity.

4) **Certified Local Government.** A local government certified under a federal program by the State office of Historic Preservation for the purpose of more direct participation in federal and state historic preservation programs.

5) **Character-Defining Feature.** The man-made elements embodying style or components of an improvement, including but not limited to the kind and texture of the building materials, roof pitches, exterior wall finishes, and the type and style of all windows, doors, lights, signs, and other fixtures appurtenant to such improvement.

6) **Contributing Resource.** Any improvement, building, structure, sign, feature, tree, or other object adding to the historical, architectural or cultural significance of an historic district.

7) **Demolition.** Any act or process that destroys in part or in whole an individual historic resource or a structure within an historic district.

8) **Design Guidelines.** The principles contained in a document, which illustrate appropriate and inappropriate methods of rehabilitation and construction. The purpose of using design guidelines is to aid design and decision-making with regard to retaining the integrity of scale, design, intent, materials, feelings, patterns of development, and historic character of an historic resource.

9) **Designated Site.** A parcel or part thereof on which an historic resource is situated, and any abutting parcel or part thereof constituting part of the premises on which the Historical Resource is situated, and which has been designated a historic landmark or district.

10) **Historic Context.** A framework for interpreting history that groups information about historical resources sharing a common theme, geographical area, or chronology. The development of “historic context” is a foundation for decisions regarding the planning, identification, evaluation, registration, and treatment of historical resources based upon comparative historic significance.

11) **Historic District.** Any defined contiguous or noncontiguous grouping of properties that share a common theme and/or period of significance containing a concentration of improvements which have a special historical interest or value, which possess integrity of location, design, setting, materials, workmanship, feeling, and association, or which represent one or more architectural periods or styles typical to the history of the City, and that has been nominated or designated a Historic District, or placed on the National Register of Historic Places or the California Register of Historical Resources.

12) **Historic Integrity.** The authenticity of a property's historic identity evidenced by the survival of physical characteristics that existed during the property's prehistoric or historic period. Historic integrity is the composite of seven qualities which include location, design, setting, materials, workmanship, feeling, and association.

13) **Historic Landmark.** Any singular Historical Resource that has been nominated or designated, or placed on the National Register of Historic Places, or the California Register of Historical Resources.

14) **Historic Resources.** Improvements, buildings, structures, signs, features, Historic Districts, conservation zones, trees, or other objects of cultural, architectural, or historical significance to the City, State, Region, or the Nation, which have been determined to be eligible for nomination or designation and determined to be appropriate for historic preservation by the Approving Authority.

15) **Historic Resources Survey.** A survey conducted to identify, record, and evaluate historic properties within a community, neighborhood, project area, or region. A reconnaissance level survey involves the preparation of a Primary Record form (or DPR523A) pursuant to standards established by the California Office of Historic Preservation. A Primary Record documents the location and physical description of a building, structure, object, or site. An intensive level survey involves the preparation of a Building, Structure, and Object (BSO) Record form (or DPR523B) pursuant to the standards established by the California Office of Historic Preservation. A BSO Record is used to evaluate and present detailed information about buildings, structures and objects. The intensive level survey will also evaluate areas or neighborhoods for historic significance and a DPR523D form will be prepared.

16) **Improvement.** Any building, structure, fence, gate, tree, wall or other specified object constituting a historical physical feature of real property, or any part of such feature.

17) **Local Historic Status Codes.** A classification system that identifies historic resources based on the level of evaluation and designation for which the property has been approved.

18) **Mills Act Contract.** A property contract entered into between the City and a property owner that provides a potential for lower property taxes in return for the rehabilitation, restoration and preservation of a qualified historical property pursuant to GC Section 50280 et seq.

19) **Noncontributing Resource.** Any improvement, building, structure, sign, feature, tree or other object that does not add to the historical, architectural or cultural significance of a district.

20) **Object.** A material thing of historical, cultural or architectural value.

21) **Ontario Register.** A list that includes historic resources that have been surveyed at the intensive level (DPR523A and DPR523B) and determined to be eligible for local, state, or national through a regulatory process. This includes "determined eligible," "designated," and "nominated" properties. Historic Preservation Subcommittee maintains the Ontario Register.

22) **Ordinary Maintenance and Repair.** Any work, for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration of or damage to a structure or any part thereof and to restore the same, to its condition prior to the occurrence of such deterioration or damage.

23) Period of Significance. The length of time when a property was associated with important events, activities, or persons, or attained the characteristics which qualify it for listing in the Local, State, and/or National Register.

24) Preservation. The identification, study, protection, restoration, rehabilitation, or acquisition of Historical Resources.

25) Secretary of the Interior Standards for Rehabilitation. The guidelines prepared by the National Park Service for Rehabilitating Historic Buildings and the Standards for Historic Preservation Projects prepared by the National Park Service with Guidelines for Applying the Standards.

26) Statement of Significance. An organizational format which groups information about related historical resources based on theme, geographic units, and chronological period. The information should describe why the resource is significant within a relevant historic context.

27) Significant Feature. The man-made elements embodying style or components of an improvement, including but not limited to the kind and texture of the building materials, and the type and style of all windows, doors, lights, signs, and other fixtures appurtenant to such improvement.

28) State Historic Building Code. HSC Part 2.7 (commencing with HSC Section 18950), and the regulations promulgated thereunder, as they may be amended from time to time (24 CCR, Part 8).

Home Occupation. An occupation conducted by the occupant of a dwelling as a secondary use in which there is no display, no stock-in-trade, no commodity sold on the premises, no person employed other than residents of the dwelling, and no mechanical equipment used, except for that necessary for housekeeping purposes.

Hotel. A lodging facility, which offers transient accommodations at a daily rate, to the general public, and which may provide additional services, such as restaurants, meeting rooms and recreational facilities.

Household. One or more individuals occupying a single dwelling, with common access to and use of all living, eating, and kitchen facilities within the dwelling.

Household Pet. A small, domesticated animal, normally allowed access to the house or yard, kept for company, security or pleasure, limited to any combination of dogs, cats, potbellied pigs, rabbits, chinchillas, and other small, domesticated animals that are maintained for non-breeding purposes only.

Human Signs. A sign held by, or attached to, a human for the purpose of advertising or otherwise attracting attention to an individual, or a business, commodity, service, or product, and includes the use of a person dressed in costume for the purpose of advertising or attracting attention to an individual, business, commodity, service, or product. A "human sign" may also be referred to as a human billboard, human directional, sign walker, sign waver, or sign twirler.

I. Definitions of Words Beginning with the Letter "I."

Immediate Neighborhood. The block in which the subject property is located, as well as the opposite block face along the same street.

Improvement. Any street work and utilities to be installed, or agreed to be installed, by the subdivider on land to be used for public or private streets, highways, driveways, drive aisles and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic, and drainage needs as a condition precedent to the approval and acceptance of the final tract map. Furthermore, the term shall mean any other specific improvement or type of improvement, whether public or private, the installation of which, either by the subdivider, public agencies, private utilities, any other entity approved by the local agency, or by a combination of such, which is necessary to ensure consistency with or implementation of the general plan or any applicable specific plan.

Industrial Clinic. Establishments of independent healthcare practitioners providing services to businesses and their employees, which are engaged in: [i] providing physical therapy services to patients with impairments, functional limitations, disabilities, or changes in physical functions and health status, which are a result of injury, disease or other causes received while on-the-job, or who require prevention, wellness or fitness services; [ii] planning and administering educational, recreational, and social activities designed to help patients or individuals with disabilities, regain physical or mental functioning or to adapt to their disabilities; and [iii] diagnosing and treating speech, language, or hearing problems.

Industrial Park (Industrial Complex). A development within an industrial zone or land use district, which consists of 2 or more buildings constructed by a single developer or group of developers, and designed to function as a single cohesive unit in terms of access, parking, landscaping, property and landscape maintenance, and architecture, regardless of the subsequent parcelization. The terms "industrial park" and "industrial complex" may be used interchangeably.

In-Lieu Fee. A cash payment that may be required of an owner or developer as a substitute for the dedication of land or the construction of public improvements.

Interim Use. A use of land or a structure that is less than permanent, with the duration of the use subject to City approval.

Institutional Use. A privately operated use of a semi-public type, such as a church, convent, monastery, day care facility or hospital, nursing home, hospice facility, club or lodge, philanthropic or charitable foundation, nonprofit library, art gallery, museum, or similar type of establishment.

J. Definitions of Words Beginning with the Letter "J."

Junior College. Establishments primarily engaged in furnishing academic, or academic and technical, courses and granting associate degrees, certificates, or diplomas below the baccalaureate level. The requirement for admission to an associate or equivalent degree program is at least a high school diploma or equivalent general academic training. Instruction may be provided in diverse settings, such as the establishments or client's training facilities, educational institutions, the workplace, or the home, and through diverse means, such as correspondence, television, the internet, or other electronic and distance-learning methods. The training provided by these establishments may include the use of simulators and simulation methods.

K. Definitions of Words Beginning with the Letter "K."

Kennel. A place in which 4 or more dogs over 4 months in age are kept.

Kiosk. A small, freestanding lightweight structure less than 150 SF in area, sometimes open on one or more sides. Kiosks are often used as a newsstand or for small-scale merchandising.

Kitchen. A room or portion of a room in a structure, which is used for the purposes of preparing meals and contains the necessary cooking or food preparation facilities (and may include a microwave oven or hot plate), and shall also be equipped with a sink and hot and cold running water.

L. Definitions of Words Beginning with the Letter "L."

Lane (Alleyway). The principal means of vehicular access to one or more abutting dwellings within a townhouse, rowhouse, or cluster development, which is not intended for through access and is privately owned and improved by means of asphalt, concrete, laid brick or block pavers, or other similar material providing all-weather access, excluding loose materials, such as gravel, stone or slag. The terms "lane" and "alleyway" may be used interchangeably.

Landscaped Area. The unpaved portion of a site containing planted areas and plant materials, including trees, shrubs, lawns and flowers and ground cover, together with such decorative elements as walkways, benches, patios, terraces, water features, and the like, suitable for ornamenting a site or structure, or use on the site. Landscaping may also include non-plant decorative material as an intended complementary aspect of a landscape design, such as:

- 1) Public art installed pursuant to Division 6.07 (Public Art) of this Development Code;
- 2) Decorative fountains, reflecting pools, and ponds;
- 3) Decorative rock, stone, bark, mulch, and other similar decorative materials installed for the purpose of reducing the need for the watering of plant material, and which does not cover more than 5 percent of the total landscaped area; and
- 4) Trellises, porticos, arbors, and other similar garden structures, which do not exceed 6 FT in width, 3 FT in depth, and 8 FT in height.

Live Entertainment. Any live performance, including, but not limited to, all forms of music, theatrical or comedic performance, song, dance, karaoke, or vocal entertainment by a disc jockey (DJ) or announcer, in which one or more employees, independent contractors, guests, customers, or any other individual participates. Live entertainment shall also include dancing by patrons to live or recorded music.

Live entertainment shall not include ambient or incidental music provided for guests or patrons by one nonamplified musician, or the use of a radio, television, or other electronic playback device in any establishment, except when utilized by an announcer, DJ, master of ceremony (MC), or presenter, who at any time provides any form of vocal or visual entertainment for the purpose of gaining the attention and interest of, or diverting or amusing, guests or patrons, including the announcing of song titles or artists' names.

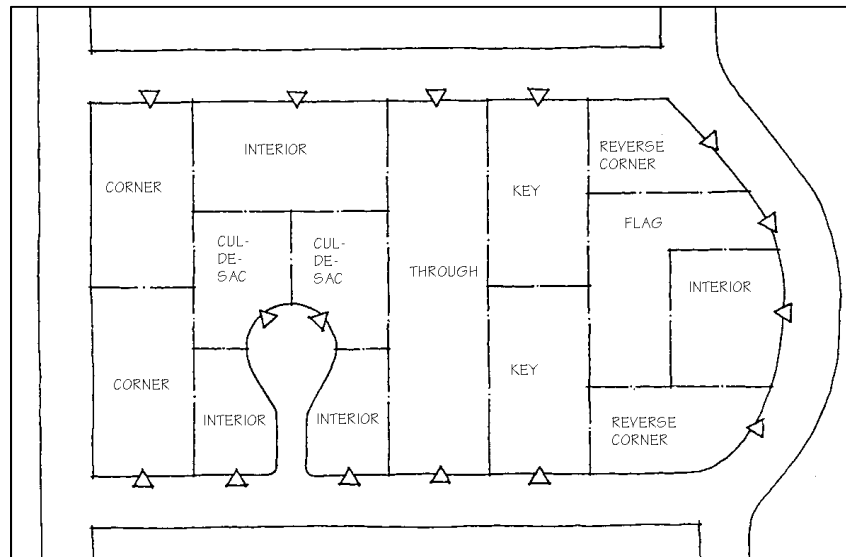
Living Area. The interior habitable area of a dwelling unit, including improved basements and attics, but does not include a garage or accessory structure.

Loading Area. The portion of a site developed for the loading or unloading of motor vehicles or trailers, including loading spaces, drive aisles and driveways.

Lodging Facility. An establishment that provides transient sleeping accommodations for rent.

Lodging House. See “Boarding House.”

Lot. A unit or portion of land, separate from other units or portions by description, as shown on a final map or by other such map or instrument approved by the City or applicable government entity under the provisions of the Subdivision Map Act (commencing with GC Section 66410) and City ordinances in effect at the time of such approval, for the purpose of sale, lease, or financing. The classifications of “lot” are described as follows (see examples below):



Lot Types

- 1) Corner. A lot located at the intersection of 2 or more streets.
- 2) Cul-De-Sac. A lot located on the turning end of a dead-end street.
- 3) Flag. A lot having access to a street by means of a private driveway access easement, or parcel of land not meeting the requirements of this Code for lot width but having a dimension of at least 20 FT at its narrowest point.
- 4) Interior. A lot other than a corner lot.
- 5) Key. The first interior lot to the rear of a reversed corner lot.
- 6) Reverse corner. A corner lot, the side of which on a street side is substantially a continuation of the front property line of the first lot to its rear.
- 7) Through. An interior lot having frontage on 2 parallel or approximately parallel streets.

Lot Area. The area within the property lines of a lot or parcel, exclusive of any dedications for public rights-of-way, parks, school sites or other public dedications.

Lot Area, Adjusted Gross. The gross lot area, excluding public highways, streets, alleys, and other public rights-of-way, and non-buildable easements for public utilities, railroads, and private streets.

Lot Area, Gross. The entire area within the boundaries of a lot or parcel, measured to the centerline of adjoining alleys, highways, or streets or to the underlying fee ownership of such adjoining alleys, highways or streets, whichever is applicable.

Lot Area, Net. A unit of land measure, not including the area within the established right-of-way of a public or private street or railroad, or any other area dedicated or required to be dedicated in the future for a public use.

Lot Coverage. The area devoted to principal and accessory structures on a lot, including patios enclosed on 3 sides, garages, and covered parking.

Lot Depth. The horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines.

Lot Line. The lines bounding a lot (also see “Property Line”). The classifications of “Lot Line” are as follows:

1) **Front.** The line separating the narrowest street frontage of a lot from a public or private street right-of-way.

2) **Interior side.** Any lot line that is not a front or rear lot line, and that does not border a public or private street right-of-way.

3) **Rear.** The lot line opposite and most distant from the front lot line. In the case of an irregularly-shaped lot, a straight line shall be drawn within the lot most nearly parallel to and the maximum distance from the front lot line

4) **Street side.** Any lot line that is not a front or rear lot line, and which abuts a public or private street right-of-way.

Lot Line Adjustment. A boundary realignment between 2 or more adjoining lots that are legally recognized and under the same or different ownership, where land taken from one lot is added to an adjacent lot, and where a greater number of lots other than originally existed is not thereby created. A lot line adjustment shall not result in the adjustment (moving) of more than 4 lot lines.

Lot Width. The horizontal distance between the side property lines of a lot, measured in a straight line in the mean direction of the front property line, at the minimum front yard setback line of a lot.

M. Definitions of Words Beginning with the Letter “M.”

Maintenance. Repair work or upkeep on a structure, including painting, carpentry, glazing, and the reinforcement or replacement of defective parts, including roofs, foundations, structural members, and the like, but not including an addition, enlargement, or replacement of the structure.

Manufactured Home. A structure designed for single-family residential use that is factory made and is fully or partially assembled on the site of ultimate use, as permitted by Federal laws and the State of California.

Manufacturing. A use engaged in the manufacture, primarily from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental processing of extracted raw materials.

Marijuana. All parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include:

- 1) Industrial hemp, as defined in Section 11018.5 of the California Health & Safety Code; or
- 2) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

Marijuana Cultivation. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

Marijuana Dispensary. Any association, cooperative, club, coop, delivery service, collective and any other similar use involved in the sale, exchange, bartering, giving away for any form of compensation whatsoever, possession, cultivation, use and/or distribution of marijuana.

Massage. Any method of treating the external parts of the body for remedial, health or hygienic purposes, by means of pressure on or friction against; or stroking, kneading, rubbing, tapping, pounding; or stimulating the external parts of the body with the hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances; or with or without supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice and shall include herbal body wraps.

For the purposes of the Massage regulations contained in the Development Code, the following definitions shall also apply:

- 1) **Chair Massage.** Any massage of the neck, arms, shoulders, hands, feet and back area above the waist, where the client is fully clothed, sitting upright in a chair, and done without the use of supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations.
- 2) **Massage Establishment.** An establishment having a fixed place of business where any person, association, firm, partnership, or corporation engages in, conducts, or carries on, or permits to be engaged in, conducted, or carried on, any business of giving massage, baths, administration of fomentation, electric or magnetic treatments, alcohol rubs, or any other type of system for treatment or manipulation of the human body, with or without any character of bath, such as Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, fomentation, or any other type of bath.

Master Plans. A term used to describe a process that determines community goals and aspirations in terms of community development. The outcome of comprehensive planning is the Master Plan (also referred to as the "comprehensive plan"), which dictates public policy in terms

of transportation, utilities, land use, recreation, public safety, and housing. Master plans typically encompass large geographical areas, a broad range of topics, and cover a long-term timeframe.

Material Recovery Facility. A facility that receives, processes, and recycles municipal mixed solid wastes, commercial high-grade wastes (such as corrugated cardboard, newspaper, mixed papers, etc.), construction debris, commingled recyclable materials, and green waste, and ships recovered recyclables and residual solid waste to market or disposal destinations. These facilities typically include:

- 1) Materials handling, sorting, processing and compacting equipment and facilities;
- 2) Shipping/hauling of sorted materials, either by truck or rail;
- 3) Administrative functions, such as office, employee and training areas;
- 4) Weighing of vehicles and collection of fees; and
- 5) Maintenance of vehicles and equipment used in conjunction with the facility.

Medical Marijuana Dispensary. Any association, cooperative, club, coop, delivery service, collective and any other similar use involved in the sale, possession, cultivation, use and/or distribution of marijuana for medicinal purposes.

Menu Board. A permanently mounted sign displaying the bill of fare of a drive-in, drive-through or walk-up restaurant.

Metal Salvage Yards. An establishment that collects and utilizes scrap metal for use as salable products.

Mezzanine. A second level, internal to a building or unit, composed of permanent or modular construction that adds usable square footage to a unit.

Mixed-Use Development. The development of a tract of land, building, or structure, which includes residential land uses in conjunction with a variety of complementary uses, such as, but not limited to, office, manufacturing, retail, public, or entertainment, in an integrated development project with significant functional interrelationships and a coherent and cohesive physical design.

Mobile Home. Same as "Manufactured Home," but subject to the National Manufactured Housing Construction and Safety Standards Act of 1974.

Mobile Home Park. A development designed exclusively for the placement of mobile homes on spaces or lots offered for sale, lease, rent or condominium ownership, including all improvements, buildings, structures, recreational areas, or other facilities for the use of the residents of such development, but not including any sites or spaces available on a transient basis.

Mobile Recycling Unit. An automobile, truck, trailer, or van, licensed by the California Department of Motor Vehicles, which is used for the collection of recyclable materials. This definition encompasses bins, boxes or containers transported by trucks, vans or trailers and used for the collection of recyclable materials. Mobile units shall not be visible from Euclid Avenue.

Monopole. A structure composed of a single spire used to support communications equipment.

Motel. A lodging facility that offers transient accommodations at a daily rate, to the general public, which are predominantly accessed from parking lots or exterior walkways.

Motorhome. A motor vehicle originally designed or permanently altered and equipped for human habitation.

Motor Truck. A motor vehicle designed, used, or maintained primarily for the transportation of property, which has two or more axles and a gross vehicle weight rating (GVWR) of more than 10,000 pounds (CVC Section 410).

Mortuaries. See “Funeral Parlors.”

Mulch. A layer of organic material derived from plants (e.g., compost, leaf mold, peat, shredded bark, wood chips, etc.), which is applied to the surface of an area of soil to conserve moisture, improve the fertility and health of the soil, reduce weed growth, and enhance the visual appeal of the area. Nonstabilized decomposed granite or gravel may be used with appropriate California native landscapes.

Multiple Tenant Building. A building wherein two or more separate and independently owned, rented, leased, or operated commercial occupancies are contained.

Municipal Utility. A utility owned and operated by an agency of local government.

Mural. An original, noncommercial work of art that is displayed by being painted directly on, or being affixed directly to, the exterior wall of a building or structure, and which is clearly intended as a decorative or ornamental feature. Murals do not contain text, numbers, registered trademarks, registered logos, or business or service advertising or identification.

N. Definitions of Words Beginning with the Letter “N.”

Neighborhood Convenience Facility. A retail establishment offering for sale, any prepackaged food products or household items, newspapers or magazines, salads or sandwiches, or other freshly prepared foods, for consumption off the premises.

Noncommercial Speech. Any message that is not determined to be commercial speech as defined in this Division.

Nonconforming Structure. A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to a zoning ordinance, but which fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of the zoning district.

Nonconforming Use. A use or activity which was lawful prior to the adoption, revision, or amendment to a zoning ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

Nonprofit Social Service Organization. An organization that is incorporated under State law and has an unpaid board of directors, and which provides social services on a non-resident basis to the public, on an ability-to-pay or non-fee basis.

Nuisance. Anything that is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use in the customary manner of any public park, street, sidewalk, alleyway, highway or other public easement is a nuisance. The classifications of nuisance are as follows:

1) **Private Nuisance.** A private nuisance is an interference with a person's enjoyment and use of their land, recognizing that landowners, or those in rightful possession of land, have the right to the unimpaired condition of the property and to reasonable comfort and convenience in its occupation.

2) **Public Nuisance.** A public nuisance interferes with the public as a class, not merely one person or a group of citizens; however, some nuisances can be both public and private in certain circumstances where the public nuisance substantially interferes with the use of an individual's land.

3) **Attractive Nuisance.** An attractive nuisance is alluring or fascinating to those persons, who, because of their age, inexperience, and/or mental capability, are unable to recognize its dangerous quality.

Nuisance Vegetation. Weeds and wild grasses, such as those commonly known as foxtails, tumbleweeds, devil thorns, puncture vines, horehound gourd vines, and other similar grasses and weeds.

Nursery School. See "Child Day Care Facility."

Nursing Home (Convalescent Home (Hospital), Rest Home, or Rehab (Rehabilitation) Facility). A lodging and care facility for convalescents, invalids, or aged persons, not including persons suffering from contagious or mental diseases, alcoholism, or drug addiction, and in which surgery is not performed and primary treatment, as given in hospitals or sanitariums, is not provided. The terms "Nursing Home," "Convalescent Home," "Convalescent Hospital," "Rest Home," or "Rehab Facility" may be used interchangeably.

O. Definitions of Words Beginning with the Letter "O."

Office Building. A building containing two or more separate, independently owned, rented, leased, or operated commercial, administrative or support services, or professional tenants, in which the primary access to the lease area of each occupant is from the interior of the building (from a lobby or foyer), as opposed to direct access from a street or parking lot.

Open Space. Any lot or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring the open space. Open space does not include area covered by buildings or accessory structures (except recreational structures), paved areas (except recreational facilities), proposed and existing private and public streets, drive aisles, or driveways. The classifications of open space are as follows:

1) **Common.** Open space within an area owned, designed, and set aside for use by all occupants of a development, or the occupants of a designated portion of a development. Common open space is not dedicated to the public and is owned or maintained by a private organization made up of the open space users. Common open space includes common

recreation facilities, open landscaped areas, and greenbelts, and excludes streets, drive aisles, driveways, parking lots and other similar pavement areas, parkways, and landscaping within a public right-of-way.

2) Private. Open space directly adjoining a dwelling, which is intended for the private enjoyment of the occupants of the dwelling. For multiple-family dwellings, private open space includes area within private patios or balconies. For single-family dwellings, private open space includes front, rear, and side yard areas of individual lots.

Overlay District. A zoning district established by this Development Code that may be applied to an area or vicinity only in combination with a base zoning district.

Owner. Any person in possession, or any person(s) shown as owner(s) on the last equalized property tax assessment rolls.

P. Definitions of Words Beginning with the Letter "P."

Passenger Vehicle. Any motor vehicle, unless the vehicle is used for the transportation of persons for hire, compensation, or profit.

Patio. An outdoor living area constructed at ground level, which may extend from a building or may be freestanding. Patios may or may not have covers or roofs, can take on any shape, and may be constructed of a variety of materials, including concrete, brick, stone, gravel, pavers, flagstone, or other similar materials.

Patio, Covered. A patio with a shade structure, consisting of a roof and structural supports.

Patio, Enclosed. A patio area, consisting of a roof and vertical walls on up to 3 sides which are a minimum of 65 percent open. For the purpose of this definition, the term "open" may include the use of screen material and/or plexiglass, or other similar material. An enclosed patio shall not include any portion of a building that is habitable, as defined in the Uniform Building Code.

Parcel Map. A map that is designated to be placed on record with the office of the County Recorder for any subdivision creating 4 or fewer lots, or 5 or more lots if the subdivision complies with the provisions of GC Section 66426.

Parking Area. A site, or a portion of a site, devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and related landscape and screening areas.

Parolee, Federal. An individual convicted of a federal crime, sentenced to a United States federal prison, and received conditional and revocable release in the community under the supervision of a Federal parole officer.

Parolee, State Adult. An individual who is serving a period of supervised community custody, as defined in PC Section 3000, following a term of imprisonment in a state prison and is under the jurisdiction of the California Department of Correction, Parole and Community Services Division.

Parolee, Youth Authority. An adult or juvenile individual sentenced to a term in the California Youth Authority and received conditional and revocable release in the community under the supervision of a Youth Authority parole officer.

Pavement (Paving). An area improved by the laying or covering with a material, such as asphalt, concrete, laid brick, or concrete block, so as to form a substantially flat, hard, and level all-weather surface. The terms “pavement” and “paving” may be used interchangeably.

Personal Property Donation Bin. An unattended canister, bin, box, receptacle, or similar device used for soliciting and collecting donations of personal property.

Personal Services. Services of a household or personal nature, such as dry cleaning, apparel repair, beauty and barbershops, but not including adult businesses as defined in this article.

Philanthropic Institution. See “Charitable Institution.”

Pickup Truck. A motor truck with a manufacturer’s gross vehicle weight rating (GVWR) of less than 11,500 pounds and an unladen weight of less than 8,001 pounds, which is equipped with an open box-type bed less than nine feet in length. The term “pickup truck” does not include a motor vehicle otherwise meeting the aforementioned definition, which is equipped with a bed-mounted storage compartment commonly called a “utility body” (CVC Section 471).

Place of Worship. See “Religious Assembly.”

Planned Development. A development, other than a condominium or stock cooperative, having a common area owned by a property owner association, or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.

Planned Residential Development. A residential development on a site under one ownership or under the legally incorporated control of the individual owner-members, approved in conjunction with a subdivision, developed as a single entity, allowing a mix of dwelling types and individual parcels, and containing commonly owned open space and recreation areas.

Planning Commission. The Planning Commission of the City of Ontario.

Planning Director. The Planning Director of the City of Ontario, or his/her designee.

Political Sign. Any election or non-election sign, advertising structure, or display that communicate any message or idea identifying, supporting, opposing, promoting, or conveying a position upon or relating to any political cause or issue, or candidate for public office, or proposition or issue connected with any local, special, state, or national election.

Pool Hall. See “Billiard Parlor.”

Prezoning. The classification of unincorporated territory adjoining a City into one or more City zoning districts.

Primary Use, Activity, or Facility. The principal or main use, activity, or facility of land, buildings, or other structures.

Primary Business Activity. The principal concern or interest of a business, based upon volume of business activity, gross receipts, and gross floor area devoted to business activity, in order of rank or importance.

Property Line. A line of record, which bounds a lot, and which divides a lot from another lot, a public or private street, or from any other public or private space (also see “Lot Line”).

Public Nuisance. A nuisance that affects at the same time, an entire community or neighborhood, or any large number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Public Service Installation. Buildings and other structures and equipment owned and/or operated by an agency of local, state or federal government.

Public Storage. See “Mini Warehouse.”

Public Right-of-Way. Any public street, alley, sidewalk, street island, median, or parkway that is owned or granted by easement, operated, or controlled by the City.

Public Utility Installation. Buildings and other structures and equipment owned and operated by a public utility or private utility company subject to the regulation of the Public Utility Commission of the State.

Public View. Observable or likely to be observed by a person positioned on publicly or privately owned property, at a location to which the public have unfettered access.

Q. Definitions of Words Beginning with the Letter “Q.”

Reserved

R. Definitions of Words Beginning with the Letter “R.”

Recognized Lot. Any lot that was a separate lot of record on November 5, 1947, as shown in the official records of the County Recorder, or any lot that was created after July 21, 1977, in accordance with State law or any applicable City law, or any lot that, at the time of annexation of the City, was a separate lot of record, as shown in the official records of the County Recorder.

Recreational Vehicle. A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. The term recreational vehicle includes, but is not limited to, travel trailers, pick-up campers, camping trailers, motor homes, converted trucks or buses, boats and boat trailers, all-terrain vehicles, truck campers, personal water craft and trailers for their transport, off-road vehicles, fifth-wheel trailers, utility trailers and horse trailers. All-terrain and off-road vehicles licensed for use on the public street shall not be considered a recreational vehicle, such as 4-wheel drive pick-up trucks, sport utility vehicles, and 4-wheel drive passenger vehicles.

Recreational Vehicle Park. A facility for the accommodation of recreational vehicles for short-term periods, generally for not less than one night and not used as a place of residence by persons, other than a manager or other employee and their families.

Recycling Center. A center for the collection and/or processing of recyclable materials certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986 (commencing with PRC Section 14500). A recycling facility does not include storage containers or processing activity on the premises of a residential, commercial, or industrial use, and used solely for the recycling of

material generated by the residential property, business, or industry. For the purposes of these provisions, recyclable material shall mean reusable material, including, but not limited to metals, glass, plastic, and paper intended for reuse, remanufacture, or reconstitution for use in an altered form. Recyclable material may include used motor oil collected and transported in accordance with the California Health and Safety Code. Recycling facility is further defined as follows:

1) **Large Collection Facility.** A center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public, that occupies an area of more than 500 SF, is not appurtenant to a host use and may use a permanent building. In addition, large collection facilities may have the capacity for aggregating and storing large amounts of material on-site.

2) **Processing Facility.** A facility certified by the California Department of Conservation, which purchases empty aluminum beverage containers, bimetal beverage containers, glass beverage containers, plastic beverage containers, or any other beverage containers, including any one or more of those beverage containers that have a refund value established pursuant to the California Beverage Container Recycling and Litter Reduction Act, from recycling centers within the state of California, for recycling. Processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable materials, and repairing of reusable materials sufficient to qualify as a certified processing facility. A processing facility shall not shred, compact, or bale ferrous metals, other than food and beverage containers.

3) **Reverse Vending Machine.** An automated mechanical device that accepts one or more types of empty beverage containers, including, but not limited to, aluminum cans, glass, and plastic bottles, and issues a cash refund or a redeemable voucher. A reverse vending machine may sort and process containers mechanically if the entire process is enclosed within the machine.

4) **Small Collection Facility.** A center of not more than 500 SF in area for the acceptance by donation, redemption, or purchase, of recyclable materials from the public, and consisting of one or more of the following:

a) **Mobile Recycling Unit.** An automobile, truck, trailer, or van that is licensed by the Department of Motor Vehicles, which is used for the collection of recyclable materials. A mobile recycling unit also means bins, boxes or containers transported by trucks, vans, or trailers, and used for the collection of recyclable materials.

b) **Bulk Reverse Vending Machine.** A reverse vending machine that is larger than 50 SF in area, is designed to accept more than one container at a time and will pay by weight rather than by individual container.

c) **Kiosk Type Unit.** Portable recycling units but may include small permanent structures.

d) **Unattended Containers.** Any unattended container placed for the donation of recyclable material.

Rehab (Rehabilitation) Facility. See "Nursing Home."

Religious Assembly (Place of Worship). A facility operated for worship or recurring organized religious services, or activities, including churches, temples, mosques, synagogues, and other similar facilities of religious instruction. Such facilities may include a variety of traditional

accessory uses, amenities and activities, such as offices, classrooms, multi-purpose rooms, play fields and gymnasiums, rectory, group living quarters, child and adult daycare facilities, and incidental retail activities that support the primary religious activity, limited to the sale religious books and paraphernalia. "Religious assembly" within commercial, mixed-use, and specialized use zoning districts may also include nontraditional accessory uses, amenities, and activities, such as general retail sales, entertainment facilities, sports and recreation centers, and broadcasting and recording studios. "Religious assembly" shall not include dwellings periodically used for religious activities that are clearly incidental to the primary residential use of the dwelling and do not create a nuisance.

Residence Inn. A lodging facility consisting of one or more buildings containing individual guest rooms or suites of rooms and/or dwelling units, which may provide kitchen facilities, amenities, recreational facilities, and/or meals. "Residence inn" shall not include residential, group, or community care facilities, as defined in this Division.

Residential Complex. Multiple-family residential developments, mobile home parks, and common interest developments, each consisting of 5 or more dwelling units constructed by a single developer or group of developers, and designed to function as a single cohesive unit in terms of access, parking, landscaping, property and landscape maintenance, and architecture, regardless of the subsequent parcelization.

Residential, Group, or Community Care Facility. Any facility, place or building that is maintained and operated to provide residential care as defined by State law and including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, abused or neglected children and the elderly. Community Care Facilities include, but are not limited to, the following: residential facility, adult day care facility, therapeutic day services facility, foster family agency, foster family home, small family home, social rehabilitation facility, community treatment facility, full service adoption agency, noncustodial adoption agency, and transitional shelter care facility. Any of these facilities with 6 or fewer people in residence shall be viewed as a single-family residence.

Residential Project. Conditional Use Permit, Development Plan, Subdivision Map, or other discretionary or ministerial land use approval that authorizes the development of one or more dwellings and/or residential lots.

Rest Home. See "Nursing Home."

Restaurant. A business establishment that prepares and serves food and drinks to customers in exchange for money. The classifications of restaurant are described as follows:

1) **Full-Service Restaurant.** A sit-down eatery where food is served directly to the customers' table. These establishments may sell alcoholic beverages. Food and drink may be consumed on the premises, taken out, or delivered to customers' locations.

2) **Limited Service Restaurants.** An establishment whose patrons generally order or select items and pay prior to eating. Food and drink may be consumed on the premises, taken out, or delivered to customers' locations.

3) **Cafeterias.** A restaurant or dining room in a school or a business in which customers serve themselves or are served from a counter and pay before eating.

Reviewing Authority. Advisory Authorities, Approving Authorities, and Appeal Authorities of the City, which are responsible for acting on [i] land use or development entitlements, permits, and licenses; and [ii] other planning, zoning, and/or development actions and decisions, as established by Division 2.02 (Application Filing and Processing) of this Development Code.

Rooming House. See “Boarding House.”

S. Definitions of Words Beginning with the Letter “S.”

Salvage Facility. Any place of outdoor storage or deposit for the storing, keeping, processing, buying, or selling of junk motor vehicles and/or scrap metal, or an outdoor area used for the operation of a motor vehicle graveyard. A salvage facility does not include a garage where wrecked or disabled motor vehicles are stored for less than 90 days, for repairs.

As used in this definition, the following terms shall apply:

1) **Motor Vehicle Graveyard.** A yard, field, or other outdoor area used or maintained for storing or depositing more than one junk motor vehicle on a property owned or controlled by the owner of the Junk Motor Vehicle. A Motor Vehicle Graveyard does not include the following:

a) An area used by a motor vehicle hobbyist to store, organize, restore, or display motor vehicles, or parts of such vehicles, provided that the hobbyist’s activities comply with all applicable federal, State, and local laws;

b) An area used by a motor vehicle dealership for the storage of new or used operational motor vehicles; and/or

c) An area used or maintained for the temporary parking or storage of operational commercial motor vehicles, which are temporarily out of service and/or unregistered but are expected to be used in the future by the motor vehicle owner or operator. For the purpose of this definition, “temporarily out of service and/or unregistered” shall mean a period of 90 days from the date of placement or discovery.

2) **Junk Motor Vehicle.** A discarded, dismantled, wrecked, scrapped, or ruined motor vehicle, or parts thereof, or a motor vehicle, other than an on-premise utility vehicle, which is allowed to remain unregistered for a period of 90 or more days from the date of placement or discovery.

School, Private. A school owned and operated by a private entity.

School, Public. A school owned and operated by a public school district.

Self-Storage Facility. A structure or group of structures containing separate storage spaces of varying sizes to be leased or rented on an individual basis.

Senior Citizen. As set forth in CC Section 51.3, as said section may be hereinafter amended.

Senior Citizen Housing Development. A housing development consistent with the California Fair Employment and Housing Act, which has been designed to meet the physical and social needs of senior citizens, and which otherwise, qualifies as housing for senior citizens pursuant to CC Section 51.1. Senior Citizen Housing Developments shall not include Congregate Care Facilities, as defined in this Division.

Service Station. See “Gasoline Service Station.”

Setback Area. A required open space area on a parcel of land, unobstructed and unoccupied from the ground upward, except as permitted by this Development Code. The classifications of setback area are described as follows:

1) **Front.** An area that abuts a public or private street, or access easement, which extends across the full width of a lot, the depth of which is the minimum required horizontal distance specified for the zoning district, measured in a straight line perpendicular to the front lot line and extending from the front lot line (measured from face-of-curb in the case of an access easement) toward the interior of the lot, to a line parallel to the front lot line.

2) **Interior Side.** An area that abuts another lot or lots, extending across the full depth of a lot, the width of which is the minimum required horizontal distance specified for the zoning district, measured in a straight line perpendicular to the interior side lot line, and extending from the interior side lot line, toward the interior of the lot, to a line parallel to the interior side lot line.

3) **Rear.** An area extending across the full width of a lot, the depth of which is the minimum required horizontal distance specified for the zoning district, measured in a straight line perpendicular to the rear lot line and extending from the rear lot line toward the interior of the lot, to a line parallel to the rear lot line.

4) **Street Side.** An area that abuts a public or private street, or access easement, which extends across the full depth of a lot, the width of which is the minimum required horizontal distance specified for the zoning district, measured in a straight line, perpendicular to the street side lot line and extending from the street side lot line (measured from face of curb in the case of an access easement), toward the interior of the lot, to a line parallel to the street side lot line.

Shopping Center. A group of retail stores and similar complementary establishments on a site that is planned and built as a coordinated unit, with shared pedestrian and vehicular circulation and off-street parking.

Single Room Occupancy Hotel. A cluster of 5 or more dwelling units on one property for weekly or longer tenancy and providing sleeping and living facilities for one or 2 persons within the unit, in which sanitary facilities are also normally provided and cooking facilities may be provided within each unit or shared by multiple units.

Single Tenant Building. A building in which no more than one owned, rented, leased or operated commercial occupancy is contained.

Sign. Any writing (including letter, word, or numeral), pictorial presentation (including illustration or decoration), emblem (including device, symbol, or trademark), flag (including banner or pennant), or any other device, figure, or similar character that: [i] is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building, other structure or device; and [ii] is used to announce, direct attention to, or advertise; and [iii] is visible from the outside of a building.

The classifications of “sign,” and definitions specifically related to the establishment of a sign, are as follows:

- 1) **Backlit Awnings and/or Canopies.** Awnings and/or canopies that are illuminated from behind so as to permit the transmission of light through a covering material, which thereby serves to attract attention to the building or structure upon which the awnings and/or canopies are affixed.
- 2) **Banner Signs.** A Temporary sign of lightweight flexible plastic, nylon, fabric, or similar material. Banner signs are further classified as follows:
 - a) **Promotional or Special Event Banners.** A sign attached to a building, wall or fence, or otherwise suspended down or across its face for the purpose of advertising a promotion or special event for an interim period, as specified by this Development Code.
 - b) **Street Banners.** A sign that is mounted on City light standards within the right-of-way of arterial public streets, for the purpose of [i] promoting economic development messages to the general public, or [ii] for honoring the men and women of the City that are actively serving with the United States armed forces, or have died while serving.
- 3) **Billboard Sign.** A sign located in an area distant, and on a separate parcel of land from the place where the product, business, or premises being advertise is located.
- 4) **Building Identification Sign.** A sign that identifies the name of a building, or the primary use, establishment, activity, owner, or occupant of a building.
- 5) **Center (Complex) Identification Sign.** A sign that identifies a shopping center, office complex, industrial complex, or other use of a site containing more than one establishment.
- 6) **Construction Sign.** Signage that identifies contractors, lenders, designers, realtors, and other similar parties involved in the construction of a building or site.
- 7) **Content Neutral Sign.** Consistently applicable non-discriminatory sign regulations that specify, without reference to the content of the message, when, how, and where a sign can be displayed, with physical standards, such as, but not limited to, height, size and location, that allow the sign to be readable.
- 8) **Descriptor Sign.** Secondary signage that is intended to illustrate the products or services sold or offered by a business at the site on which the business is located.
- 9) **Directional Sign.** Signage intended to lead pedestrian and/or vehicular traffic to a predetermined location or destination.
- 10) **Double-Faced Sign.** A sign with two parallel opposing (back-to-back) faces.
- 11) **Electronic Message Display.** An LED, LCD, or plasma advertising display containing a changing text message or pictorial presentation.
- 12) **Electronic Text Display.** A sign with electronically controlled changeable copy and/or message containing internally illuminated letters whose function is primarily to scroll text. Such signs are intended for use with those retail, entertainment, and assembly uses that typically necessitate signs with easily changeable copy, such as fuel pricing signs, marquee-type signs for public or private schools, public facilities and services, theaters, convention centers, arenas, places of worship, and other similar assembly uses.

13) Fascia Sign. A sign on the exterior of a building that is attached to a wooden board or other flat piece of material that covers the ends of joists or rafters.

14) Freestanding Sign. A sign structure that is permanently affixed to the ground, and includes: [i] complex identification monument signs, which identify a commercial, professional or industrial complex or center, which consists of 2 or more separate buildings, or 5 or more uses within one or more buildings; [ii] building or tenant (business) identification monument signs, which identify a single building or specific use or uses within an individual building; and [iii] freeway oriented signs.

15) Freeway Sign. A freestanding sign, including a sign incorporated into garden and screen wall, that is located within 600 FT of a roadway that is declared to be a freeway in compliance with the California Streets and Highways Code, and which complies with the minimum “freeway sign” requirements established by Division 8.01 (Signs) of this Development Code.

16) Fuel Island Canopy Sign. Signage placed on the fascia of a canopy structure located over pump (fuel dispenser) islands.

17) Historical Marker. An indicator, such as a plaque or sign, to commemorate an event or person of historic interest, and to associate that point of interest with a specific locale one can visit.

18) Human Sign. An advertisement that is applied to, worn, or held by a person. Most commonly, this means holding or wearing a sign, but may also include wearing advertising as clothing. A person holding a sign is known in the advertising industry as a “human directional,” but may also be referred to as a “sign walker,” “sign waver,” or “sign twirler.” Frequently, a “human directional” will spin or dance, or wear a costume with the promotional sign in order to attract attention.

19) Menu Board. A board on which a food menu is written.

20) Monument Sign. A freestanding sign with a solid base that is in close contact with the ground, which is equal to or larger than the width of the sign face and incorporates the architectural theme and building materials of the building(s) located on the property in which the sign serves.

21) Off-Site Subdivision Sign. A sign that is located off-site, which contains the name of and the direction of travel to a residential subdivision project in the City.

22) Permanent Sign. A sign attached to a building, structure, or the ground in a manner that enables the sign to resist environmental loads, such as wind, and precludes ready removal or movement of the sign.

23) Pole Sign. A freestanding sign with visible support structure.

24) Political Sign. Any display utilized for the purpose of proposing or opposing the election of a candidate, or ballot measure or proposition.

25) Portable Sign. A sign not permanently attached to the ground or building, with a power-cord for connection to an electrical source, and readily removable using ordinary hand tools.

26) Real Estate Sign. A temporary sign advertising the sale, rental, or lease of the premises upon which the sign is maintained.

27) Roof Sign. A sign mounted on or above the roof of a building, but not including a sign mounted on a parapet.

28) Single-Face Sign. A sign with only one face plane.

29) Supergraphics. A large-scale painted or applied sign, typically in bold colors and containing simple geometric or typographic designs, placed over exterior walls of buildings, and sometimes roofs.

30) Swooper Sign. A sign that is longer than it is wide, which is made of a flexible material (typically cloth, nylon, or vinyl), and mounted to a pole that allows it to fly freely, and is commonly used to attract attention to a business or event, or to advertise goods and/or services.

31) Temporary Sign. Any sign not intended for permanent installation, which is incidental or secondary in nature, and is subject to a time limitation, such as banner signs, construction signs, political signs, and real estate signs.

32) Tenant (Business) Identification Sign. A sign displaying the name of the business to which it pertains and/or the name or description of the products or services sold or offered by the business at the site on which the business is located. A business identification sign may be an attached or freestanding sign.

33) Vehicle-Mounted Billboard (moving or stationary). An automobile, truck, trailer, semi-trailer, or other vehicle to which a business identification sign is mounted, painted, or otherwise affixed.

34) Wall Sign. A sign attached to the exterior wall of a building or structure.

35) Way-Finding Signs. Signage, including maps and other graphic or audible methods, which is used to convey location and directions to pedestrian and/or vehicular traffic.

36) Window Sign. A sign that is posted, painted, placed, or affixed to, or suspended or placed within 5 FT feet of the interior side of, a window or glass door of a building, which is intended for viewing from the exterior of the building.

Sign Area. The entire face of a sign, including the surface of any framing, projections or molding, but not including the support structure. The area of a sign consisting of individual channel letters mounted on a building wall or freestanding structure shall be calculated by including the entire area within a single, continuous perimeter enclosing the extreme limits of lettering, representation, emblem, or other display.

Sign Copy. Any words, letters, numbers, figures, designs, or any other symbolic representations incorporated onto the face of a sign, excluding building addresses.

Sign Face. The exterior surface of a sign, exclusive of structural supports, on which is placed the sign copy.

Site. A parcel of land or combination of contiguous parcels of land.

Site Area. The net horizontal area included within the boundary lines of a site, not including the area of any easement within which the right of use has been relinquished, and not including the area within the established right-of-way of a public street, future public street, railroad, or any other area dedicated or to be dedicated for a public use.

Small Cell Facility. Has the same meaning as “small wireless facility” in 47 CFR 1.6002(l), or any successor provision, which is a personal wireless services facility that meets the conditions that, solely for convenience, have been set forth below.

1) The facility:

a) is mounted on a structure 50 FT or less in height, including antennas, as defined in 47 CFR Section 1.1320(d), or

b) is mounted on a structure no more than 10 percent taller than other adjacent structures, or

c) does not extend an existing structure on which it is located, to a height of more than 50 FT or by more than 10 percent, whichever is greater;

2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 CFR Section 1.1320(d)), is no more than 3 cubic feet in volume;

3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

4) The facility does not require antenna structure registration under 47 CFR Part 17;

5) The facility is not located on Tribal lands, as defined under 36 CFR Section 800.16(x);
and

6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR Section 1.1307(b).

Special District. An agency of the State for the local performance of governmental or proprietary functions within limited boundaries including a county service area, a maintenance district or area, an improvement district, or any other area or district formed for the purpose of designating an area within which a tax or charge will be levied to pay for a service or improvement benefiting that area, but not including a school district or community college district.

State. The State of California.

State Density Bonus Law. The laws, rules and regulations contained in GC Section 65915, as said section may be hereinafter amended.

State Freeway. Any section of a State highway that has been declared to be a freeway by resolution of the Highway Commission of the State, pursuant to the provisions of SHC Section 100.3, and/or any section of State highway that has been fenced by a State agency between intersecting streets, for the purpose of limiting or restricting access thereto.

Stealth Facility. Any wireless telecommunications facility that is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements and details, and antenna structures designed to look like light poles, trees, and flagpoles. Stealth facilities are also referred to as concealed antennas.

Street. Any public or private thoroughfare, other than an alley, that provides the principal means of access to abutting property and has been designed and/or constructed pursuant to the City's minimum established standards for public streets. The classifications of "street" are as follows:

1) **Arterial Street.** A street with signals at important intersections and stop signs on the side streets that collect and distribute traffic to and from collector streets.

2) **Collector Street.** A street that collects traffic from local streets and connects with arterial streets.

3) **Local Street.** A street designed to provide vehicular access to abutting property and to discourage through traffic.

4) **Private Street.** A street in private ownership, which complies with all of the following:

a) The street is built to the standards for public streets established by the City of Ontario;

b) The street has not been accepted for dedication as a public street; and

c) The street is the principal means of vehicular access to properties that do not have access to a public street.

5) **Public Street.** A street that has been accepted for dedication by the City, the County, or the State.

Stock Cooperative. A development in which a corporation is formed to hold title to improved real property, and in which all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between the floor and the ceiling above it, and including basements used for primary use.

Structure. Anything that is built or constructed, whether installed on, above, or below the surface of land or water, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, but not including light standards, poles, lines, cables, or other transmission or distribution facilities of a public utility.

Subdivider. A person, firm, corporation, partnership, or association who proposes to divide, divides, or causes to be divided, real property into a subdivision for oneself or others. The term shall not include employees or consultants of such persons or entities, acting in such capacity.

Subdivision. The division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in CC Section 1351(f), a community apartment project, as defined in CC Section 1351(d), or the conversion of 5 or more existing dwelling units to a stock cooperative, as defined in CC Section 1351(m).

Subdivision Map Act. The provisions of GC Title 7, Division 2, commencing with Section 66410, and such amendments thereto as may be made from time to time.

Substandard Lot. Any lot that does not meet the minimum dimension or area requirement of the zoning district in which it is located and for which no variance has been obtained. In determining the minimum lot area or dimensions, the area of any easement that restricts the normal usage of the lot may be excluded.

Supermarket. See "Grocery Store."

Supportive Housing. As defined in HSC Section 50675.14(b)(2), "supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. For the purposes of this definition, the term "target population" means persons, including persons with disabilities, and families who are "homeless," as that term is defined by USC 42 Section 11302, or who are "homeless youth," as that term is defined by GC 11139.3(e)(2). Furthermore, individuals and families currently residing in supportive housing meet the definition of "target population" if the individual or family was homeless when approved for tenancy in the supportive housing project in which they currently reside.

Swap Meet (Concession Mall). The retail sales of a variety of unrelated merchandise within a single enclosed establishment or marketplace by 5 or more independent persons, merchants and/or businesses, that individually occupy or make use of floor area or wall space, for which a fee, commission, rent, or lease is charged. The terms "swap meet" and "concession mall" may be used interchangeably.

T. Definitions of Words Beginning with the Letter "T."

Tasting Room. A separate area of the alcoholic beverage manufacturer's licensed premises, maintained and operated by and for an alcoholic beverage manufacturer, wherein alcoholic beverages may be sold and served by an employee or designated representative of the alcoholic beverage manufacturer, to consumers of legal drinking age for consumption on the alcoholic beverage manufacturer's licensed premises. The alcoholic beverages served shall be limited to the products that are authorized to be sold by the alcoholic beverage manufacturer under its license issued by the California Department of Alcoholic Beverage Control. Alcoholic beverages manufactured elsewhere may not be sold in the tasting room or on the alcoholic beverage manufacturer's licensed premises. A tasting room is, and at all times shall remain, an incidental use to the primary alcoholic beverage manufacturing use.

Temporary Use, Activity or Facility. A use, activity, or facility established pursuant to the requirements of this Development Code, for a specific period of time, with the intent to discontinue the use, activity, or facility at the end of the designated time period.

Tentative Map. A map prepared for showing the design of a proposed subdivision and the existing conditions in and around it. The classifications of “tentative map” are as follows:

1) **Tentative Parcel Map.** A tentative map for a proposed subdivision creating 5 or more lots, 5 or more condominiums as defined in CC Section 783, a community apartment project containing 5 or more parcels, or for the conversion of a dwelling to a stock cooperative containing 5 or more dwelling units, excepting those subdivisions that comply with the provisions of GC Section 66426(a) through (d).

2) **Tentative Parcel Map.** A tentative map for a proposed subdivision creating 4 or fewer lots or 5 or more proposed lots that comply with the provisions of GC Section 66426(a) through (d).

3) **Vesting Tentative Map.** A tentative map prepared in accordance with the provisions of this Title that shall have printed conspicuously on its face the words “Vesting Tentative Map” at the time it is filed.

Tow Truck. Pursuant to CVC Section 615A motor vehicle that has been altered or designed and equipped for, and primarily used in the business of, transporting vehicles by means of a crane, hoist, tow bar, tow line, or dolly, or is otherwise primarily used to render assistance to other vehicles. The term “tow truck” also includes a “roll-back carrier” designed to carry up to 2 vehicles, and excludes an automobile dismantler’s tow vehicle or a tow vehicle used for the repossession of vehicles, defined as follows:

1) **Automobile Dismantlers’ Tow Vehicle.** A tow vehicle that is registered by an automobile dismantler licensed pursuant to BPC Division 5, Chapter 3 (commencing with Section 11500), and is used exclusively to tow vehicles owned by the automobile dismantler in the course of the automobile dismantling business.

2) **Repossessor’s Tow Vehicle.** A tow vehicle that is registered to a reposessor licensed or registered pursuant to BPC Division 3, Chapter 11 (commencing with Section 7500), which is used exclusively in the course of the repossession business.

Tract Map. See “Final Map.”

Trailer Coach. A trailer designed primarily for human habitation or human occupancy.

Transient. Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license, or other agreement, for a period of 30 days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed a transient until said 30-day period has expired.

Transitional Housing. Intended as a middle point between “emergency shelter” and permanent housing, “transitional housing” provides shelter for homeless individuals and families for up to 2 years, in an environment of security and support, which is designed to help residents progress toward self-sufficiency.

Transitional Living Centers. A facility for homeless persons, which varies by program and facility. The length of stay and services provided vary by program. Some transitional living facilities are simply shared houses with minimal supervision, while others may provide meals, medical care, employment assistance, case management, and other similar homeless services.

Transportation Terminal. A station or passenger terminal for any type of transportation system.

Trash Containers. Any container such as trash bags, boxes, or bins used to store trash, rubbish, or other such refuse matter that meets the requirements of OMC Section 6-3.302 (Placement of Refuse, Recycling and Green Waste in Receptacles) and is placed at a collection point.

Travel Trailer. A non-motorized vehicle designed to be towed by a motor vehicle, used for recreation purposes, including human habitation while parked or at rest, but not as a permanent place of residence.

Tree. A plant having a permanently woody main, erect stem or trunk, with a circumference of at least 9.5 inches (or a diameter of 3 inches) at a height of 54 inches above natural grade at maturity, having a rather distinct and elevated head (crown), and usually developing branches at some distance from the ground.

Truck Camper. A recreation vehicle in which the part containing the living and sleeping accommodations is separate from the vehicle and may be removed from the bed of the truck.

Truck Tractor. A motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the vehicle weight and load that is drawn. As used herein, the term “load” does not include items carried on the truck tractor in conjunction with the vehicle operation if the load carrying space for these items does not exceed 34 SF (CVC Section 655).

U. Definitions of Words Beginning with the Letter “U.”

Unladen Vehicle Weight. The weight of a vehicle equipped and ready for operation on the road, including body, fenders, permanently attached boxes, and body parts, oil in the motor, radiator full of water, weight of 5 gallons of fuel, and any machinery, equipment, or attachment that functions as a part of the body or vehicle in its normal operation.

University. See “College.”

Urban Farm. The growing of plants and products derived from them, which are grown and sold on the same lot, or sold off-site.

Use. The purpose for which land, buildings or other structures are arranged, designed, intended, constructed, erected, moved, altered, or enlarged, or for which either land, buildings or other structures may be occupied or maintained.

Used Merchandise Stores. Retail establishments primarily engaged in the sale of vintage goods, antique furniture and home furnishings, antique glassware, rare books and manuscripts, and other antique objects of art, and previously owned goods. “Used merchandise stores” does not include the retail sales of used motor vehicles and parts, such as automobiles, recreational vehicles, motorcycles, boats, motor vehicle parts, tires, and mobile homes, and pawn shops, which sell a variety of used merchandise but generate most of their revenue from interest and fees on loans.

The classifications of “used merchandise stores” are as follows:

1) **Antique Shops/Dealers.** A retail establishment offering objects for sale that are 100 or more years old, such as works of art, furniture or decorative items, that are collected or desirable because of age, rarity, condition, utility, craftsmanship or other unique feature, and which represent a previous era in human society.

2) **Collectibles Shops.** A retail establishment offering new or used objects for sale, typically mass produced, which are less than 100 years old and are designed for people to collect or have value due to their rarity and/or desirability.

3) **Consignment Shops.** A retail establishment offering objects for sale that are owned by others and derives their profit by collecting a set fee for the objects that are sold or retaining a portion of their purchase price.

4) **Flea Markets and Swap Meets.** A single enclosed retail establishment offering a variety of unrelated objects for sale, within which individual sales booths, or stall or wall spaces are available for use, for which a fee, commission or lease is charged, for the display and/or sale of new, antique, vintage, or collectible objects or merchandise, or for the display and/or sale of services, by 5 or more vendors possessing a valid City business license.

5) **Thrift and Secondhand Stores.** A retail establishment operated by a charitable organization for the purpose of fundraising, offering objects for sale that are used, typically at reduced prices.

6) **Used Goods Stores.** A retail establishment offering objects for sale that are used or previously owned, such as clothing, shoes, furniture, home furnishings, appliances, electronic equipment and devices, books, musical instruments, compact discs (CDs), tapes, records, and specialty building materials architectural elements.

7) **Vintage Shops.** A retail establishment offering objects for sale that are more than 20 years old, and which exhibit the best of a certain quality, or qualities, associated with, or belonging to, a specific era, and is representational and recognizable as belonging to the era in which it was made.

V. Definitions of Words Beginning with the Letter “V.”

Vanpool Vehicle. Any motor vehicle, other than a motor truck or truck tractor, which is designed for carrying more than 10, but not more than 15 persons (including the driver), which is maintained and used primarily for the nonprofit work-related transportation of adults for the purposes of ridesharing (CVC Section 668).

Variance. A zoning instrument which allows deviation from development standards required in the Code when, because of special circumstances applicable to the property, strict application of Code requirements deprives a property the privileges enjoyed by other properties in the vicinity and under identical zoning. Any variance granted will assure that the adjustment granted will not constitute a special privilege.

Variety Store. An establishment primarily engaged in retailing new goods in general merchandise stores (except department stores, discount stores, warehouse clubs, superstores, and supercenters). These establishments retail a general line of new merchandise, such as apparel, automotive parts, dry goods, hardware, groceries, housewares or home furnishings, and other lines in limited amounts, with none of the lines predominating.

Veterinary Hospital. See “Animal Hospital.”

W. Definitions of Words Beginning with the Letter “W.”

Whip (Omnidirectional, Stick or Pipe) Antenna. An antenna that transmits signals in 360 degrees. Whip antennae are typically cylindrical in shape and are less than 6 inches in diameter and measure up to 18 FT in height.

Wine. The product obtained from normal alcoholic fermentation of the juice of sound ripe grapes or other agricultural products containing natural or added sugar, or any such alcoholic beverage to which is added grape brandy, fruit brandy, or spirits of wine, which is distilled from the particular agricultural product or products of which the wine is made and other rectified wine products and by whatever name, and which does not contain more than 15 percent added flavoring, coloring, and blending material, and which contains not more than 24 percent of alcohol by volume, and includes vermouth and sake (also known as Japanese rice wine).

Wine Grower. Any establishment licensed by the Department of Alcoholic Beverage Control of the State of California, which has facilities and equipment for the conversion of grapes, berries, or other fruit into wine, and is engaged in the production of wine within the City.

Wireless Telecommunications Facility. The transmitters, antenna structures and other types of installations used for the provision of wireless services at a fixed location, including, without limitation, any associated tower(s), support structure(s), and base station(s).

X. Definitions of Words Beginning with the Letter “X.”

Reserved

Y. Definitions of Words Beginning with the Letter “Y.”

Yard. An open space unoccupied by and unobstructed from the natural ground upward, except as otherwise provided for in this Development Code. Required yards shall be measured parallel with the front, side or rear property line, as appropriate, in a line perpendicular to the nearest point of a structure on the site; provided, however, where a future right-of-way of a street, highway, freeway or railroad has been established, required yards shall be measured from the established right-of-way line.

Where a site abuts on a street having only a portion of its required width dedicated or a reserved for street purposes, the required yard shall be measured from the line establishing the additional width required for street purposes abutting the line.

On a site that is so irregularly shaped that the locations of the required front, side, and rear yards cannot clearly be identified, the locations and the manner of measurements shall be prescribed by the Zoning Administrator.

The classifications of “yard” are described as follows:

1) **Front.** A yard that extends across the full width of a lot, between the primary (front) façade of the forward-most building on the lot and the front property line, the depth of which is the horizontal distance between the front property line and the structure.

2) Interior Side. A yard that abuts another lot or lots, extending between the front and rear yards, the depth of which is the horizontal distance between the side property line and a structure on the site.

3) Rear. A yard extending across the full width of a site, between the rear-most building and the rear property line, the depth of which is the horizontal distance between the rear property line the structure.

4) Street Side. A yard that abuts a public or private street, or access easement, extending between the front and rear yards, the depth of which is the horizontal distance between the side property line and a structure on the site.

Z. Definitions of Words Beginning with the Letter “Z.”

Zoning District (Zone). A specifically delineated area, district, or zone within the City, in which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings. The terms “zoning district” and “zone” may be used interchangeably.

Zoning Administrator. The Zoning Administrator of the City of Ontario, or their designee.

9.01.015: Acronyms and Abbreviations

For the purposes of this Development Code, the following abbreviations and acronyms shall have the meanings listed below:

<—Less than

≤—Less than or equal to

>—Greater than

≥—Greater than or equal to

ABC—Department of Alcoholic Beverage Control of the State of California

AC—Acre(s)

ADA—Americans with Disabilities Act of 1990

ADT—Average Daily Trips made by vehicles or persons within a 24-hour period

ALUC—Airport Land Use Commission of the City of Ontario

AQMD—Air Quality Management District

ARB—California Air Resources Board

BLM—United States Bureau of Land Management

BMP—Best Management Practices

BMR—Below Market Rate

BPC—Business and Professions Code of the State of California

BTH—Brown trunk height

CAC—California Administrative Code

CalEPA—California Environmental Protection Agency

CalGreen—California Green Building Standards Code

CBD—Central Business District

CC—Civil Code of the State of California

CCP—Code of Civil Procedure

CC&Rs—Covenants, conditions and restrictions

CCR—California Code of Regulations

CDBG—Community Development Block Grant

CEQA—California Environmental Quality Act of 1970, as amended

CESA—California Endangered Species Act
CF—Cubic feet (foot)
CFD—Community Facilities District
CFR—Code of Federal Regulations
CHBC—California Historical Building Code
CIP—Capital Improvement Program
CLG—Certified Local Government
CMP—Congestion Management Plan
CNEL—Community Noise Equivalent Level
COG—Council of Governments
CPI—Consumer Price Index
CSA—Community Service District
CUP—Conditional Use Permit
CVC—California Vehicle Code
CWA—Federal Clean Water Act
CY—Cubic yard
DAB—Development Advisory Board of the City of Ontario
dB—Decibels
DFG—California Department of Fish and Game
DG—Decomposed Granite
DMV—Department of Motor Vehicles of the State of California
DOE—United States Department of Energy
DOT—United States Department of Transportation
du/ac—Residential dwelling unit per acre
DU—Residential dwelling unit
EC—Education Code of the State of California
EIR—Environmental Impact Report
EIS—Environmental Impact Statement
EPA—Federal Environmental Protection Agency
ESA—Federal Endangered Species Act
FAA—Federal Aviation Administration
FAR—Floor area ratio
FEIR—Final Environmental Impact Report
FEMA—Federal Emergency Management Agency
FHA—Federal Housing Administration
FHWA—Federal Highway Administration
FIA—Fiscal Impact Analysis
FIFRA—Federal Insecticide, Fungicide and Rodenticide Act
FIR—Fiscal Impact Report
FT—Feet (foot)
GC—Government Code of the State of California
GFA—Gross floor area
GLA—Gross leasable area
HCD—California Department of Housing and Community Development
HDR—High Density Residential
HPC—Historic Preservation Commission of the City of Ontario
HSC—Health and Safety Code of the State of California
HUD—United States Department of Housing and Urban Development
JPA—Joint Powers Authority
LAB—Labor Code of the State of California
LAC—Local Assistance Committee
LAFCO—Local Agency Formation Commission

LDR—Low Density Residential
LOS—Level of Service
MDR—Medium Density Residential
MOU—Memorandum of Understanding
NEPA—National Environmental Policy Act
NOC—Notice of Completion
NOD—Notice of Determination
NOP—Notice of Preparation
NPDES—National Pollution Discharge Elimination System
ODC—Ontario Development Code
OPA—Office of Permit Assistance of the State of California
OPR—Governor’s Office of Planning and Research of the State of California
OMC—Ontario Municipal Code
PC—[i] Penal Code of the State of California; or [ii] Planning Commission
PRC—Public Resources Code of the State of California
PUC—Public Utilities Code of the State of California
PUD—Planned Unit Development
Ref—Reference
RFP—Request for Proposal
RFQ—Request for Qualifications
RLUIPA—Religious Land Use and Institutionalized Persons Act
R-O-W—Right-of-Way
RWQCB—Regional Water Quality Control Board
SCAQMD—South Coast Air Quality Management District
SF—Square Feet (Foot)
SFR—Single-Family Residential
SHC—Streets and Highways Code of the State of California
SMA—Subdivision Map Act
TOD—Transit Oriented Development
TOT—Transient Occupancy Tax
USC—United States Code
WQMP—Water Quality Management Plan
WRCB—Water Resources Control Board
WUCOLS—Water Use Classifications of Landscape Species

Division 9.02—Glossary

Sections:

- [9.02.000](#): Purpose
- [9.02.005](#): Applicability
- [9.02.010](#): Glossary of Terms and Phrases

9.02.000: Purpose

The purpose of this Division is to define common nomenclature used in explaining, depicting, expressing, illustrating, or portraying urban planning and architectural design concepts and elements.

9.02.005: Applicability

- A. Unless otherwise apparent from the context, the urban planning and architectural design nomenclature stated in this Division may be used in the implementation of the development and design standards of this Development Code.
- B. The words, terms, phrases, abbreviations, and acronyms defined in this Division shall be maintained in correct alphabetical order.

9.02.010: Glossary of Terms and Phrases

- A. Definition of Words Beginning with the Letter “A.”

Acoustical Separation. An area or component provided for the purpose of restricting sound transmission between abutting areas or building modules.

Arcades. Covered walkways attached to buildings and supported on one side by columns. Arcades provide pedestrians with shelter and can serve to provide large buildings with a more human scale.

Articulation. The visible expression of architectural or landscape elements through form, structure or materiality. Articulation provides a method for reducing the scale and breaking up the mass of buildings and plazas.

Awnings. Roof-like shelters, generally of canvas, that project from the wall of a building. Awnings serve to provide protection for buildings and pedestrians against the harsh elements of sunlight and weather.

- B. Definition of Words Beginning with the Letter “B.”

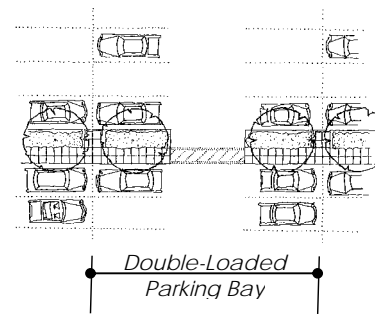
Bank. A sloping surface often used to create separation. See also “Berm.”

Base. The bottom portion of a building, which generally supports its upper portions, both structurally and visually.

Bays. The term “bays” may be used when referring to the structural design of a building or when referring to parking lot design, as follows:

1) **Bays of a Building.** Structural modules occurring between the vertical means of support. Structural bays generally occur between columns or load-bearing walls.

2) **Parking Bays.** Bays in parking lots are a “complete” parking module consisting of a drive aisle with perpendicular or diagonal parking on one side (single-loaded parking bays) or both sides (double-loaded parking bays) (see figure, right).

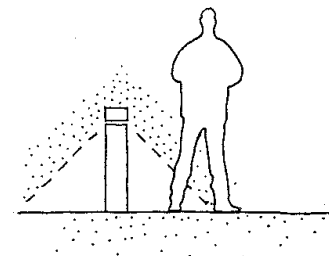


Parking Bays

Bay Windows. Window assemblies that protrude beyond the wall plane of a building. Bay windows may be semi-circular, faceted, or rectangular, and often have their own roof. They are used to provide a wider view, bring in more light, and contribute to the articulation of a building’s exterior.

Berm. An artificial bank of earth usually located along roadsides and off-street parking areas. Berms serve to physically and visually separate areas by raising the level of plants and other landscape elements.

Bollard Light. A short post, generally not more than 3 feet in height, with a built-in light fixture at its uppermost portion (see example, right).



Bollard Light

Build-Out. Development of land to its full potential or theoretical capacity as permitted under current or proposed planning or zoning designations.

Build-To Lines. Building edges that are required to be placed at given locations, as established by the development standards of the City. Build-to lines are generally defined as a given distance from a property line, and can be used to encourage building fronts, entrances and windows to line and spatially define streets, parks, or plazas.

C. Definition of Words Beginning with the Letter “C.”

Can Sign. A sign that is internally or externally illuminated, which is generally formed into a square or rectangular-shaped box.

Canopy. A structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity, or decoration, and may be structurally independent or supported by attachment to a building.

Cantilever. A horizontal projection without external bracing. Cantilevers may appear visually awkward, as they typically appear to have no apparent source of support.

Cap. The crowning feature of a wall. Caps protect walls from the weather and provide architectural detailing that contributes to the wall’s visual interest.

Cobrahead Light. A streetlight whose luminaire is supported on a cantilevered arm, which extends over the street, having a profile vaguely resembling that of a cobra snake (see example, right).

Clapboard Siding. A building sheathing made up of overlapping horizontal boards.

Clerestory Windows. Windows with high sills that are often used to bring in light when lower windows are undesirable because of privacy concerns.

Common Open Space. Semi-public areas intended for the use of residents or workers within a project. Common open spaces may include gardens, plazas, or recreational spaces.

Connecting Walkways. Pedestrian paths that connect buildings or open spaces directly to the street and are not overly circuitous. See also "Pedestrian Connections."

Cornice. Horizontal ornamentation on a building's façade, which is generally located near the top of a building's façade and is often located near the floor line of upper stories (see example, right).

Cupola. A small hat-like projection occurring the ridgeline of a roof. Cupolas traditionally covered the place where large structures, like barns, were vented.

D. Definition of Words Beginning with the Letter "D."

Detailing. The manner in which separate building elements are assembled. Careful detailing will minimize the effects of weather on buildings and promote an attractive and long-lasting appearance.

Dormers. Upright windows built out from a sloping roof.

Downspouts. Pipes that carry rainwater from a roof gutter to the ground or sewer.

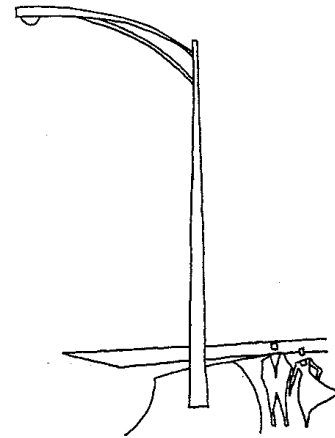
E. Definition of Words Beginning with the Letter "E."

Eaves. The portion of a sloping roof that extends beyond the exterior wall of a building. See also "Overhang."

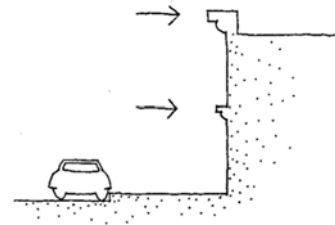
Egress. The point of exit.

Emulate. To represent or re-create the qualities of something else, without duplicating it literally. For example, historic styles may be emulated without copying an historic building.

Entry. The doorway into a building, along with the architectural treatments that accompany it.



Cobrahead Light



Cornice

F. Definition of Words Beginning with the Letter "F."

Fast Food. Those food service establishments offering relatively immediate service of pre-prepared food in disposable containers.

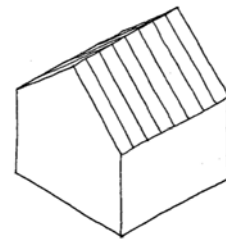
Fenestration. The arrangement of windows in a building.

Finishes. The materials applied to the surface of buildings or landscape elements. Properly applied finishes contribute to an attractive appearance and long-lasting wear.

Freestanding. To be supported at the ground and without support from a building or other structure.

G. Definition of Words Beginning with the Letter "G."

Gable Roof. A type of roof that slopes upward on two sides from the eaves to the ridge (see example, right).



Gable Roof

Gateway. Generally, a major entry into a district or area, which is often emphasized through landscaping.

Gazebo. A small, free-standing structure with a roof, which is open on all sides. Traditionally, gazebos are used as an outdoor room within gardens, or to cover musicians performing in community concerts.

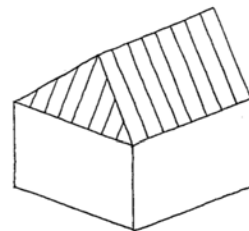
Glazing. The glass within a window.

Grade. The surface of a building site or its vertical elevation (often measured as feet above sea level).

Grasscrete. A paving material that supports the weight of an occasional vehicle, while also permitting groundcover to grow. Also referred to as "turf block".

H. Definition of Words Beginning with the Letter "H."

Hip Roof. A type of roof that slopes upward on all sides, from the eaves to the ridge (see example, right).



Hip Roof

I. Definition of Words Beginning with the Letter "I."

Ingress. A point of entry.

J. Definition of Words Beginning with the Letter "J."

Reserved

K. Definition of Words Beginning with the Letter "K."

Reserved

L. Definition of Words Beginning with the Letter “L.”

Landscape Architectural Feature. Decorative structural elements in a landscaped area, such as walks, benches, patios, terraces, water features, and the like.

Landscaped Buffer. An attractive arrangement of trees, shrubs, and other vegetation that acts as a divider between incompatible uses or activities.

Lattice. An open framework of wood or other members that is often used to partly block views or support vines.

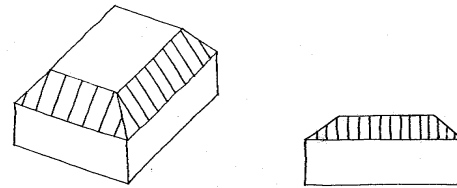
Loggia. A roofed deck that is integrated within an upper level of a building.

Lotting Pattern. A recognizable arrangement of residential lots, which are of the same or varying sizes and widths.

M. Definition of Words Beginning with the Letter “M.”

Major Entry. The most common point or points of ingress for a development project or building.

Mansard Roofs. Extremely steep as they slope up from the eaves; this steeply sloped roof may end in a roof with a shallow roof or a parapet. Mansard roofs are a popular way of decorating tall parapets, such as are used to screen the rooftop equipment above fast food restaurants (see example, right).



Mansard Roof

Mass. The overall volume or form of a building or building element.

Median. An area dividing opposing travel lanes at or near the middle of a road, which is often landscaped.

Metal Standing Seam Roof. A sheet metal roof that has its joints folded together and raised above the roof surface in order to attach metal sheets and prevent leaks.

Modules. Similar units or subcomponents that are combined to create a total building system.

Mullion. The outer structural vertical and horizontal members of a glazing system, which forms a division between the glazing units.

Muntin. The nonstructural vertical and horizontal members of a window that divides the window into individual lites and holds (or appears to hold) the individual panes of glass.

Muted. A softened or less-vivid color tone.

N. Definition of Words Beginning with the Letter “N.”

Neotraditional. A form of design that attempts to recreate positive features of neighborhoods from an earlier generation.

O. Definition of Words Beginning with the Letter “O.”

Oblique View. A view at an angle that allows one to see more than one side of a building.

On-Site Parking. Parking stalls and aisles that occur on parcels outside of a street right-of-way.

On-Street Parking. Parking stalls provided within the street right-of-way. On-street parking is often in a parallel configuration, along the edge of curbs.

Opaque. Not transparent or semi-transparent.

Overhang. [1] The portion of a building that extends horizontally beyond the building’s exterior wall (also referred to as the “eaves”); or [2] the portion of a motor vehicle that extends beyond the tires, to the front or back of a car (see examples, right).

P. Definition of Words Beginning with the Letter “P.”

Parapet. A wall that extends above the roof, which is often used to protect the edge of the roof, hide roof-mounted equipment, and express ornamentation.

Park. A place for public recreation that generally contains landscaped ground surfaces, such as lawns and gardens.

Pavers. Units of pavement assembled to form the “floor” of a plaza or street. Pavers are often made of concrete or terra cotta (brick).

Pavilion. A small, lightweight structure, often with a roof, used for recreation or shelter in a garden, park or plaza.

Pedestrian Connections. Sidewalks that provide convenient routes between destinations. Pedestrian connections are generally lined by landscape and building features for the pedestrian’s comfort and visual interest. See also “Connecting Walkways.”

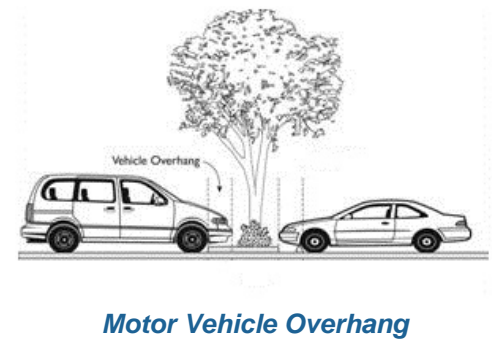
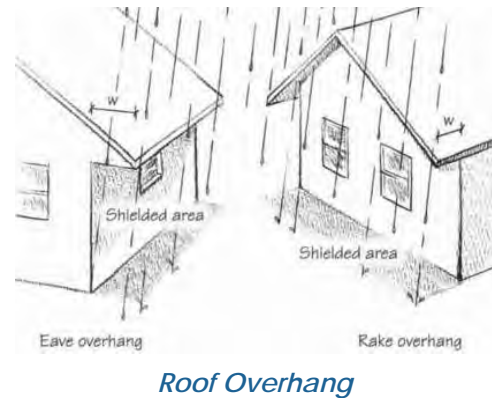
Pedestrian Oriented. Designing to make a building or structure inviting to pedestrian traffic.

Pilaster. A vertical architectural member that is integrated within a wall but is architecturally treated as a column and usually projects one-third or less of its width from the wall.

Place Making. The creation of pleasant and memorable spaces.

Plaza. A place for public recreation that generally contains hard surfaces, such as seating areas and ornate pavement.

Podium Apartments. A ground floor parking structure with one or more levels of residential units above.



Porte Cochere. A roofed extension of a building over a driveway that shelters passengers getting into and out of vehicles.

Portico. A roofed porch that may be open or partly enclosed.

Prefab. A construction method in which shop-manufactured pieces undergo final assembly on-site.

Primary Building Entry. A publicly accessible and commonly used place of building ingress.

Public Way. A path or road that is accessible by, and generally maintained, by the public.

Q. Definition of Words Beginning with the Letter “Q.”

Reserved

R. Definition of Words Beginning with the Letter “R.”

Recessed Panel. An indentation within a building facade, such as occurs between pilasters or within other framed openings.

Reveals. Depressions or notches, primarily at an edge or corner, used to provide architectural detail by showing depth and enriching character.

Ridge. The line of intersection between opposing sides or slopes of a roof.

S. Definition of Words Beginning With the Letter “S.”

Scale. The proportion of one thing relative to the size of another. Something that is “human” in scale has elements that are comparable to the size of a person. *Scale of a building* is the proportional system that relates the various-sized building elements to each other and to people.

Setback. The required distance that a building, structure, parking space, drive aisle, or other designated item must be located from a lot line or other designated location. Setback requirements provide a way of encouraging the spatial definition of open space; the separation of uses, activities or facilities; or the provision of yards and landscaping.

Staggered Walls. Sections of walls placed in shifted planes.

Structural Podium. See “Podium Apartments.”

T. Definition of Words Beginning with the Letter “T.”

Tandem. An arrangement of things placed one behind the other. Tandem parking places one car behind another.

Terrace. An outdoor paved platform extending from a building that complements the use or activities located within the building.

Tops. The uppermost portions of a building and often include cornice treatments, roof overhangs, or parapets.

Transformers. Electrical switching equipment used for converting electricity from high-voltage to common current. They are often located in ground-mounted boxes.

Trellis. A light framework of horizontal and/or vertical members, often used to support climbing plants.

U. Definition of Words Beginning with the Letter “U.”

Unit. One of many similar or identical components that comprise a greater whole. Unit is also a single dwelling, either on its own lot (in the case of single-family homes) or grouped as part of a multi-family complex.

V. Definition of Words Beginning with the Letter “V.”

Value. A color’s relative lightness or darkness.

Vehicular Access. An entrance or exit for cars or trucks.

Vestibule. An entrance hall or lobby of a building.

W. Definition of Words Beginning with the Letter “W.”

Wainscot. An area of facing or paneling on the lower portion of the walls of a room.

Wall Footings. Structural foundation elements that carry the weight of a structure to the ground.

Window Stem Walls. Low walls that support a large window, generally on a storefront.

X. Definition of Words Beginning with the Letter “X.”

Reserved

Y. Definition of Words Beginning with the Letter “Y.”

Reserved

Z. Definition of Words Beginning with the Letter “Z.”

Zero Lot Line. A development approach in which a building is sited on a lot in such a manner that one or more of the structure’s sides rest directly (to the extent possible) on a lot line. The intent is to allow more flexibility in site design and to increase the amount of usable open space on a lot.

Zone Division Walls. Walls constructed for the purpose of buffering adjacent incompatible land uses.

Zoning Map. The official zoning map of the City, which delineates the location of the zoning districts of the City, governing the use, placement, spacing, and size of land and buildings.

CITY OF ONTARIO

Agenda Report
December 1, 2020

SECTION: CONSENT CALENDAR

Department: Engineering
Prepared By: Eric Woosley
Staff Member Presenting:
Scott Murphy, AICP, Executive Director
Development Agency
Reviewed By: Rachele Wells, Raymond
Lee, Khoi Do
Approved By:



Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 8

SUBJECT: STORMWATER PERMIT PARTICIPATION AND JOINT DEFENSE AGREEMENT

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute the Municipal Separate Storm Sewer System (MS4) Stormwater Permit Participation and Joint Defense Agreement (on file with the Record Management Department) between San Bernardino County, City of Ontario, the County Flood Control District, and fifteen co-permittee agencies.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Operate in a Businesslike Manner

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

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

FISCAL IMPACT: The costs incurred under this agreement will be paid through the San Bernardino County Stormwater Program budget. As a co-permittee of the MS4 permit, the City contributes its pro-rata share to the County Stormwater Program budget annually. The City's pro-rata share for Fiscal Year 2020-21 is \$66,424. The Fiscal Year 2020-21 Adopted Operating Budget includes appropriations for the Annual Regional MS4 Permit Fee.

BACKGROUND & ANALYSIS: The City of Ontario owns and operates storm water and urban runoff conveyance systems, including flood control facilities. These conveyance systems are commonly known as Municipal Separate Storm Sewer Systems (MS4s) or storm drains. The discharge of storm water and urban runoff from the San Bernardino County areas is regulated by the County MS4 Stormwater Discharge Permit, which is typically updated every 5 to 7 years. The current permit was adopted by the Regional Water Quality Control Board on January 29, 2010 and expired on January 29, 2015. However, it has been extended and remains in effect until a new permit is adopted.


The County of San Bernardino, the City of Ontario, the County Flood Control District and fifteen other incorporated cities in the County are co-permittees of the MS4 Stormwater Discharge permit and have collectively developed a program to cooperatively implement the requirements set forth in the permit. In anticipation of review and negotiations related to the new permit, the County and other co-permittees desire to coordinate with each other to reduce cost and to use a common legal counsel to more effectively represent their interests. This agreement allows the City to fully participate in and be privy

to all attorney-client communications related to the permit renewal matters. The agreement has been reviewed by the City Attorney and approved by the City Engineer.

CITY OF ONTARIO

Agenda Report
December 1, 2020

**SECTION:
CONSENT CALENDAR**

Department: Investments & Revenue Resources
Prepared By: Jason M Jacobsen
Staff Member Presenting:
Armen Harkalyan, Executive Director of Finance
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 9

SUBJECT: UPDATED INVESTMENT POLICY (2020)

RECOMMENDATION: That the City Council consider and approve an update to the City of Ontario's Investment Policy.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Operate in a Businesslike Manner

FISCAL IMPACT: No fiscal impact is associated with this update to the Investment Policy.

BACKGROUND & ANALYSIS: Section 53646(a) (2) of the California Government Code states that the Treasurer or Chief Fiscal Officer of a local agency may annually render to the legislative body of that local agency, a Statement of Investment Policy, which the legislative body of the local agency shall consider at a public meeting. Any change in the policy shall also be considered by the legislative body of the local agency at a public meeting.

The current Investment Policy was approved on December 17, 2019. One update is recommended at this time. Section III (Delegation of Authority) of the Investment Policy is updated to reflect the most current resolutions delegating authority for investment transactions. City Council approved these resolutions (Resolution Nos. 2020-171 and 2020-172) on October 20, 2020. No other changes to the Statement of Investment Policy are being proposed. The updated Investment Policy is attached as Exhibit A.

City Treasurer, Jim Milhiser, concurs with this recommendation.

Investment Policy

December 1, 2020



City of Ontario
303 East B Street
Ontario, CA 91764
Phone: 909-395-2000
Web: www.ontarioca.gov



CITY OF ONTARIO
STATEMENT OF INVESTMENT POLICY

I. PURPOSE

This statement is intended to: (a) describe the policies and procedures utilized in the City's investment management system; (b) put in place guidelines for the prudent investment of the City's funds, and (c) list and describe suitable investments.

The goals of the City's investment policy and investment management function are enhancement of the economic status of the City and protection of the City's funds.

The investment policies and practices of the City of Ontario are based upon federal and state law and prudent money management principles. The primary goals of these policies are:

- A. To assure compliance with all laws governing the investments under the control of the City Treasurer.
- B. To protect the principal monies entrusted to this office.
- C. To generate the maximum amount of investment income consistent with the parameters established in this Statement of Investment Policy.

II. SCOPE

This investment policy applies to all monies belonging to the City of Ontario, and proceeds from bonds or notes issued by the City of Ontario and any authorized special districts. Bond proceeds and any funds associated with bond issues and other monies arising from bond indebtedness are further restricted by the pertinent bond indenture. Funds described above are accounted for in the City's Comprehensive Annual Financial Report.

The City will comply with all applicable sections of the Internal Revenue Code of 1986, Arbitrage Rebate Regulations and bond covenants with regards to the investment of bond proceeds.

All monies entrusted to the City Treasurer will be pooled in an actively managed portfolio and will be referred to as the "fund" or the "portfolio" throughout the remainder of this document.

III. DELEGATION OF AUTHORITY

In accordance with State law (see California Government Code Sec. 53607) and under the authority granted by the City Council in its resolutions 2020-171 and 2020-172 dated October 20, 2020, the City Treasurer and Deputy City Treasurer(s) are authorized to invest the unexpended cash in the City treasury. The responsibility for the day-to-day investment of the City's funds is delegated to the Investment Officer. In the absence of the Investment Officer, the Deputy City Treasurers will be responsible for the investment function.

The City may engage the services of one or more external investment advisers, who are registered under the Investment Advisers Act of 1940, to assist in the management of the City's investment portfolio in a manner consistent with the City's objectives. External investment advisers may be

granted discretion to purchase and sell investment securities in accordance with this investment policy.

IV. **PRUDENCE**

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs; not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. The standard of prudence to be used by investment officials shall be the “prudent investor” standard (California Government Code Section 53600.3) and shall be applied in the context of managing an overall portfolio. Investment officers, acting in accordance with written procedures and the investment policy and exercising due diligence, shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

V. **OBJECTIVES**

A. **Safety of Principal**

Safety of principal is the foremost objective of the investment policies and practices of the City of Ontario. Investment decisions shall seek to minimize net capital losses on a portfolio basis. This policy recognizes that market conditions may warrant the sale of individual securities incurring losses in order to protect against further and more substantial capital losses. The intent of this policy is to ensure that capital losses are minimized on a portfolio level rather than on each transaction. The City shall seek to preserve principal by mitigating credit risk and market risk.

- 1) **Credit Risk** – Defined as the risk of loss due to failure or insolvency of an issuer; shall be mitigated by diversifying the fund so that the failure of any one issuer would not unduly harm the City’s cash flow. No more than 5% of the portfolio may be invested (at time of purchase) in the securities of any one single issuer except the U.S. Government, its agencies, supranational organizations, or the State of California Local Agency Investment Fund.
- 2) **Market Risk** – Defined as the risk of market value fluctuations due to changes in the general level of interest rates. Because longer maturity fixed-income securities have greater market risk than shorter maturity securities, market risk will be mitigated by limiting the weighted average maturity of the fund to 2 ½ years. It is explicitly recognized that in an active portfolio, occasional losses are inevitable and must be considered within the context of the overall investment return.

B. **Liquidity**

The City’s fund will be structured to ensure that the projected expenditure requirements of the City for the next six months can be met with a combination of anticipated revenues, maturing securities, principal and interest payments and liquid instruments as required by California Government Code Section 53646.

C. Performance Measurement

The performance of the City's investment portfolio will be measured on a total return basis. The portfolio's performance will be measured against a benchmark of the ICE BofAML1-3 year Treasury Index. The index's returns are reported monthly on the City's current portfolio report.

VI. ETHICS AND CONFLICTS OF INTEREST

All participants in the investment process shall act as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. Thus employees and officials involved in the investment process shall refrain from personal business activity that could create a conflict of interest or the appearance of a conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

Employees and investment officials shall disclose to the Investment Officer any material interests in financial institutions with which they conduct business, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking any personal investment transactions with the same individual with whom business is conducted on behalf of the City.

VII. INTERNAL CONTROLS

The City Treasurer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.

Periodically, as deemed appropriate by the City, an independent analysis by an external auditor shall be conducted to review internal controls, account activity and compliance with policies and procedures.

VIII. SAFEKEEPING OF SECURITIES

With the exception of insured Certificates of Deposit and the Local Agency Investment Fund of the State of California, all securities owned by the City, including collateral for repurchase agreements, shall be held in safekeeping by the City's custodial bank or a third party bank trust department acting as agent for the city under terms of a custody or trustee agreement executed by the bank and the City. All securities will be received and delivered using standard delivery versus payment (DVP) procedures and in accordance with State Code.

IX. REPORTING

The City Treasurer is required to submit an investment report on a quarterly basis to the City Manager, the Internal Auditor, and the City Council, in accordance with California Government Code, Section 53646. The report is required to be submitted within 30 days of the end of the quarter. The City Treasurer has elected to provide this report monthly. This report will include the following information:

- Type of investment instrument (i.e. Treasury Bill, CD)
- Issuer name (i.e. US Treasury Note)

- Purchase date (trade and settlement date)
- Maturity date
- Par value
- Purchase price
- Current market value and source of valuation
- Overall portfolio yield based on cost
- Statement of compliance of the portfolio to the investment policy or an explanation of the manner in which the portfolio is not in compliance
- Description of any of the City's funds that are under the management of contracted parties.
- Statement denoting the ability of the City to meet its expenditure requirements for the next six months, or an explanation as to why sufficient money may not be available.

X. QUALIFIED DEALERS

The Investment Officer shall maintain a list of financial institutions qualified to do business with the City. Banks and broker/dealers will be selected on the basis of creditworthiness, experience, and capitalization. Prior to approval, they must read and sign the City's Broker/Dealer Questionnaire and Certification. In accordance with California Government Code, Section 53601, a bank or broker/dealer must be qualified as a dealer regularly reporting to the New York Federal Reserve Bank (a "primary dealer") to conduct repurchase agreements with the City.

Selection of financial institutions and broker/dealers authorized to engage in transactions will be at the sole discretion of the City, except where the City utilizes an external investment adviser in which case the City may rely on the adviser for selection.

Selection of broker/dealers used by an external investment adviser retained by the City will be at the sole discretion of the adviser. Where possible, transactions with broker/dealers shall be selected on a competitive basis and their bid or offering prices shall be recorded. If there is no other readily available competitive offering, best efforts will be made to document quotations for comparable or alternative securities. When purchasing original issue instrumentality securities, no competitive offerings will be required as all dealers in the selling group offer those securities at the same original issue price.

XI. COMPETITIVE BIDDING

It will be the policy of the City to transact all securities purchases and sales through a formal and competitive process requiring the solicitation and evaluation of at least three bids/offers whenever possible. The City will accept the offer, which provides (a) the highest rate of return; and (b) optimizes the investment objectives of the overall portfolio. On transactions where three bids/offers are not available, the Investment Officer shall make an evaluation regarding the relative attractiveness of various offer using factors such as maturity date, credit ratings, structure and other factors which influence pricing. It will be the responsibility of the City's staff involved to produce and retain written records, including the name of the financial institutions solicited, price/rate quoted, description of the security, bid/offer selected, and any special considerations that had an impact on their decision.

XII. PURCHASE AND SALE OF SECURITIES

Unless the services of an external investment adviser are used, purchases and sales of securities will be executed only by the Investment Officer and in his absence the Deputy City Treasurer. All transactions will be reviewed and approved by the City Treasurer.

XIII. POLICY REVIEW

The City Treasurer shall annually render to the City Council a statement of investment policy, which shall be considered at a public meeting. Any changes in the policy shall also be considered by the City Council at a public meeting.

XIV. AUTHORIZED INVESTMENTS

A. The City's Investment Portfolio is governed by California Government Code, Section 53600 et seq. Percentage holding limits listed in this section apply at the time the security is purchased. Within the context of these limitations, the following investments are authorized, as further limited herein:

- 1) United States Treasury Bills, Notes, and Bonds, or those securities for which the full faith and credit of the United States are pledged for payment of principal and interest. There is no limitation as to the percentage of the fund, which can be invested in this category.
- 2) Obligations—including U.S. Government Agency Mortgage pass-through securities—issued by various agencies of the Federal Government including, but not limited to, the Federal Farm Credit Bank System, the Federal Home Loan Bank System, the Federal Home Loan Bank, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation as well as such agencies or enterprises which may be created. There is no percentage limitation on the dollar amount which can be invested in Agency issues in total, no more than 20% of the cost value of the portfolio may be invested in the securities of any one issuer.
- 3) Bills of exchange or time drafts drawn on and accepted by a commercial bank, commonly known as banker's acceptances. Banker's acceptances may not exceed 180 days to maturity. To be eligible for purchase, banker's acceptances must have short-term debt obligations rated "A-1" or its equivalent or better by at least one NRSRO; or long-term debt obligations which are rated in a rating category of "A" or its equivalent or better by at least one NRSRO. No more than 40% of the cost value of the portfolio may be invested in banker's acceptances and no more than 5% of the cost value of the portfolio may be invested in banker's acceptances of any single bank.
- 4) Commercial paper rated "A-1" or its equivalent by at least two NRSROs and issued by a domestic corporation having assets in excess of \$500 million and having at least an "A" or its equivalent rating on its long-term debentures as provided by a NRSRO. Purchases of eligible commercial paper may not exceed 270 days maturity nor represent more than 10% of the outstanding paper on an issuing corporation. Purchases of commercial paper may not exceed 15% of the portfolio, which may be invested pursuant to this section. An additional 15% or a total of 30% of the City's money may be invested pursuant to this

subdivision. The additional 15% may be so invested only if the dollar weighted average maturity of the entire amount does not exceed 31 days.

- 5) Negotiable certificates of deposit issued by a nationally or State chartered bank or a State or Federal savings institution, or a State licensed branch of a foreign bank (“Yankee”). Purchases of negotiable certificates of deposit may not exceed 30% of the cost value of the portfolio. To be eligible for purchase by the City, the certificate of deposit must be rated “A-1” or its equivalent by at least two NRSROs.
- 6) Repurchase Agreements – The City may invest in repurchase agreements with primary dealers of the Federal Reserve Bank of New York with which the City has entered into a master repurchase agreement. The Public Securities Association master repurchase agreement is the “master repurchase agreement”. The maturity of repurchase agreements shall not exceed one year. The market value of securities used as collateral for repurchase agreements shall be valued at no less than 102% of the value of the repurchase agreement. Collateral pricing will be monitored no less than monthly by the investment staff and not be allowed to fall below 102% of the value of the repurchase agreement. In order to conform to provisions of the Federal Bankruptcy Code which provide for the liquidation of securities held as collateral for repurchase agreements, the only securities acceptable to the city as collateral shall be securities that are direct obligations of, or that are fully guaranteed as to principal and interest, by the United States or any agency thereof. Investments in repurchase agreements may not exceed 20% of the cost value of the fund.
- 7) Local Agency Investment Fund - The City may invest in the Local Agency Investment Fund (“LAIF”) established by the State Treasurer for the benefit of local agencies up to the maximum permitted under Section 16429.1 of the California Government Code.
- 8) Time Deposits – The City may invest in non-negotiable time deposits collateralized in accordance with the California Government Code, which meet the requirements for investment in negotiable certificates of deposit. The City may invest in insured certificates of deposit with individual depository institutions up to the insured limit. No more than 25% of the fund may be invested in this category.
- 9) Medium-term notes of a maximum of five years maturity issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any State and operating within the United States. The issuing corporation must have a minimum rating of “A” or its equivalent by at least two NRSROs and have in excess of \$500 million in shareholder equity. Purchase of medium-term notes may not exceed 30% of the cost value of the fund with no more than 15% of the cost value of the fund rated below “AA” or its equivalent by at least two NRSROs. No more than 5% of the fund (at time of purchase) may be invested in any one corporate name, including the parent corporation or subsidiaries.
- 10) Any collateralized mortgage obligations, mortgage-backed or other pay-through bond, equipment lease-backed certificate, or consumer receivable-backed bond. Securities eligible for investment under this section shall be rated in a rating category of “AA” by a

nationally recognized statistical rating organization and have a maximum remaining maturity of 5 years or less. Purchase of securities authorized by this subdivision may not exceed 20% of the cost value of the fund.

- 11) Bonds, notes, warrants or other evidences of indebtedness of any local agency of this state, including bonds payable solely out of the revenues from a revenue producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency.
- 12) Registered state warrants or treasury notes or bonds of this state, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by the state or by a department, board, agency or authority of the state
- 13) United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. Investments under this subdivision shall be rated "AA" or better by an NRSRO and shall not exceed 10 percent of the City's moneys that may be invested pursuant to this section.
- 14) Mutual Funds and Money Market Mutual Funds that are registered with the Securities and Exchange Commission under the Investment Company Act of 1940, provided that:
 - a. **Mutual Funds** that invest in the securities and obligations as authorized under California Government Code, Section 53601 (a) to (k) and (m) to (q) inclusive and that meet either of the following criteria:
 - i. Attained the highest ranking or the highest letter and numerical rating provided by not less than two (2) NRSROs; or
 - ii. Have retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than five years' experience investing in the securities and obligations authorized by California Government Code, Section 53601 and with assets under management in excess of \$500 million.
 - iii. No more than 10% of the total portfolio may be invested in shares of any one mutual fund.
 - b. **Money Market Mutual Funds** registered with the Securities and Exchange Commission under the Investment Company Act of 1940 and issued by diversified management companies and meet either of the following criteria:
 - i. Have attained the highest ranking or the highest letter and numerical rating provided by not less than two (2) NRSROs; or

- ii. Have retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than five years' experience managing money market mutual funds with assets under management in excess of \$500 million.
- iii. No more than 20% of the total portfolio may be invested in the shares of any one Money Market Mutual Fund.

c. No more than 20% of the total portfolio may be invested in these securities.

B. In the event of a rating downgrade of security in the City's portfolio by any of the applicable rating agencies (Standard and Poor's or Moody's) to a rating category below the minimum required for purchase, the Investment Officer will document such downgrade in writing. The Investment Officer will also communicate to the City Treasurer a recommended course of action for said security.

The maximum allowable maturity for all securities purchased shall be no greater than 5 years from the settlement date if the maturity has not been further limited in subsections (1) through (12). The 5-year maturity limitation may be exceeded only when investing in securities referred to in section 11 above and only with prior City Council approval. Ineligible investments – investments not described herein-, are prohibited for purchase in the City's portfolio. Specifically prohibited as of January 1, 1996 are: Inverse floaters, range notes, interest-only strips derived from a pool of mortgages, or any security that could result in zero interest accrual if held to maturity.

XV. INVESTMENT POOLS/MUTUAL FUNDS

The City shall conduct a thorough investigation of any pool or mutual fund prior to making an investment, and on a continual basis thereafter. The Treasurer shall develop a questionnaire which will answer the following general questions:

- A description of eligible investment securities, and a written statement of investment policy and objectives.
- A description of interest calculations and how it is distributed, and how gains and losses are treated.
- A description of how the securities are safeguarded (including the settlement processes), and how often the securities are priced and the program audited.
- A description of who may invest in the program, how often, what size deposit and withdrawal are allowed.
- A schedule for receiving statements and portfolio listings.
- Are reserves, retained earnings, etc. utilized by the pool/fund?
- A fee schedule, and when and how is it assessed.
- Is the pool/fund eligible for bond proceeds and/or will it accept such proceeds?

XVI. COLLATERALIZATION

Certificates of Deposit (CDs). The City shall require any commercial bank or savings and loan association to deposit eligible securities with an agency of a depository approved by the State Banking Department to secure any uninsured portion of a Non-Negotiable Certificate of Deposit. The value of eligible securities as defined pursuant to California Government Code, Section 53651, pledged against a Certificate of Deposit shall be equal to 150% of the face value of the CD if the securities are classified as mortgages and 110% of the face value of the CD for all other classes of security.

Collateralization of Bank Deposits. This is the process by which a bank or financial institution pledges securities, or other deposits for the purpose of securing repayment of deposited funds. The City shall require any bank or financial institution to comply with the collateralization criteria defined in California Government Code, Section 53651.

Repurchase Agreements. The City requires that Repurchase Agreements be collateralized only by securities authorized in accordance with California Government Code:

1. The securities which collateralize the repurchase agreement shall be priced at Market Value, including any Accrued Interest plus a margin. The Market Value of the securities that underlie a repurchase agreement shall be valued at 102% or greater of the funds borrowed against those securities.
2. Financial institutions shall mark the value of the collateral to market at least monthly and increase or decrease the collateral to satisfy the ratio requirement described above.
3. The City shall receive monthly statements of collateral.

XVII. GLOSSARY OF INVESTMENT TERMS

Agencies. Shorthand market terminology for any obligation issued by a government-sponsored entity (GSE), or a federally related institution. Most obligations of GSEs are not guaranteed by the full faith and credit of the US government. Examples are:

FFCB. The Federal Farm Credit Bank System provides credit and liquidity in the agricultural industry. FFCB issues discount notes and bonds.

FHLB. The Federal Home Loan Bank provides credit and liquidity in the housing market. FHLB issues discount notes and bonds.

FHLMC. Like FHLB, the Federal Home Loan Mortgage Corporation provides credit and liquidity in the housing market. FHLMC, also called “FreddieMac” issues discount notes, bonds and mortgage pass-through securities.

FNMA. Like FHLB and FreddieMac, the Federal National Mortgage Association was established to provide credit and liquidity in the housing market. FNMA, also known as “FannieMae,” issues discount notes, bonds and mortgage pass-through securities.

GNMA. The Government National Mortgage Association, known as “GinnieMae,” issues mortgage pass-through securities, which are guaranteed by the full faith and credit of the US Government.

PEFCO. The Private Export Funding Corporation assists exporters. Obligations of PEFCO are not guaranteed by the full faith and credit of the US government.

TVA. The Tennessee Valley Authority provides flood control and power and promotes development in portions of the Tennessee, Ohio, and Mississippi River valleys. TVA currently issues discount notes and bonds.

Asset Backed Securities. Securities supported by pools of installment loans or leases or by pools of revolving lines of credit.

Average Life. In mortgage-related investments, including CMOs, the average time to expected receipt of principal payments, weighted by the amount of principal expected.

Banker’s Acceptance. A money market instrument created to facilitate international trade transactions. It is highly liquid and safe because the risk of the trade transaction is transferred to the bank which “accepts” the obligation to pay the investor.

Benchmark. A comparison security or portfolio. A performance benchmark is a partial market index, which reflects the mix of securities allowed under a specific investment policy.

Broker. A broker brings buyers and sellers together for a transaction for which the broker receives a commission. A broker does not sell securities from his own position.

California Debt & Investment Advisory Commission (CDIAC). The California Debt and Investment Advisory Commission (CDIAC) provides information, education and technical assistance on debt issuance and public fund investments to local public agencies and other public finance professionals. The Commission was created in 1981 with the passage of Chapter 1088, Statutes of 1981 (Assembly Bill (AB) 1192, Costa). This legislation established the

California Debt Advisory Commission as the State's clearinghouse for public debt issuance information and required it to assist state and local agencies with the monitoring, issuance and management of public debt.

Callable. A callable security gives the issuer the option to call it from the investor prior to its maturity. The main cause of a call is a decline in interest rates. If interest rates decline, the issuer will likely call its current securities and reissue them at a lower rate of interest.

Certificate of Deposit (CD). A time deposit with a specific maturity evidenced by a certificate.

Certificate of Deposit Account Registry SYSTEM (CDARS). A private placement service that allows local agencies to purchase more than \$250,000 in CDs from a single financial institution (must be a participating institution of CDARS) while still maintaining FDIC insurance coverage. CDARS is currently the only entity providing this service. CDARS facilitates the trading of deposits between the California institution and other participating institutions in amounts that are less than \$250,000 each, so that FDIC coverage is maintained.

Collateral. Securities or cash pledged by a borrower to secure repayment of a loan or repurchase agreement. Also, securities pledged by a financial institution to secure deposits of public monies.

Collateralized Bank Deposit. A bank deposit that is collateralized at least 100% (principal plus interest to maturity). The deposit is collateralized using assets set aside by the issuer such as Treasury securities or other qualified collateral to secure the deposit in excess of the limit covered by the Federal Deposit Insurance Corporation.

Collateralized Mortgage Obligations (CMO). Classes of bonds that redistribute the cash flows of mortgage securities (and whole loans) to create securities that have different levels of prepayment risk, as compared to the underlying mortgage securities.

Collateralized Time Deposit. Time deposits that are collateralized at least 100% (principal plus interest to maturity). These instruments are collateralized using assets set aside by the issuer such as Treasury securities or other qualified collateral to secure the deposit in excess of the limit covered by the Federal Deposit Insurance Corporation.

Commercial Paper. The short-term unsecured debt of corporations.

Coupon. The rate of return at which interest is paid on a bond.

Credit Risk. The risk that principal and/or interest on an investment will not be paid in a timely manner due to changes in the condition of the issuer.

Dealer. A dealer acts as a principal in security transactions, selling securities from and buying securities for his own position.

Debenture. A bond secured only by the general credit of the issuer.

Delivery vs. Payment (DVP). A securities industry procedure whereby payment for a security must be made at the time the security is delivered to the purchaser's agent.

Derivative. Any security that has principal and/or interest payments which are subject to uncertainty (but not for reasons of default or credit risk) as to timing and/or amount, or any security which represents a component of another security which has been separated from other components ("Stripped" coupons and principal). A derivative is also defined as a financial instrument the value of which is totally or partially derived from the value of another instrument, interest rate, or index.

Discount. The difference between the par value of a bond and the cost of the bond, when the cost is below par. Some short-term securities, such as T-bills and banker's acceptances, are known as discount securities. They sell at a discount from par and return the par value to the investor at maturity without additional interest. Other securities, which have fixed coupons, trade at a discount when the coupon rate is lower than the current market rate for securities of that maturity and/or quality.

Diversification. Dividing investment funds among a variety of investments to avoid excessive exposure to any one source of risk.

Duration. The weighted average time to maturity of a bond where the weights are the present values of the future cash flows. Duration measures the price sensitivity of a security to changes interest rates.

Federal Deposit Insurance Corporation (FDIC). The Federal Deposit Insurance Corporation (FDIC) is an independent federal agency insuring deposits in U.S. banks and thrifts in the event of bank failures. The FDIC was created in 1933 to maintain public confidence and encourage stability in the financial system through the promotion of sound banking practices.

Federally Insured Time Deposit. A time deposit is an interest-bearing bank deposit account that has a specified date of maturity, such as a certificate of deposit (CD). These deposits are limited to funds insured in accordance with FDIC insurance deposit limits.

Leverage. Borrowing funds in order to invest in securities that have the potential to pay earnings at a rate higher than the cost of borrowing.

Liquidity. The speed and ease with which an asset can be converted to cash.

Local Agency Investment Fund (LAIF). A voluntary investment fund open to government entities and certain non-profit organizations in California that is managed by the State Treasurer's Office.

Local Agency Investment Guidelines (LAIG). Published by CDIAC, these guidelines are intended to aid local officials in their efforts to implement existing laws pertaining to the investment of public funds. Each year, CDIAC staff convenes a working group of public- and private-sector professionals to support its efforts to revise and update these Guidelines

Local Government Investment Pool. Investment pools that range from the State Treasurer's Office Local Agency Investment Fund (LAIF) to county pools, to Joint Powers Authorities (JPAs). These funds are not subject to the same SEC rules applicable to money market mutual funds.

Make Whole Call. A type of call provision on a bond that allows the issuer to pay off the remaining debt early. Unlike a call option, with a make whole call provision, the issuer makes a lump sum payment that equals the net present value (NPV) of future coupon payments that will not be paid because of the call. With this type of call, an investor is compensated, or "made whole."

Margin. The difference between the market value of a security and the loan a broker makes using that security as collateral.

Market Risk. The risk that the value of securities will fluctuate with changes in overall market conditions or interest rates.

Market Value. The price at which a security can be traded.

Maturity. The final date upon which the principal of a security becomes due and payable.

Medium Term Notes. Unsecured, investment-grade senior debt securities of major corporations which are sold in relatively small amounts on either a continuous or an intermittent basis. MTNs are highly flexible debt instruments that can be structured to respond to market opportunities or to investor preferences.

Modified Duration. The percent change in price for a 100-basis point change in yields. Modified duration is the best single measure of a portfolio's or security's exposure to market risk.

Money Market. The market in which short-term debt instruments (T-bills, discount notes, commercial paper, and banker's acceptances) are issued and traded.

Money Market Mutual Fund. A mutual fund that invests exclusively in short-term securities. Examples of investments in money market funds are certificates of deposit and U.S. Treasury securities. Money market funds attempt to keep their net asset values at \$1 per share.

Mortgage Pass-Through Securities. A securitized participation in the interest and principal cash flows from a specified pool of mortgages. Principal and interest payments made on the mortgages are passed through to the holder of the security.

Municipal Securities. Securities issued by state and local agencies to finance capital and operating expenses.

Mutual Fund. An entity which pools the funds of investors and invests those funds in a set of securities which is specifically defined in the fund's prospectus. Mutual funds can be invested in various types of domestic and/or international stocks, bonds, and money market instruments, as set forth in the individual fund's prospectus. For most large, institutional investors, the costs

associated with investing in mutual funds are higher than the investor can obtain through an individually managed portfolio.

Nationally Recognized Statistical Rating Organization (NRSRO).

A credit rating agency that the Securities and Exchange Commission in the United States uses for regulatory purposes. Credit rating agencies provide assessments of an investment's risk. The issuers of investments, especially debt securities, pay credit rating agencies to provide them with ratings. The three most prominent NRSROs are Fitch, S&P, and Moody's.

Negotiable Certificate of Deposit (CD). A short-term debt instrument that pays interest and is issued by a bank, savings or federal association, state or federal credit union, or state-licensed branch of a foreign bank. Negotiable CDs are traded in a secondary market and are payable upon order to the bearer or initial depositor (investor).

Primary Dealer. A financial institution (1) that is a trading counterparty with the Federal Reserve in its execution of market operations to carry out U.S. monetary policy, and (2) that participates for statistical reporting purposes in compiling data on activity in the U.S. Government securities market.

Prudent Person (Prudent Investor) Rule. A standard of responsibility which applies to fiduciaries. In California, the rule is stated as "Investments shall be managed with the care, skill, prudence and diligence, under the circumstances then prevailing, that a prudent person, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character and with like aims to accomplish similar purposes."

Repurchase Agreement. Short-term purchases of securities with a simultaneous agreement to sell the securities back at a higher price. From the seller's point of view, the same transaction is a reverse repurchase agreement.

Safekeeping. A service to bank customers whereby securities are held by the bank in the customer's name.

Securities and Exchange Commission (SEC). The U.S. Securities and Exchange Commission (SEC) is an independent federal government agency responsible for protecting investors, maintaining fair and orderly functioning of securities markets and facilitating capital formation. It was created by Congress in 1934 as the first federal regulator of securities markets. The SEC promotes full public disclosure, protects investors against fraudulent and manipulative practices in the market, and monitors corporate takeover actions in the United States.

Securities and Exchange Commission SEC) Rule 15c3-1. An SEC rule setting capital requirements for brokers and dealers. Under Rule 15c3-1, a broker or dealer must have sufficient liquidity in order to cover the most pressing obligations. This is defined as having a certain amount of liquidity as a percentage of the broker/dealer's total obligations. If the percentage falls below a certain point, the broker or dealer may not be allowed to take on new clients and may have restrictions placed on dealings with current client.

Structured Note. A complex, fixed income instrument, which pays interest, based on a formula tied to other interest rates, commodities or indices. Examples include inverse floating rate notes which have coupons that increase when other interest rates are falling, and which fall when other interest rates are rising, and "dual index floaters," which pay interest based on the relationship between two other interest rates - for example, the yield on the ten-year Treasury note minus the Libor rate. Issuers of such notes lock in a reduced cost of borrowing by purchasing interest rate swap agreements.

Supranational. A Supranational is a multi-national organization whereby member states transcend national boundaries or interests to share in the decision making to promote economic development in the member countries.

Total Rate of Return. A measure of a portfolio's performance over time. It is the internal rate of return, which equates the beginning value of the portfolio with the ending value; it includes interest earnings, realized and unrealized gains, and losses in the portfolio.

U.S. Treasury Obligations. Securities issued by the U.S. Treasury and backed by the full faith and credit of the United States. Treasuries are considered to have no credit risk and are the benchmark for interest rates on all other securities in the US and overseas. The Treasury issues both discounted securities and fixed coupon notes and bonds.

Treasury Bills. All securities issued with initial maturities of one year or less are issued as discounted instruments and are called Treasury bills. The Treasury currently issues three- and six-month T-bills at regular weekly auctions. It also issues "cash management" bills as needed to smooth out cash flows.

Treasury Notes. All securities issued with initial maturities of two to ten years are called Treasury notes and pay interest semi-annually.

Treasury Bonds. All securities issued with initial maturities greater than ten years are called Treasury bonds. Like Treasury notes, they pay interest semi-annually.

Yield to Maturity. The annualized internal rate of return on an investment which equates the expected cash flows from the investment to its cost.

CITY OF ONTARIO

Agenda Report
December 1, 2020

SECTION: CONSENT CALENDAR

Department: Budget

Prepared By: Michelle Nguyen

Staff Member Presenting:

Armen Harkalyan, Executive Director of Finance

Reviewed By: Doreen Nunes, Armen

Harkalyan, Darlene M Sanchez

Approved By:



Submitted To: Council/OHA

Approved: _____

Continued To: _____

Denied: _____

Item No: 10

SUBJECT: FISCAL YEAR 2020-21 FIRST QUARTER BUDGET UPDATE REPORT

RECOMMENDATION: That the City Council approve the budget adjustments and recommendations as listed in the Fiscal Year 2020-21 First Quarter Budget Update Report.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Operate in a Businesslike Manner

FISCAL IMPACT: The recommended actions will affect several fund budgets as outlined in the Fiscal Year 2020-21 First Quarter Budget Update Report.

BACKGROUND & ANALYSIS: This First Quarter Budget Update Report for Fiscal Year 2020-21 reflects the Financial Services Agency's continued efforts to provide timely, accurate, and understandable financial information to assist the City Council with decision making and achievement of core goals. All funds have been reviewed in preparing this report. The emphasis of this report is on the General Fund, which funds most government services including public safety, recreation, library, museum, parks, building and planning.

The primary purposes of this report are to:

- Discuss Fiscal Year 2019-20 Year-End Results and Fiscal Year 2020-21 First Quarter Update and provide a reconciliation of budgeted-to-actual financial data;
- Discuss the Retirement Separation Incentive Program Results;
- Address annual carryforward appropriations across all funds;
- Recognize budgetary carryforward amounts for prior year's approved Capital Improvement Projects and Grant appropriations, which are ongoing;
- Revise the City's budget to reflect the City Council's actions taken since the beginning of the current fiscal year;
- Recommend personnel and organizational changes to enhance program operations and efficiency;
- Recommend budget adjustments that are consistent with City Council goals and objectives; and
- Comment on significant budget and economic trends which may impact fiscal year's budget development.

As part of a budget-reduction process due to the financial impact of the COVID-19 pandemic, the City offered a retirement incentive of two-years' service credit to eligible employees. As a result of this

offering, a reduction in the workforce has created personnel and organizational changes that include the consolidation of Agencies. Current recommendations include organizational changes to the Community Life & Culture (CLC), Community Development, Economic Development, Financial Services, Housing & Neighborhood Preservation (HNP), Management Services and Ontario Municipal Utilities Company (OMUC). The new Community Development Agency is now comprised of the former Development and Housing & Neighborhood Preservation Agencies; Management Services includes the former Economic Development and the Innovation, Performance & Audit Agencies; Continuum of Care/Homeless Services program moved from former HNP to CLC Agency; and Utility Customer Services Department moved from Financial Services Agency to OMUC.

The consolidation of these Agencies has inevitably created a considerable expansion of scope and complexity in responsibilities for some of the Department Head position classifications in order to maintain program operations and efficiencies. Among these organizational changes include: reclassifying the position classifications of certain Department Head positions, adjusting the salary ranges for some others, and necessary add/delete modifications to the authorized Full-Time positions as presented in Exhibit A under Recommended Personnel Changes section pages 33-36 of the Fiscal Year 2020-21 First Quarter Budget Update Report.

Fiscal Year 2019-20 General Fund Year-End Results (unaudited)

The City has adjusted its General Fund revenue and expenditure projections accordingly at the Third Quarter Budget Update in May 2020 to address the potential impacts caused by the COVID-19 pandemic. Actual revenues and transfers-in totaled \$274.3 million, exceeding the updated budget projection by \$17.6 million or 6.9%. Expenditures and transfers-out totaled \$285.7 million, which came in under the updated budget projections by \$3.7 million or 1.3%. General Fund had an operating deficit of \$11.4 million to be absorbed by reserved funding for the use of economic uncertainty. Therefore reducing the economic uncertainty reserve from \$20 million to \$8.6 million. As a result, the estimated available General Fund balance ending June 30, 2020 was maintained at \$50.3 million, which achieves the 18% goal set by City Council; as a reserve for specific and defined emergency events and to address immediate needs in resources without impacting City services.

Fiscal Year 2020-21 First Quarter Budget Update Recommendations

First Quarter Budget Update recommendations are routine in nature and comprised predominately by: City Council actions taken since the beginning of the fiscal year, encumbrance carryforward items, rollover purchase orders that have not yet been expended, and Capital Improvement Program (CIP) carryforward items for approved projects that have not been completed.

General Fund revenues and transfers-in totaled \$25.4 million or 9.8% of the Fiscal Year 2020-21 Revised Budget, as compared to \$31.2 million or 10.6% of revenues received in First Quarter of Fiscal Year 2019-20. Expenditures and transfers-out totaled \$78.5 million or 30.7% expended as compared to 23.2% in First Quarter of Fiscal Year 2019-20. The overage is primarily attributable to the Retirement Separation Incentive Program payout costs and operating expenditures, contractual services and capital outlay expenses from Fiscal Year 2019-20 carryforward encumbrances. For the General Fund, the net result of First Quarter recommended changes will bring the General Fund estimated available ending fund balance to \$41.4 million which is 16.6% of total appropriations; this amount achieves the new 15% goal adopted by City Council effective July 1, 2020. Due to uncertainty from the COVID-19 pandemic, staff is not recommending any adjustments to the General Fund major revenue sources at this time. The pandemic impacts on revenues will continue to be monitored and appropriate budget modifications will be presented at Mid-Year and/or Third Quarter Budget Update Reports.

Following are some significant First Quarter Budget Adjustment Highlights for the General Fund and Other Funds. The complete list of all adjustment items can be found on the attached Exhibit A on pages 30-32 and 41-52.

General Fund Highlights

- \$500K The Ontario Plan (TOP) funding for FY 2020-21 (additional \$250K in Capital Projects Fund) (City Council approved 5/19/2020)
- \$1.6M Transfers-out from Underground In-Lieu to Capital Projects for Mountain Ave and Holt Blvd Intersection Widening Project (City Council approved 8/18/2020)
- \$1.5M additional CARES Act funding for the total \$2.3M State allocation and \$2.3M County allocation; assigned to Emergency Senior Meals Program (City Council Approved 10/6/2020), Homelessness program, Small Business Assistance, and Public Safety Personnel expenses related to responding to COVID-19
- \$3.2M additional City subsidy funding for Ontario Convention Center and Toyota Arena
- \$3.6M Utility Customer Services operating budget moving from Financial Services to Ontario Municipal Utilities Company's Enterprise Fund, offset with \$3.6 million reduction in Cost Allocation revenue
- Retirement/Separation Incentive Program Reconciliation to reduce Personnel Budget of \$13.8M (for the 102.23 frozen positions) offset against the \$17.3M anticipated savings and an appropriation of \$308K in part-time budget for General Fund Agencies
- \$323K Recommended Personnel Changes
- \$5.02M Carryforward Encumbrances from FY 2019-20
- \$2.9M of remaining reserved funding for City Facilities (\$2.6M) and Public Safety Equipment (\$330K) Transfers-out from General Fund Trust to the Facility Maintenance and Equipment Services Funds, respectively

Other Funds (non-General Fund) Highlights

- \$2.8M CARES Act Community Development Block Grant (CDBG) allocation (City Council approved in 2020)
- \$500K Local Early Action Planning (LEAP) Grant funding (City Council approved 5/19/2020)
- \$3M DIF Credit & Reimbursement Agreement with Airport Drive Industrial Owner (City Council approved 7/7/2020)
- \$604K AmeriCorps State Formula Grant, which includes \$400K Grant funding and \$204K City Match funding (City Council approved 8/4/2020)
- \$519K in revenue for Special Tax Ontario Ranch Services CFD No. 58 (City Council approved 8/4/2020)
- \$3.9M additional funding for Mountain Ave and Holt Blvd Intersection Widening Project (City Council approved 8/18/2020)
- \$2.5M Construction Contract for Fire Station No. 9 Offsite Improvements (City Council approved 9/1/2020)
- \$35M City of Ontario 2020 Financing of Energy Efficiency Improvements (City Council approved 9/15/2020)
- \$11.1M Design-Build Agreement for Construction of C-Block Parking Structure (City Council approved 10/6/2020)
- \$3M San Antonio Storm Drain Project (City Council approved 11/3/2020)
- \$515K for additional insurance premium costs and excess liability pool
- \$660K for two CNG roll-off trucks (\$560K) and additional roll-off bins (\$100K)

- \$2.2M for additional DIF refund payments
- \$3.6M Utility Customer Services operating budget moving from Financial Services to Ontario Municipal Utilities Company's Enterprise Fund, offset with \$3.6 million reduction in Cost Allocation charges
- \$245K Recommended Personnel Changes
- \$271.5M Carryforward Projects/Grants and Encumbrances from FY 2019-20

Retirement Separation Incentive Program Results

In response to the challenges presented by the COVID-19 pandemic, the City offered the Retirement Separation Incentive Program (RSIP) where 212 full-time employees participated in the program. Of that number:

- 154 of the 212 (72.6%) came from the General Fund (GF);
- 58% of the GF positions were from public safety agencies (sworn and civilian);
- Of the 212 total employees, 180 were retirements and 32 were separation incentives only;
- Of the 180 retirements, 26.5% were managers, directors or executives while 73.5% were from line employees and supervisors; and
- We are endeavoring to unfreeze and re-fill no more than 51 full-time positions in the GF.

The retirement and separation incentives were intended to fill a significant part of the (COVID-induced) projected \$38.2 million gap in the General Fund budget. Our target is an annual savings of \$17.3 million. Reconciliation was done at First Quarter for \$13.8 million in General Fund savings for the remaining nine months of the Fiscal Year. In order to realize the annual savings target, staff needs to limit the cost of refilling any RSIP vacant positions to \$10.5 million until the City knows where the economy is headed and when those savings will be realized. Generally, this equates to 51 full-time positions, at approximately \$10.2 million, plus some minor augmentation of part-time/hourly budgets of \$308 thousand.

Conclusion

Federal, State, and local governments are working diligently to limit the spread of COVID-19. Orders intended to contain the virus, has caused temporary closure of businesses and limited access to retail and service industries. Pandemic uncertainties, increase in the occurrences of wild fires, working from home, childcare issues and bankruptcies are expected to result in uneven gains; with each jurisdiction's experience differing according to the scope and character of individual tax bases. While the economy remains relatively unstable with the presidential election in dispute and the risk of the COVID-19 second wave widespread, economic indicators suggest a slow recovery from the COVID-19 pandemic. Overall recovery and improvement in the economy is not expected to begin until 2021-22. Revenues are expected to come in at a modest pace during the Second Quarter and will pick up after the start of the 2021 calendar year. However, it will take several years for revenues to recover to pre-COVID-19 levels. It is unlikely to realize structural balance until the crisis is resolved. For the City to successfully manage these significant budget issues, while coping with a lean organization as a result of the recent retirement separation incentive program, it is recommended that the City continue to practice fiscal discipline and establish proactive measures to safely navigate the current and upcoming fiscal challenges.

The City will continue to focus on budgetary reductions and organizational restructuring, as needed, to reach a structurally balanced budget. The City is committed to monitor the changing economic conditions, while taking extensive and proactive measure in responding to community needs, safeguard public health and provide essential services with quality of life focus, as well as regular updates during

this unprecedented time. The next scheduled report back to the City Council will be the Mid-Year Budget Update in February 2021, which will focus on the first two Quarters of Fiscal Year 2020-21 (July 1, 2020 through December 2020). At that time, staff will recommend appropriate modifications to revenues and expenditures budget as needed.

The Adopted Operating Budget for Fiscal Year 2020-21, as modified through this First Quarter Budget Update, reflects the City Council's continued commitment to support high quality public safety and municipal services, provides for the maintenance and expansion needs of the City's infrastructure and facilities, profiles an aggressive economic development strategy, and assures the investment and reinvestment of City resources into the community - all in the name of affording Ontario residents and businesses an exceptional quality of life. With the City Council's leadership and their prudent fiscal policies, the City's long-term financial health will further solidify its standing as the economic leader in the Inland Empire, and a formidable player in California, and the nation.

Fiscal Year 2020-21 First Quarter Budget Update Report

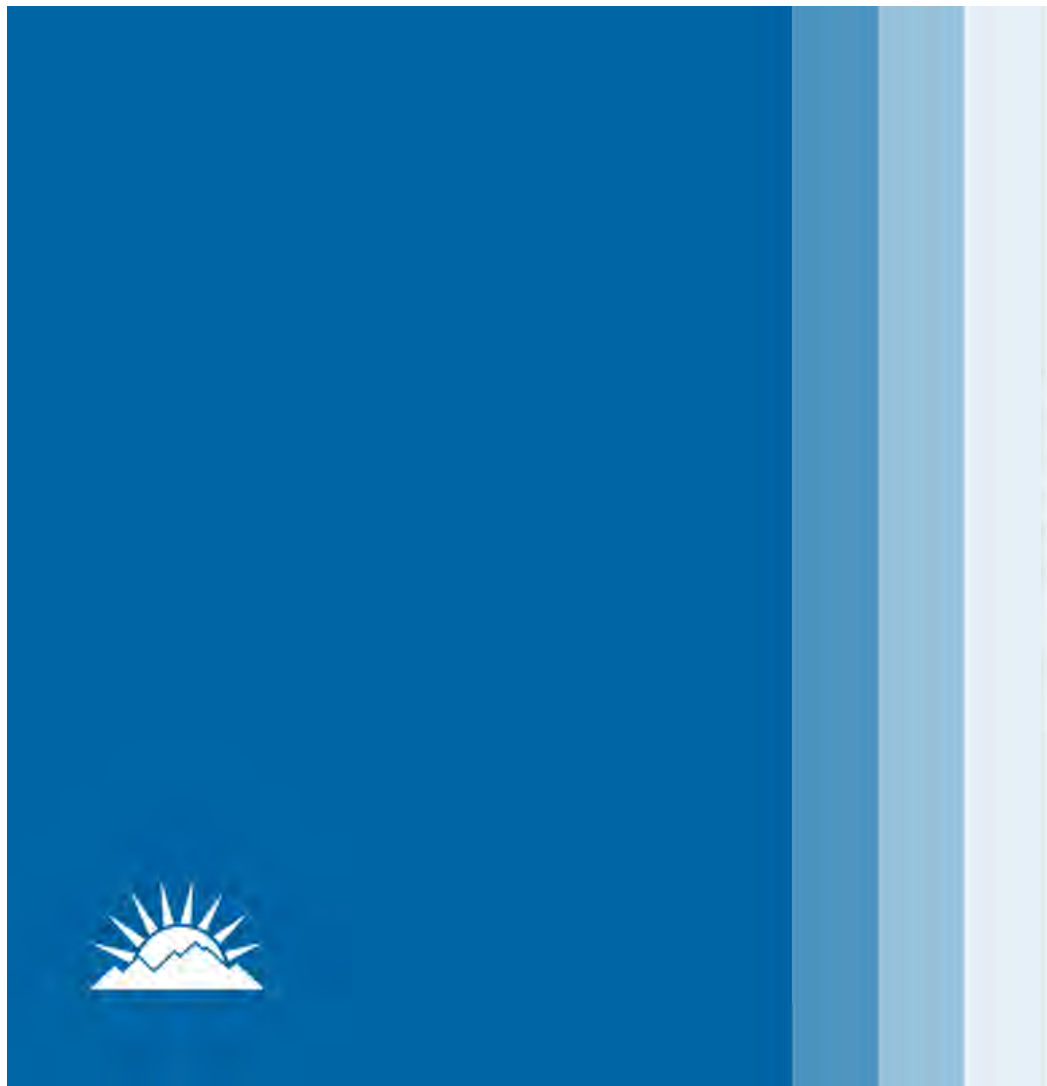


December 1, 2020

City of Ontario
First Quarter Budget Update Report
Fiscal Year 2020-21

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FY 2019-20 Year-End Results (unaudited)

City of Ontario General Fund Year-End Results - Revenues by Category Fiscal Year 2019-20				
	FY 2019-20 Current Budget*	FY 2019-20 Actuals**	FY 2019-20 Budget Variance	% Received
Sales Tax	\$ 90,000,000	\$ 90,290,690	\$ 290,690	100.3%
Property Tax	66,223,655	66,821,934	598,279	100.9%
Transient Occupancy Tax	10,900,000	12,160,235	1,260,235	111.6%
Business License Tax	6,711,000	7,793,962	1,082,962	116.1%
Franchise Tax	3,200,000	3,164,111	(35,889)	98.9%
Parking Tax	2,500,000	2,771,083	271,083	110.8%
Other Taxes	878,000	1,414,917	536,917	161.2%
License & Permits	4,906,281	5,488,024	581,743	111.9%
Fines & Forfeitures	689,500	786,630	97,130	114.1%
Use of Money & Property	2,000,000	8,101,994	6,101,994	405.1%***
Intergovernmental	125,200	1,126,913	1,001,713	900.1%***
Charges for Services	31,564,027	36,418,406	4,854,379	115.4%
Miscellaneous Revenue	3,996,771	4,969,243	972,472	124.3%
Sub-Total	\$ 223,694,434	\$ 241,308,142	\$ 17,613,708	107.9%
Transfers-In	32,930,180	32,947,226	17,046	100.1%
Total Revenues & Transfers-In	\$ 256,624,614	\$ 274,255,368	\$ 17,630,754	106.9%

*Reflects adjustments made at First Quarter, Mid-Year and Third Quarter

**FY 2019-20 Actuals are unaudited

***Variances for Use of Money & Property is due to \$5.4M Interest Revenue actuals and Change in Fair Value book entry of \$2.1M and Intergovernmental includes the CARES Act \$753K Year-End Revenue Accruals

City of Ontario
General Fund Year-End Results - Expenditures by Category
Fiscal Year 2019-20

	FY 2019-20 Current Budget*	FY 2019-20 Actuals**	FY 2019-20 Budget Variance	% Received
Personnel Costs	\$ 179,458,215	\$ 178,609,212	\$ (849,003)	99.5%
Operating Expenditures	34,759,501	30,880,858	(3,878,643)	88.8%
Contractual Services	16,441,462	14,920,233	(1,521,229)	90.7%
Internal Service Allocations	22,594,624	26,562,911	3,968,287	117.6%***
Reimbursement Agreements	8,481,692	6,998,094	(1,483,598)	82.5%
Capital Outlay	6,636,725	6,316,746	(319,979)	95.2%
Sub-Total	\$ 268,372,219	\$ 264,288,054	\$ (4,084,165)	98.5%
Transfers-Out	20,985,733	21,397,940	412,207	102.0%
Total Expenditures & Transfers-Out	\$ 289,357,952	\$ 285,685,994	\$ (3,671,959)	98.7%

* Reflects adjustments made at First Quarter, Mid-Year and Third Quarter

** FY 2019-20 Actuals are unaudited and includes Carryforward Encumbrances total of \$5.02M

*** Additional \$4M ISF allocation for Workers Compensation and Liability Insurance

City of Ontario General Fund Year-End Results - Expenditures by Agency Fiscal Year 2019-20				
	FY 2019-20 Current Budget*	FY 2019-20 Actuals **	FY 2019-20 Budget Variance	% Expended
Community Life & Culture	\$ 12,698,855	\$ 12,447,521	\$ (251,335)	98.0%
Development	20,496,302	19,260,066	(1,236,236)	94.0%
Economic Development	18,105,905	16,581,362	(1,524,543)	91.6%
Elected Officials	599,666	527,740	(71,927)	88.0%
Financial Services	14,002,305	13,563,362	(438,943)	96.9%
Fire Department	65,011,675	62,946,984	(2,064,691)	96.8%
Housing & Neighborhood Preservation	5,519,685	5,091,949	(427,736)	92.3%
Human Resources	3,621,086	3,904,203	283,117	107.8%
Management Services	5,369,038	5,246,592	(122,446)	97.7%
Police Department	101,549,669	104,450,035	2,900,366	102.9%
Public Works	21,398,033	20,268,240	(1,129,792)	94.7%
Transfers-Out	20,985,733	21,397,940	412,207	102.0%
Grand Total	\$ 289,357,952	\$ 285,685,994	\$ (3,671,959)	98.7%

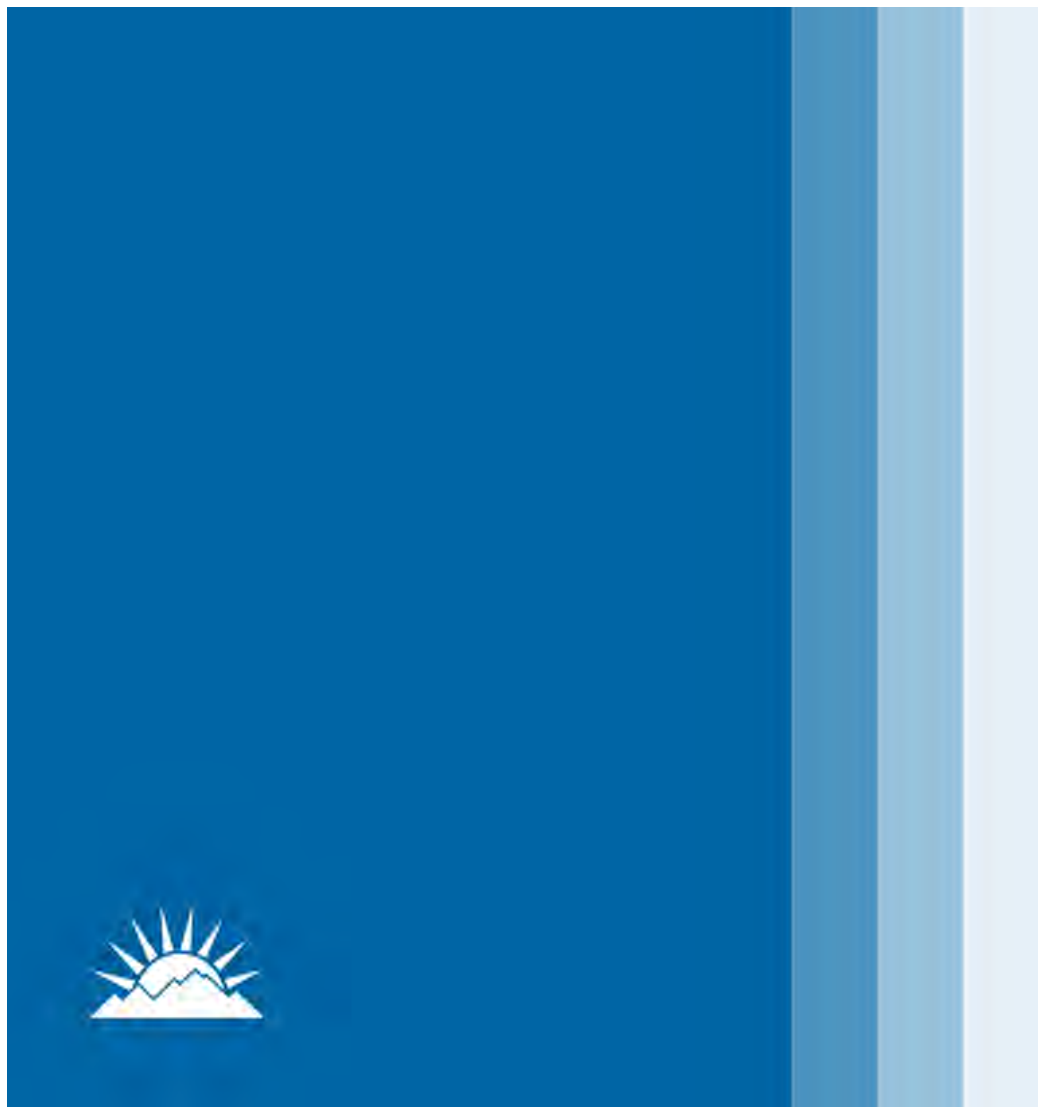
* Reflects adjustments made at First Quarter, Mid-Year and Third Quarter

** FY 2019-20 Actuals are unaudited and includes Carryforward Encumbrances total of \$5.02M

City of Ontario General Fund Year-End Reconciliation (unaudited) Fiscal Year 2019-20	
Estimated Beginning Fund Balance - 7/1/2019	\$ 61,695,975
Revenues & Transfers-In	\$ 274,255,368
Expenditures & Transfers-Out*	\$ (285,685,994)
Surplus/(Deficit)**	\$ (11,430,626)
Use of Economic Uncertainty Reserve**	\$ 11,430,626
Estimated Ending Fund Balance - 6/30/2020	\$ 50,265,349
Percentage of General Fund Reserve level	18%

* Includes Carryforward Encumbrances total of \$5.02M

** Estimated Beginning Fund Balance does not include the \$20M assigned to Economic Uncertainty Reserve



Retirement Separation Incentive Program Results

General Fund Five-Year Forecast

	FY 2019-20 Actuals (unaudited)	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
Revenue	\$274,255,368	\$236,901,278	\$255,696,457	\$264,965,704	\$273,237,058	\$277,570,340	\$285,967,676
Expenditures	\$285,685,994	\$268,073,312	\$275,203,635	\$283,837,429	\$290,427,194	\$295,825,118	\$301,333,435
Deficit	(\$11,430,626)	(\$31,172,034)	(\$19,507,178)	(\$18,871,725)	(\$17,190,136)	(\$18,254,778)	(\$15,365,759)
Additional Reductions							
Sales Tax Reduction		\$6,000,000					
Leave Liability Reserve		\$1,000,000					
Revised Deficit*		(\$38,172,034)					

* Does Not Include the Separation Incentives


Recommended Additional Savings & Balancing Strategies

	Estimated Gross Savings
Additional Savings*	\$5,898,260
Balancing Strategy 1: Reduction of 18% Fund Balance to 15%	\$12,498,609
Balancing Strategy 2: Separation Program Savings	\$17,334,275
Balancing Strategy 3: Agency Reductions/Program Cuts	\$2,440,890
Total FY 2020-21 Deficit Reduction	\$38,172,034

* Additional Savings include POB & Misc. UAL Internal Loan Paydown savings, Frozen Vacant Positions, Sales Tax sharing incentives, CFD Services Revenues.



Separation Program Savings

- Additional 2 years of CalPERS service credit
 - 6-month cash buy-out (if requirements met)
 - Generally, calculated on base rate + value of medical premiums
 - Lump sum payment (ostensibly for retiree medical costs)
 - Alternatively, less than six months would be paid to employees who are immediately brought back to service as “retired annuitants” during the COVID-19 pandemic.
 - Eligible employees *may* opt for cash buy-out in order to separate from City employment without retiring
 - **NOTE – program goal is to keep as many positions as possible vacant for as long as possible (ideally, minimum of three years)**
- 



Separation Program Savings Eligibility


- Full Time continuous employment as a regular employee for one year as of June 3, 2020
- Successful completion of applicable probationary period
- Resign or retire from City employment effective no later than September 30, 2020
- Approved by City Council on June 2nd





Separation Program Savings Results

Total of 212 full-time employees take us up on our incentives. Of that number:

- 154 of the 212 (72.6%) came from the General Fund (GF);
 - 58% of the GF positions were from public safety agencies (sworn and civilian);
 - Of the 212 total employees, 180 were retirements and 32 were separation incentives only;
 - Of the 180 retirements, 26.5% were managers, directors or executives while 73.5% were from line employees and supervisors; and
 - We are endeavoring to unfreeze and re-fill no more than 51 full-time positions in the GF.
- 

Separation Program Savings Citywide Count

	Initial Assumption	Total Citywide	General Fund	Non-General Fund	
YES	92.0	88.0	65.7	22.3	
Maybe	52.0	40.0	36.5	3.5	
Unknown	24.0	12.0	11.0	1.0	
NO	24.0	5.0	4.0	1.0	
Blank	129.0	36.0	13.0	23.0	
Total Eligible	321.0	180.0	129.2	50.8	Retirement
		32.0	24.3	7.7	Separation
Total as of 9/30/2020		212.0	153.5	58.5	

Separation Program Savings General Fund Actual FTE (as of 9/30/2020)

Agency	Yes	Maybe*	Unknown**	Total Possible Separation	Actual FTE Received	Refill Positions	Keep Vacant
Community Life and Culture	8.00	4.00	-	12.00	14.12	3.12	11.00
Community Development	7.50	4.00	-	11.50	17.40	4.60	12.80
Financial Services	5.00	3.00	-	8.00	9.25	2.75	6.50
Fire Dept (includes both sworn & civilian)	-	21.00	9.50	30.50	32.00	18.00	14.00
Human Resources	1.00	-	1.00	2.00	4.00	3.00	1.00
Management Services	3.60	-	-	2.60	10.60	5.80	4.80
Police Dept (includes both sworn & civilian)	37.00	6.00	10.00	53.00	57.00	11.00	46.00
Public Works	5.50	-	-	5.50	9.13	3.00	6.13
Total FTE (gross)	67.60	38.00	20.50	126.10	153.50	51.27	102.23

*Used 75% of count

** Used 50% of count

Separation Program Savings General Fund Actual FTE & Est. Savings

Agency	Actual FTE Received	Total Savings	Total Cost 2yr. Service Credit	Total Cost 6 mos. Separation	Gross Program Savings
Community Life and Culture	14.12	\$ 1,489,727	\$ 538,752	\$ 640,151	\$ 310,824
Community Development	17.40	2,706,362	1,224,147	1,111,977	370,238
Financial Services	9.25	1,053,698	289,880	479,847	283,972
Fire Dept (includes both sworn & civilian)	32.00	7,075,000	4,181,139	2,272,659	621,202
Human Resources	4.00	540,373	154,429	236,747	149,198
Management Services	10.60	1,955,240	818,203	849,573	287,465
Police Dept (includes both sworn & civilian)	57.00	11,907,062	6,923,993	3,877,535	1,105,534
Public Works	9.13	1,115,342	448,649	460,003	206,690
Total FTE (gross)	153.50	\$ 27,842,804	\$ 14,579,192	\$ 9,928,491	\$ 3,335,122

Separation Program Savings General Fund Actual FTE (as of 9/30/2020)

Agency	Prelim. Refill Positions	Prelim. Refill Costs	Part Time	Net Total Savings
Community Life and Culture	3.12	\$ 418,095	\$ 12,543	\$ (119,814)
Community Development	4.60	707,164	21,215	(358,141)
Financial Services	2.75	364,200	10,926	(91,155)
Fire Dept (includes both sworn & civilian)	18.00	4,045,030	121,351	(3,545,179)
Human Resources	3.00	464,636	13,939	(329,378)
Management Services	5.80	938,484	28,155	(679,174)
Police Dept (includes both sworn & civilian)	11.00	2,967,739	89,032	(1,951,237)
Public Works	3.00	351,877	10,556	(155,743)
Total FTE (gross)	51.27	\$ 10,257,225	\$ 307,717	\$ (7,229,820)

Separation Program Savings General Fund Estimated Savings

Agency	Adopted Budget Anticipated Savings	Total Savings	Prelim. Refill Cost	Net Prelim. Estimated Savings
Community Life and Culture	\$ 962,095	\$ 1,489,727	\$ 418,095	\$ 1,059,089
Community Development	1,639,594	2,706,362	707,164	1,977,983
Financial Services	635,366	1,053,698	364,200	678,572
Fire Dept (includes both sworn & civilian)	4,201,490	7,075,000	4,045,030	2,908,619
Human Resources	204,005	540,373	464,636	61,798
Management Services	834,648	1,955,240	938,484	988,601
Police Dept (includes both sworn & civilian)	8,350,795	11,907,062	2,967,739	8,850,291
Public Works	506,282	1,115,342	351,877	752,909
Part-time Employee Allocation	-	-	307,717	-
Total Estimated Savings	\$ 17,334,275	\$ 27,842,804	\$ 10,564,942	\$ 17,277,862

FY 2020-21 First Quarter Budget Update



City of Ontario Citywide Personnel Ratios Fiscal Year 2020-21				
	FY 2018-19 Actuals	FY 2019-20 Actuals*	FY 2020-21 Adopted	% Change from FY 2019-20
Salaries & Benefits	\$ 210,383,645	\$ 231,358,238	\$ 216,600,339	-6.4% ***
Operating Costs	\$ 255,420,351	\$ 277,163,710	\$ 269,974,272	-2.6%
Total Operating Costs**	\$ 465,803,996	\$ 508,521,948	\$ 486,574,611	-4.3%
Salaries & Benefits % of Total Costs	45.2%	45.5%	44.5%	-2.2%
Total FTE Count	1,277	1,301	1,313	0.9%
Average FTE Cost	\$ 164,748	\$ 177,831	\$ 164,966	-7.2% ***
Non-Management	1,071	1,093	1,103	0.9%
Management	206	208	210	0.9%
Non-Management	83.9%	84.0%	84.0%	0.0%
Management	16.1%	16.0%	16.0%	0.0%

Staffing ratio (total personnel versus total citywide operating budget) meets target of <45%
Management ratio (management versus non-management) meets target of <20%

**FY 2019-20 Actuals are unaudited*

***Excludes Transfers-Out, Reimbursement Agreements, Debt Service and Capital Outlay*

****Decrease in Salaries & Benefits as a result of paying down the CalPERS Unfunded Actuarial Liability (UAL) through the issuance of Pension Obligation Bonds (POB) and internal borrowing*

City of Ontario General Fund Personnel Ratios Fiscal Year 2020-21				
	FY 2018-19 Actuals	FY 2019-20 Actuals*	FY 2020-21 Adopted	% Change from FY 2019-20
Salaries & Benefits	\$ 165,148,060	\$ 178,609,212	\$ 168,239,352	-5.8% ***
Operating Costs**	\$ 61,233,973	\$ 72,364,002	\$ 63,643,042	-12.1%
Total Costs	\$ 226,382,033	\$ 250,973,214	\$ 231,882,394	-7.6%
Salaries & Benefits % of Total Costs	73.0%	71.2%	72.6%	1.9%
Total FTE Count	955	977	944	-3.4%
Average FTE Cost	\$ 172,930	\$ 182,814	\$ 178,220	-2.5% ***
Non-Management	809	817	785	-3.8%
Management	146	160	159	-1.0%
Non-Management	84.7%	83.6%	83.2%	-0.5%
Management	15.3%	16.4%	16.8%	2.4%

Staffing ratio (total personnel versus total GF operating budget) meets target of <75%

Management ratio (management versus non-management) meets target of <20%

*FY 2019-20 Actuals are unaudited

**Excludes Transfers-Out, Reimbursement Agreements and Capital Outlay

***Decrease in Salaries & Benefits as a result of paying down the CalPERS Unfunded Actuarial Liability (UAL) through the issuance of Pension Obligation Bonds (POB) and internal borrowing

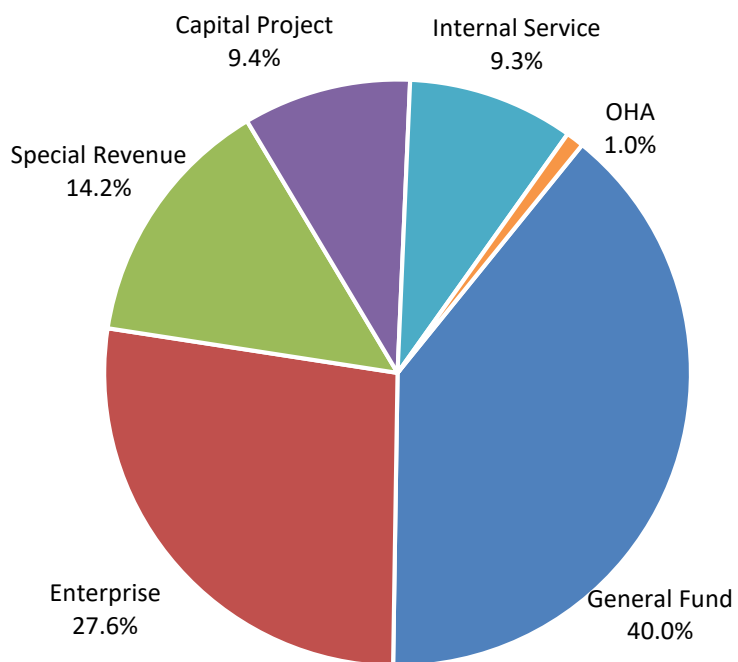
City of Ontario Citywide Expenditures by Fund Type Fiscal Year 2020-21 First Quarter Budget Update						
	FY 2020-21 Adopted Budget	CIP/Grants/POs Carryforward	First Quarter Budget Update	FY 2020-21 Revised Budget	Actuals as of 9/30/2020	% Expended
General Fund	\$ 244,274,919	\$ 5,021,553	\$ 6,157,586	\$ 255,454,058	\$ 78,533,123	30.7%
General Fund Trust	-	-	2,944,492	\$ 2,944,492	-	0.0%
Special Revenue	46,182,669	82,329,566	31,517,940	\$ 160,030,175	22,542,126	14.1%
Capital Project	14,026,328	84,802,742	26,673,082	\$ 125,502,152	39,308,391	31.3%
Enterprise	179,937,136	82,205,535	2,350,506	\$ 264,493,177	57,064,725	21.6%
Internal Service	62,612,362	11,303,598	18,756,297	\$ 92,672,257	30,766,576	33.2%
Total City Funds	\$ 547,033,414	\$ 265,662,994	\$ 88,399,903	\$ 901,096,311	\$ 228,214,940	25.3%
Agency Funds (OHA)	6,728,012	5,801,844	(1,787)	12,528,069	5,218,087	41.7%
Total All Funds	\$ 553,761,426	\$ 271,464,838	\$ 88,398,116	\$ 913,624,380	\$ 233,433,027	25.6%

City of Ontario Citywide Expenditures by Category Fiscal Year 2020-21 First Quarter Budget Update					
	FY 2020-21 Adopted Budget	First Quarter Budget Update	FY 2020-21 Revised Budget	Actuals as of 9/30/2020 *	% Expended
Personnel Costs	\$ 216,600,339	\$ 2,076,859	\$ 218,677,198	\$ 61,111,365	27.9%
Operating Expenditures	145,279,807	7,321,194	152,601,001	54,897,331	36.0%
Contractual Services	64,627,481	61,274,386	125,901,867	76,084,040	60.4%
Internal Service Allocations	60,066,984	(609,186)	59,457,798	15,724,378	26.4%
Reimbursement Agreements	17,083,514	1,045,176	18,128,690	6,523,161	36.0%
Capital Outlay	8,512,470	2,586,379	11,098,849	10,478,103	94.4%
Transfers-Out	41,590,831	14,703,308	56,294,139	8,614,650	15.3%
FY 2020-21 CIP/Grants/POs Carryforwards	-	271,464,838	271,464,838	-	0.0%
Total Citywide Budget	\$ 553,761,426	\$ 359,862,954	\$ 913,624,380	\$ 233,433,027	25.6%

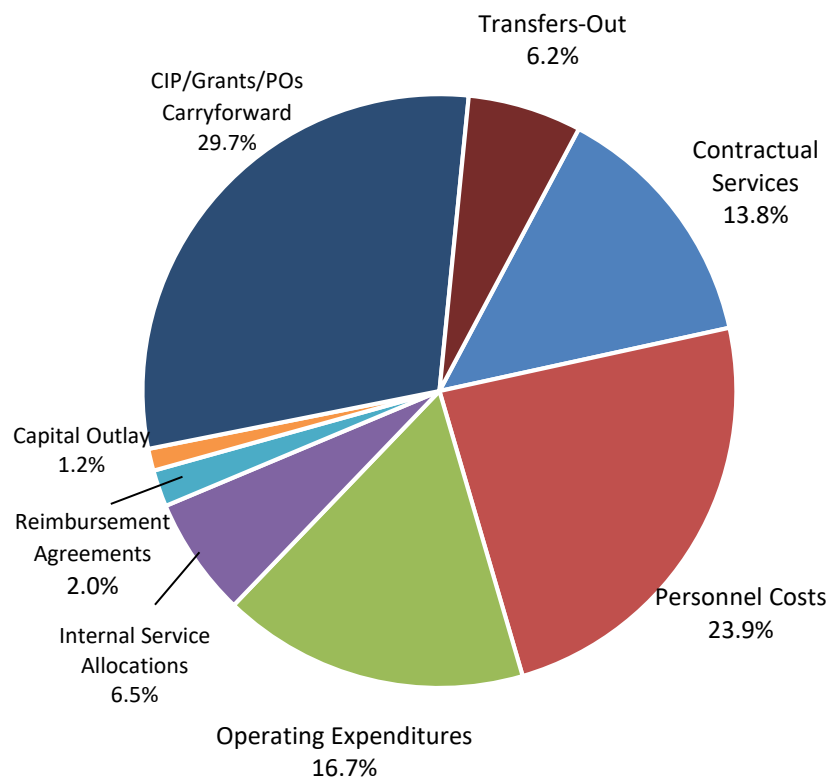
**Actuals include expenses from prior year CIP/Grants/POs carryforward*

City of Ontario
 Citywide Budget - All Funds
 Fiscal Year 2020-21
 First Quarter Budget Update

Sources \$584,195,007
 (By Fund Type)



Uses \$913,624,380
 (By Category)



City of Ontario General Fund Reconciliation Fiscal Year 2020-21 First Quarter Budget Update	
Estimated Beginning Fund Balance - 7/1/2020*	\$ 55,286,902
Fiscal Year 2020-21 Adopted Budget:	
Revenues & Transfers-In	\$ 231,707,634
Use of Additional Resources **	\$ 12,567,285
Expenditures & Transfers-Out	\$ (244,274,919)
First Quarter Recommendations:	
Revenues & Transfers-In (excludes CARES Act Revenues - see below)	\$ (3,015,850)
Expenditures & Transfers-Out (excludes CARES Act Appropriations - see below)	\$ (5,781,742)
Fiscal Year 2019-20 Carryforward Encumbrances	\$ (5,021,553)
Surplus/(Deficit) - Use of Additional Resources for 1st Quarter	\$ (13,819,145)
Estimated Ending Fund Balance - 6/30/2021	\$ 41,467,757
Percentage of General Fund Reserve level **	16.6%

CARES Act Funding (Qualified expenditures for period of March 1, 2020 - December 31, 2020)	
CARES Act Funding - State Allocation \$2,257,932	
FY 2019-20 Revenue (Year-End Revenue Accruals)	\$ 752,644
FY 2019-20 Revenue (@ FY 2020-21 First Quarter Budget Update)	\$ 1,505,288
FY 2019-20 Expenditures on Emergency Senior Meals and Public Safety Personnel Expenses	\$ (2,257,932)
CARES Act Funding - County Allocation \$2,257,932	
FY 2020-21 Revenue (@ FY 2020-21 First Quarter Budget Update)	\$ 2,257,932
FY 2020-21 Expenditures - Emergency Senior Meals Program (CC approved 10/6/2020)	\$ (169,844)
FY 2020-21 Expenditures - Homelessness Program	\$ (156,000)
FY 2020-21 Expenditures - Small Business Assistance	\$ (50,000)
FY 2019-20 Prior year Expenditures - Public Safety Personnel Expenses (no OT)	\$ (1,882,088)

* Add back Carryforward Encumbrances total of \$5.02M, accounted for in FY 2019-20 Year-End Fund Balance Reconciliation

** Effective July 1, 2020, the General Fund Reserve can be reduced to 15% of Total Appropriations

City of Ontario General Fund Revenue by Category Fiscal Year 2020-21 First Quarter Budget Update						
	FY 2020-21 Adopted Budget	First Quarter Budget Update	FY 2020-21 Revised Budget	Actuals as of 9/30/2020	% Received	
Property Tax	\$ 68,500,000	\$ -	\$ 68,500,000	\$ -	0.0%	
Sales Tax	82,000,000	-	\$ 82,000,000	7,604,882	9.3%	
Transient Occupancy Tax	9,000,000	-	\$ 9,000,000	2,291,998	25.5%	
Business License Tax	7,786,820	-	\$ 7,786,820	1,987,316	25.5%	
Franchise Tax	3,000,000	-	\$ 3,000,000	183,785	6.1%	
Parking Tax	2,000,000	-	\$ 2,000,000	454,801	22.7%	
Other Taxes	880,000	-	\$ 880,000	172,009	19.5%	
License & Permits	4,085,000	-	\$ 4,085,000	1,587,136	38.9%	
Intergovernmental	250,000	3,763,220*	\$ 4,013,220	384,421	9.6%	
Charges for Services	26,142,513	590,979	\$ 26,733,492	4,759,396	17.8%	
Use of Money & Property	2,000,000	-	\$ 2,000,000	1,545,425	77.3%	
Fines & Forfeitures	728,800	-	\$ 728,800	229,776	31.5%	
Miscellaneous	14,202,295	(3,606,829)**	\$ 10,595,466	3,209,923	30.3%	
Total General Fund Revenues	\$ 220,575,428	\$ 747,370	\$ 221,322,798	\$ 24,410,868	11.0%	
Transfers-In	11,132,206	-	11,132,206	999,999	9.0%	
Use of Additional Resources	12,567,285	13,819,145	26,386,430	-	0.0%	
TOTAL REVENUES & TRANSFERS-INS	\$ 244,274,919	\$ 14,566,515	\$ 258,841,434	\$ 25,410,867	9.8%	

* Intergovernmental revenue includes CARES Act funding of \$3.7 million

** Miscellaneous revenue includes \$3.6M reduction in Cost Allocation revenue to offset movement of Utility Customer Services Dept's operating budget to OMUC

City of Ontario General Fund Expenditures by Category Fiscal Year 2020-21 First Quarter Budget Update						
	FY 2020-21 Adopted Budget	First Quarter Budget Update	FY 2020-21 Revised Budget	Actuals as of 9/30/2020 *	% Expended	
Personnel Costs	\$ 168,239,352	\$ (2,449,283)	\$ 165,790,069	\$ 48,471,853	29.2%	
Operating Expenditures	23,774,142	4,175,255**	27,949,397	10,176,193	36.4%	
Contractual Services	10,675,912	2,657,267	13,333,179	9,142,019	68.6%	
Internal Service Allocations	29,192,988	(526,794)	28,666,194	7,917,166	27.6%	
Reimbursement Agreements	6,554,000	50,000	6,604,000	93,276	1.4%	
Capital Outlay	40,000	294,379	334,379	1,282,986	383.7%	
Transfers-Out	5,798,525	1,956,763	7,755,288	1,449,630	18.7%	
FY 2019-20 Carryforward Encumbrances	-	5,021,553	5,021,553	-	0.0%	
Total General Fund Budget	\$ 244,274,919	\$ 11,179,139	\$ 255,454,058	\$ 78,533,123	30.7%	

*Actuals include expenses from prior year encumbrances

** Includes CARES Act appropriations of \$375,844

City of Ontario General Fund Expenditures by Agency Fiscal Year 2020-21 First Quarter Budget Update					
	FY 2020-21 Adopted Budget	First Quarter Budget Update	FY 2020-21 Revised Budget	Actuals as of 9/30/2020 *	% Expended
Community Development	\$ 20,827,755	\$ 1,184,980	\$ 22,012,735	\$ 10,722,606	48.7%
Community Life & Culture	13,974,687	331,271	14,305,958	4,898,332	34.2%
Elected Officials	599,571	-	599,571	118,294	19.7%
Financial Services	12,915,600	(3,550,947) ^{**}	9,364,653	2,932,887	31.3%
Fire Department	62,425,110	767,608	63,192,718	17,738,142	28.1%
Human Resources	3,572,271	55,649	3,627,920	1,240,531	34.2%
Management Services	16,998,588	5,023,642	22,022,230	3,752,739	17.0%
Police Department	93,956,955	370,097	94,327,052	28,117,500	29.8%
Public Works	13,205,857	18,523	13,224,380	7,562,462	57.2%
Transfers-Out	5,798,525	1,956,763	7,755,288	1,449,630	18.7%
FY 2019-20 Carryforward Encumbrances	-	5,021,553	5,021,553	-	0.0%
Total Expenditures & Transfers-Out	\$ 244,274,919	\$ 11,179,139	\$ 255,454,058	\$ 78,533,123	30.7%

*Actuals include expenses from prior year encumbrances

**Financial Services includes \$3.6M reduction for movement of Utility Customer Services Dept's operating budget to OMUC

City of Ontario General Fund Budget Adjustment Summary Fiscal Year 2020-21 First Quarter Budget Update	
Total General Fund Adopted Revenue	\$ 231,707,634
Use of Additional Resources	\$ 12,567,285
Revenue Adjustments	
Charges for Services	\$ 590,979
Miscellaneous Revenues	\$ (3,606,829)
Intergovernmental	\$ 3,763,220
Transfers-In	\$ -
Total General Fund Revenue Budget Adjustments	\$ 747,370
Total Revised General Fund Revenue	\$ 245,022,289
Total General Fund Adopted Expenditures	
Total General Fund Adopted Expenditures	\$ 244,274,919
Expenditure Adjustments	
Community Development	\$ 1,184,980
Community Life & Culture	\$ 331,271
Financial Services	\$ (3,550,947)
Fire Department	\$ 767,608
Human Resources	\$ 55,649
Management Services	\$ 5,023,642
Police Department	\$ 370,097
Public Works	\$ 18,523
Transfers-Out	\$ 1,956,763
FY 2019-20 Carryforward Encumbrances	\$ 5,021,553
Total General Fund Expenditure Budget Adjustments	\$ 11,179,139
Total Revised General Fund Expenditures	\$ 255,454,058

City of Ontario
 Budget Adjustment Highlights
 Fiscal Year 2020-21
 First Quarter Budget Update

Agency	Description	Appropriation Adjustment	General Fund	Non-General Fund
Community Development	Part-Time Employee Allocation	\$ 21,215	\$ 21,215	
	Amend. Vector Control & Surv. Services (CC Apprvd 07/07/20)	41,000	41,000	
	Amend. #3 with Applied Planning Inc. - Additional Appropriation (CC Apprvd 02/05/19)	32,693	32,693	
	Amend. #4 with Applied Planning Inc. - Additional Appropriation (CC Apprvd 02/05/19)	29,786	29,786	
	Manual Carryforward	401,285	220,000	181,285
	Amend. Harris and Assoc. for On-Call Plan Checking Services (CC Apprvd 05/19/20)	400,000	400,000	
	The Ontario Plan (TOP) Funding portion for FY 2020-21 (CC Apprvd 05/19/20)	750,000	500,000	250,000
	DeAnza Teen Studio Project	-	(55,000)	55,000
	Grant Administration-Remove budget for Information Services-City	(82,392)		(82,392)
	Correct typographical error	(11)		(11)
	New Project: Mission/Mountain Storefront Façade (City Council approved on 06/16/20)	125,000		125,000
	Local Early Action Plan (LEAP) grant funding (CC Apprvd 05/19/20)	500,000		500,000
	DIF Credit & Reimb: Airport Drive Industrial Owner LP (CC Apprvd 07/07/20)	2,949,048		2,949,048
	Mountain Ave and Holt Blvd Intersection Widening Project (MAMCO Inc, CC 08/18/20)	3,928,969		3,928,969
	Additional budget for DIF refund payments	2,245,208		2,245,208
	CARES Act HUD: Admin allocation (City Council approved on 08/18/18)	2,804,204		2,804,204
	San Antonio Storm Drain Project (CC Apprvd 11/03/20)	3,000,000		3,000,000
Recommended personnel changes	(181,347)	(4,714)	(176,632)	
	\$ 16,964,658	\$ 1,184,980	\$ 15,779,679	
Community Life & Culture	Part-Time Employee Allocation	\$ 12,543	\$ 12,543	
	CARES Act: Homelessness and Emergency Senior Meals Program	325,844	325,844	
	AmeriCorps State Formula Grant (CC Apprvd 08/04/20)	603,750		603,750
	National Endowment for the Arts CARES Act Grant	50,000		50,000
	Recommended personnel changes	179,738	(7,116)	186,854
	\$ 1,171,875	\$ 331,271	\$ 840,604	
Financial Services	Part-Time Employee Allocation	\$ 10,926	\$ 10,926	
	Moving Utilities Billing and Collection from General Fund 001 to Enterprise Fund 024, 026, 029	(3,606,829)	(3,606,829)	
	Recommended personnel changes	100,399	44,956	55,443
	\$ (3,495,504)	\$ (3,550,947)	\$ 55,443	

Note: This schedule does not include Carryover or Transfers-Out

City of Ontario
Budget Adjustment Highlights
Fiscal Year 2020-21
First Quarter Budget Update

Agency	Description	Appropriation Adjustment	General Fund	Non-General Fund
Fire Department	Part-Time Employee Allocation	\$ 121,351	\$ 121,351	
	Safety Equipment for 25 new firefighters	250,000	250,000	
	Recover costs associated with Covid-19, testing location security operations EM202	14,000	14,000	
	Fire Code Plan Review Services (CC Apprvd 06/02/2020)	100,000	100,000	
	Cover costs of existing JPA membership, dues, and necessary travel	21,684	21,684	
	AVL Modems and Antennas & Installation	20,000	20,000	
	Award of Construction Contract for the Fire Station No. 9 Offsite Improvements (CC Apprvd 09/01/2020)	2,500,067		2,500,067
	UASI Grant equipment funding	14,000		14,000
	Recommended personnel changes	240,574	240,574	
		\$ 3,281,675	\$ 767,608	\$ 2,514,067
Human Resources	Part-Time Employee Allocation	\$ 13,939	\$ 13,939	
	Increase funding for insurance premium costs and excess liability pool	514,748		514,748
	Recommended personnel changes	35,027	41,710	(6,683)
		\$ 563,714	\$ 55,649	\$ 508,065
Information Technology	PEG Fund Manual Carryforward	\$ 8,609		\$ 8,609
	Lighting improvements and additional camera in Council Chambers	48,000		48,000
	AVL Modems and Antennas & Installation	60,350		60,350
	Recommended personnel changes	41		41
		\$ 117,000	\$ -	\$ 117,000
Management Services	Part-Time Employee Allocation	\$ 28,155	\$ 28,155	
	PEG Fund Manual Carryforward	52,000		52,000
	Fees associated with passport services	3,500	3,500	
	Adopt Regulations for Candidate Statements for the General Municipal Election (CC Apprvd 06/02/2020)	100,000	100,000	
	Carryforward of Reimbursement for City Reserved Use Rights for Signage, Meredith International Centre (CC Apprvd 09/17/2019)	1,594,788	1,594,788	
	Convention Center and Toyota Arena City subsidy funding	3,184,227	3,184,227	
	CARES Act: Small Business Assistance	50,000	50,000	
	Manual Carryforward: Bank of Italy Historic Rehab	50,000	50,000	
	Recommended personnel changes	12,972	12,972	
		\$ 5,075,642	\$ 5,023,642	\$ 52,000

City of Ontario
Budget Adjustment Highlights
Fiscal Year 2020-21
First Quarter Budget Update

Agency	Description	Appropriation Adjustment	General Fund	Non-General Fund
Ontario Municipal Utilities Company	Increase funding for two CNG roll-off trucks	\$ 560,000		\$ 560,000
	Increase funding for consultant costs (Classification and Compensation study)	200,000		200,000
	Increase funding for additional temporary staffing	181,250		181,250
	Increase funding for additional roll-off bins	100,000		100,000
	Funding for Used Oil Payment Program (CC Apprvd 08/04/20)	44,932		44,932
	Moving Utilities Billing and Collection from General Fund 001 to Enterprise Fund 029	3,606,829		3,606,829
	Billing & Collection Cost Allocation Plan (CAP) reduction	(3,606,829)		(3,606,829)
	Recommended personnel changes	185,502		185,502
		\$ 1,271,684	\$ -	\$ 1,271,684
Police Department	Part-Time Employee Allocation	\$ 89,032	\$ 89,032	
	FY19/20 Vehicle Carryforward	294,379	294,379	
	COPS/ELEAS Grant	151,672		151,672
	Fund updated ground receive site for downlink	20,000		20,000
	Justice Assistance Grant (JAG) (CC Apprvd 07/07/2020 and 09/01/2020)	80,625		80,625
	Fund updated ground receive site for downlink	78,000		78,000
	Traffic Records Improvements Projects (TRIPS) Grant (CC Apprvd 02/18/2020)	25,000		25,000
	STEP Program Grant (CC Apprvd 02/18/2020)	454,000		454,000
	California Department of Alcoholic Beverage Control Grant (ABC) (CC Apprvd 07/07/2020)	22,312		22,312
	Recommended personnel changes	(13,314)	(13,314)	
		\$ 1,201,705	\$ 370,097	\$ 831,609
Public Works	Part-Time Employee Allocation	\$ 10,556	\$ 10,556	
	Manual Carryforward for purchase and outfitting of vehicles	1,343,000		1,343,000
	Professional Services Carryforward	60,000		60,000
	Ontario Ranch sweeping services	17,469		17,469
	Design-Build Agreement for the Construction of the C-Block Parking Structure (CC Apprvd 10/06/2020)	11,119,790		11,119,790
	City of Ontario 2020 Financing of Energy Efficiency Improvements (CC Apprvd 09/15/2020)	34,983,576		34,983,576
	Recommended personnel changes	7,967	7,967	
			\$ 47,542,358	\$ 18,523
Grand Total		\$ 73,694,807	\$ 4,200,823	\$ 69,493,985

City of Ontario Recommended Personnel Changes Fiscal Year 2020-21 First Quarter Budget Update				
Agency	Proposed Change	Position	Action	Salary Range
Community Development	(1)	Departmental Administrator	Deletion	\$ 10,478 - \$ 12,733
	(1)	Senior Administrative Assistant	Deletion	\$ 4,833 - \$ 5,871
	1	Management Assistant	Addition	\$ 5,101 - \$ 6,201
	1	Office Specialist	Addition	\$ 3,635 - \$ 4,418
		Senior Management Analyst	Adjust Budget	\$ 7,197 - \$ 8,746
		Senior Project Coordinator	Adjust Budget	\$ 6,483 - \$ 7,881
		Senior Community Improvement Officer	Add Budget	\$ 5,552 - \$ 6,746
		Housing Director	Salary Realignment	from \$ 10,478 - \$ 12,733 to \$ 10,804 - \$ 13,130
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Community Life & Culture	(2)	Senior Librarian	Deletion	\$ 5,529 - \$ 6,791
	2	Library Services Manager	Addition	\$ 7,455 - \$ 9,060
	(2)	Library Clerk	Deletion	\$ 3,009 - \$ 3,656
	2	Senior Library Assistant	Addition	\$ 4,155 - \$ 5,103
	(1)	Office Specialist	Deletion	\$ 3,635 - \$ 4,418
	2	Recreation & Community Services Coordinator	Addition	\$ 4,309 - \$ 5,233
	(1)	Assistant Library Director	Deletion	\$ 7,952 - \$ 9,667
	1	Administrative Specialist	Addition	\$ 4,758 - \$ 5,782
	1	Assistant Curator	Addition	\$ 4,094 - \$ 4,978
	1	Continuum of Care Manager	Addition	\$ 9,422 - \$ 11,452
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City of Ontario Recommended Personnel Changes Fiscal Year 2020-21 First Quarter Budget Update				
Agency	Proposed Change	Position	Action	Salary Range
Financial Services	1	Management Analyst	Addition	\$ 5,805 - \$ 7,056
	(2)	Payroll Technician	Deletion	\$ 5,101 - \$ 6,202
	2	Payroll Analyst	Addition	\$ 5,805 - \$ 7,056
	(1)	Budget Manager	Deletion	\$ 8,741 - \$ 10,625
	1	Budget Director	Addition	\$ 10,478 - \$ 12,733
	<hr/>	1		
Fire Department	1	Management Analyst	Addition	\$ 5,805 - \$ 7,056
	1	EMS Nurse	Addition	\$ 8,741 - \$ 10,625
	(1)	EMS/Nurse Administrator	Deletion	\$ 8,741 - \$ 10,625
	1	EMS Director	Addition	\$ 10,804 - \$ 13,130
	(1)	Senior Management Analyst	Deletion	\$ 7,197 - \$ 8,746
	1	Senior Financial Analyst	Addition	\$ 8,055 - \$ 9,790
		Fire Administrative Director	Salary Realignment	from \$ 10,478 - \$ 12,733 to \$ 10,804 - \$ 13,130
<hr/>	2			
Human Resources	1	Human Resources Analyst	Addition	\$ 6,401 - \$ 7,777
	(1)	Human Resources Technician	Deletion	\$ 5,101 - \$ 6,201
	(1)	Risk Management Technician	Deletion	\$ 5,101 - \$ 6,201
	2	Human Resources Specialist	Addition	\$ 4,758 - \$ 5,782
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Information Technology	(1)	Systems Specialist	Deletion	\$ 5,366 - \$ 6,524
	1	Systems Analyst	Addition	\$ 5,923 - \$ 7,197
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City of Ontario Recommended Personnel Changes Fiscal Year 2020-21 First Quarter Budget Update				
Agency	Proposed Change	Position	Action	Salary Range
Management Services	(1)	Senior Community Information Specialist	Deletion	\$ 5,923 - \$ 7,195
	1	Community Information Supervisor	Addition	\$ 6,498 - \$ 7,901
		Internal Auditor Manager to Internal Audit Manager	Title Change	
	(1)	Chief Innovation Officer	Reclassification	\$ 14,638 - \$ 19,613
	1	Innovation, Performance, and Audit (IPA) Director	Reclassification	\$ 10,804 - \$ 15,084
	(1)	Business Operations Director	Reclassification	\$ 10,478 - \$ 12,733
	1	Economic Development Director	Reclassification	\$ 13,029 - \$ 15,837
		Assistant City Clerk /Records Management Director	Salary Realignment	from \$ 10,478 - \$ 12,733 to \$ 10,804 - \$ 15,084
		Communications and Community Relations Director	Salary Realignment	from \$ 10,804 - \$ 13,130 to \$ 10,804 - \$ 15,084
		0		
Ontario Municipal Utilities Company	1	Utilities Technician	Addition	\$ 4,316 - \$ 5,245
	1	Senior Utilities Technician	Addition	\$ 4,768 - \$ 5,795
	(1)	Utilities Operations Assistant Division Manager	Deletion	\$ 7,455 - \$ 9,060
	1	Utilities Supervisor	Addition	\$ 5,987 - \$ 7,276
	(1)	Water Resources Manager	Deletion	\$ 10,313 - \$ 12,534
	1	Water Resources and Regulatory Affairs Director	Addition	\$ 12,135 - \$ 14,749
	(1)	Utilities Assistant General Manager	Reclassification	\$ 14,104 - \$ 17,318
	1	Assistant General Manager-Utilities Engineering and Operations	Reclassification	\$ 14,104 - \$ 17,318
	1	Assistant General Manager-Integrated Waste	Addition	\$ 10,804 - \$ 15,837
	(1)	Utilities Administration & Integrated Waste Director	Deletion	\$ 12,135 - \$ 14,749
	1	Assistant General Manager-Administration and Customer Service	Addition	\$ 10,804 - \$ 15,837
	(1)	Water Quality Specialist	Deletion	\$ 6,287 - \$ 7,640
1	Water Quality Programs Manager	Addition	\$ 7,686 - \$ 9,337	
	3			

City of Ontario Recommended Personnel Changes Fiscal Year 2020-21 First Quarter Budget Update					
Agency	Proposed Change	Position	Action	Salary Range	
Police Department	(1)	Senior Management Analyst	Deletion	\$ 7,197 - \$ 8,746	
	1	Senior Financial Analyst	Addition	\$ 8,055 - \$ 9,790	
	(1)	Administrative Assistant	Deletion	\$ 4,394 - \$ 5,340	
	1	Evidence Technician	Addition	\$ 4,392 - \$ 5,340	
			Police Administrative Director	Salary Realignment	from \$ 10,478 - \$ 12,733 to \$ 10,804 - \$ 13,130
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Public Works	(1)	Assistant Parks and Maintenance Director	Deletion	\$ 8,835 - \$ 10,739	
	2	Irrigation Maintenance Technician	Addition	\$ 4,592 - \$ 5,578	
	<hr/> 1				
Total Additions/(Deletions)	<hr/> 11 <hr/>				
	Impact by Fund		Annual Cost	1st Qtr Budget Adjustments	
	Fund 001	General Fund	\$ 407,524	\$ 323,035	5.00
	Fund 008	C.D.B.G	(62,981)	(108,973)	-
	Fund 009	HOME Grants	(11,502)	(24,497)	-
	Fund 013	A.D. Administration	110,886	49,899	1.00
	Fund 015	General Fund Grants	165,519	91,620	2.00
	Fund 019	Parkway Maintenance	73,152	2,772	-
	Fund 024	Water Operating Fund	217,043	108,522	1.00
	Fund 025	Water Capital	(75,318)	(37,659)	-
	Fund 026	Sewer Operating Fund	93,467	46,734	1.00
	Fund 027	Sewer Capital Fund	12,613	6,307	-
	Fund 029	Integrated Waste Fund	230,915	115,458	1.00
	Fund 034	Information Technology	70	41	-
	Fund 037	Workers Compensation	(4,583)	(2,673)	-
	Fund 038	General Liability	(6,874)	(4,010)	-
	Fund 048	Ontario Housing Authority	31,873	(1,787)	-
	Fund 070	Street Light Maintenance	110,886	2,772	-
	Total		\$ 1,292,690	\$ 567,559	11.00

City of Ontario Summary of Authorized Full-Time Positions Fiscal Year 2020-21 First Quarter Budget Update								
Agency*	FY 2020-21 Adopted Budget	RSIP Total Count	RSIP GF Count	RSIP non-GF Count	RSIP GF Vacant Positions**	FY 2020-21 Revised Count after RSIP	Recommended First Quarter Budget Update	FY 2020-21 Revised Budget
Community Development	61.00	22.00	17.40	4.60	(12.80)	48.20	-	48.20
Community Life & Culture	127.00	15.00	14.12	0.88	(11.00)	116.00	3.00	119.00
Elected Officials	7.00	-	-	-	-	7.00	-	7.00
Financial Services	60.00	15.00	9.25	5.75	(6.40)	53.60	1.00	54.60
Fire Department	231.00	32.00	32.00	-	(14.00)	217.00	2.00	219.00
Human Resources	22.00	7.00	4.00	3.00	(1.00)	21.00	1.00	22.00
Information Technology	33.00	4.00	-	4.00	-	33.00	-	33.00
Management Services	34.00	11.00	10.60	0.40	(4.80)	29.20	-	29.20
Ontario Municipal Utilities Company	202.00	25.00	-	25.00	-	202.00	3.00	205.00
Police Department	409.00	57.00	57.00	-	(46.00)	363.00	-	363.00
Public Works	127.00	24.00	9.13	14.87	(6.00)	121.00	1.00	122.00
Total Authorized Full-Time Positions	1,313.00	212.00	153.50	58.50	(102.00)	1,211.00	11.00	1,222.00

* Reflects FY 2020-21 Citywide Re-org at 1st Quarter: The new Community Development Agency now comprised of the former Development and Housing & Neighborhood Preservation Agencies, Management Services Agency includes the former Economic Development and Innovation, Performance & Audit Agencies, Continuum of Care/Homeless Services program moving from former HNP to CLC, and Utility Customer Services Department moving from Financial Services Agency to OMUC

** Out of 153.50 RSIP General Fund positions, refill 51.27 and remove Budget \$ at First Quarter for 102 General Fund RSIP Vacant Positions

City of Ontario General Fund RSIP Refill Positions Status Fiscal Year 2020-21 First Quarter Budget Update									
Agency*	FY 2020-21 Adopted Budget	RSIP Count	RSIP Vacant Positions	Recommended First Quarter Budget Update	FY 2020-21 Revised Count after RSIP	Filled	Vacant	Requisition in Progress	RSIP Total Refill Positions
Community Development	61.00	17.40	(12.80)	1.00	49.20	2.00	2.60	-	4.60
Community Life & Culture	99.45	14.12	(11.00)	-	88.45	-	1.00	2.12	3.12
Elected Officials	7.00	-	-	-	7.00	-	-	-	-
Financial Services	52.10	9.25	(6.40)	-	45.70	1.25	-	1.50	2.75
Fire Department	231.00	32.00	(14.00)	2.00	219.00	9.00	5.00	4.00	18.00
Human Resources	15.60	4.00	(1.00)	1.00	15.60	-	1.00	2.00	3.00
Management Services	27.90	10.60	(4.80)	-	23.10	2.80	3.00	-	5.80
Police Department	409.00	57.00	(46.00)	-	363.00	9.00	1.00	1.00	11.00
Public Works	45.07	9.13	(6.00)	1.00	40.07	-	3.00	-	3.00
Total Authorized Full-Time Positions	948.12	153.50	(102.00)	5.00	851.12	24.05	16.60	10.62	51.27

* Reflects FY 2020-21 Citywide Re-org at 1st Quarter: The new Community Development Agency now comprised of the former Development and Housing & Neighborhood Preservation Agencies, Management Services Agency includes the former Economic Development and Innovation, Performance & Audit Agencies, Continuum of Care/Homeless Services program moving from former HNP to CLC, and Utility Customer Services Department moving from Financial Services Agency to OMUC

** Out of 153.50 RSIP General Fund positions, refill 51.27 and remove Budget \$ at First Quarter for 102 General Fund RSIP Vacant Positions

City of Ontario General Fund Five-Year Forecast Recap Fiscal Year 2020-21 First Quarter Budget Update						
	FY 2020-21 Revised Budget ⁵	FY 2021-22 Projected	FY 2022-23 Projected	FY 2023-24 Projected	FY 2024-25 Projected	FY 2025-26 Projected
Revenue ¹	\$ 228,691,784	\$ 255,696,457	\$ 264,965,704	\$ 273,237,058	\$ 277,570,340	\$ 285,967,676
Expenditures	\$ (250,154,422)	\$ (275,203,635)	\$ (283,837,429)	\$ (290,427,194)	\$ (295,825,118)	\$ (301,333,435)
FY 2019-20 Carryforward Encumbrances	\$ (5,021,553)					
Surplus/(Deficit)	\$ (26,484,191)	\$ (19,507,178)	\$ (18,871,725)	\$ (17,190,136)	\$ (18,254,778)	\$ (15,365,759)
RSIP Savings ²	\$ 13,816,061	\$ 17,277,862	\$ 17,277,862	\$ 17,277,862	\$ 17,277,862	\$ 17,277,862
Additional Savings ³	\$ 5,898,260					
Agency Reductions/Program Cuts	\$ 2,440,890					
Revised Surplus/(Deficit) ⁴	\$ (4,328,980)	\$ (2,229,316)	\$ (1,593,863)	\$ 87,726	\$ (976,916)	\$ 1,912,103

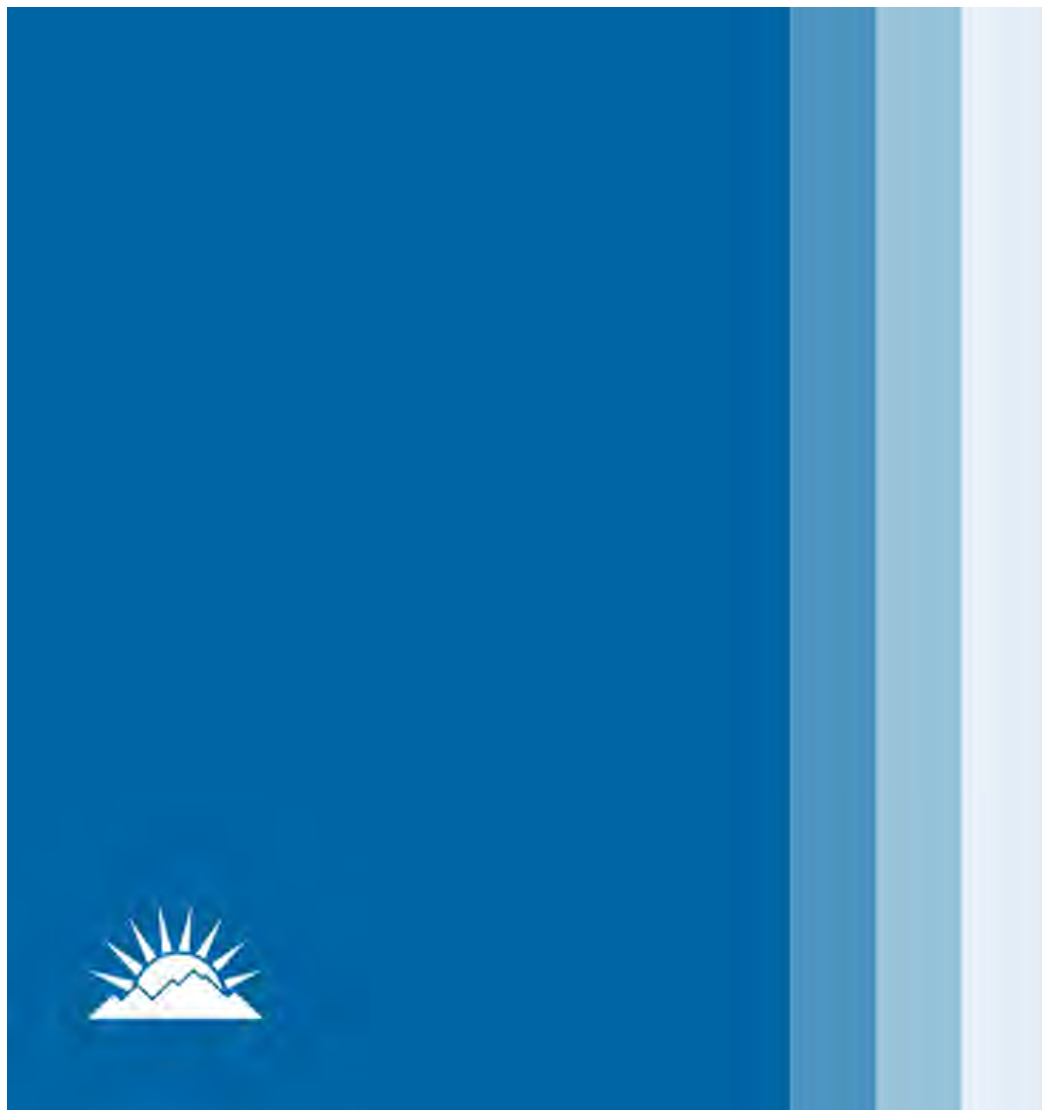
1. Future Revenue Adjustments not included

2. RSIP Savings - anticipated annual savings from 102 vacant positions if Federal assistance is guaranteed

3. POB & Misc. UAL Internal Loan Paydown, Frozen Vacant Positions, Sales Tax Sharing Incentives, CFD Services Revenues

4. Deficits will hit Fund Balance, reserve is currently maintained at above 15% level

5. Does not include CARES Act Funding Allocations



Additional Schedules

City of Ontario
Detail of Recommended Budget Adjustments by Fund
Fiscal Year 2020-21
First Quarter Budget Update

Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfers-In	Operating Transfers-Out	Fund Balance Impact
GENERAL FUND					
Fund 001 - General Fund					
Adopt Regulations for Candidate Statements for the General Municipal Election (CC Apprvd 06/02/2020)	100,000				(100,000)
Amend. #3 with Applied Planning Inc.-Additional Appropriation (CC Apprvd 02/05/19)	32,693	32,693			-
Amend. #4 with Applied Planning Inc.-Additional Appropriation(CC Apprvd 02/05/19)	29,786	29,786			-
Amend. Harris and Assoc. for On-Call Plan Checking Services (CC Apprvd 05/19/20)	400,000	400,000			-
Amend. Vector Control & Surv. Services (CC Apprvd 07/07/20)	41,000				(41,000)
AmeriCorps State Formula Grant (CC Apprvd 08/04/20) (Grant Match)	-			203,750	(203,750)
AVL Modems and Antennas & Installation	80,350				(80,350)
AVL Modems and Antennas & Installation transfer from Fire Dept to Information Technology	(60,350)				60,350
AVL Modem and Antennas transfer from Fire Dept to Information Technology				60,350	(60,350)
Manual Carryforward for Bank of Italy Historic Rehabilitation	50,000				(50,000)
CARES Act Funding State Allocation		1,505,288			1,505,288
CARES Act Funding County Allocation		2,257,932			2,257,932
CARES Act: Amendment to Emergency Senior Meals Program (CC Apprvd 10/06/20)	169,844				(169,844)
CARES Act: Homelessness	156,000				(156,000)
CARES Act: Small Business Assistance	50,000				(50,000)
Convention Center and Toyota Arena City subsidy funding	3,184,227				(3,184,227)
Cover costs of existing JPA membership, dues, and necessary travel	21,684				(21,684)
DeAnza Teen Studio Project	(55,000)			55,000	-
Fees associated with passport services	3,500	3,500			-
Fire Code Plan Review Services (CC Apprvd 06/02/2020)	100,000	100,000			-
FY 2019-20 Other Equipment Carryforward	171,636				(171,636)
Police Department FY 2019-20 Vehicle Carryforward (Fund 001)	45,000				(45,000)
Manual Carryforward: Citywide Building Safety-Loan Abatement Program	220,000				(220,000)
Moving Utilities Billing and Collection from General Fund 001 to Enterprise Fund 024, 026, 029 (Offset with Cost Allocation Revenue)	(3,606,829)	(3,606,829)			-
Original budget was not included in Adopted Budget reports-Fire Flow Tests Revenue		25,000			25,000
Community Development Part-Time Employee Allocation	21,215				(21,215)
Community Life and Culture Part-Time Employee Allocation	12,543				(12,543)
Financial Services Part-Time Employee Allocation	10,926				(10,926)
Fire Department Part-Time Employee Allocation	121,351				(121,351)
Human Resources Part-Time Employee Allocation	13,939				(13,939)
Management Services Part-Time Employee Allocation	28,155				(28,155)
Police Department Part-Time Employee Allocation	89,032				(89,032)
Public Works Part-Time Employee Allocation	10,556				(10,556)
Costs associated with Covid-19, testing location security operations EM202	14,000				(14,000)
Carryforward of Reimbursement for City Reserved Use Rights for Signage, Meredith International Centre (CC Apprvd 09/17/2019)	1,594,788				(1,594,788)
Retirement/Separation Incentive Program Savings (Fund 001)	11,635,907				(11,635,907)
Retirement/Separation Incentive Program Savings (Fund 001)	(7,785,501)				7,785,501
Retirement/Separation Incentive Program Savings (Fund 001)	(13,297)				13,297
Retirement/Separation Incentive Program Savings (Fund 001)	(27,593)				27,593
Retirement/Separation Incentive Program Savings (Fund 001)	(3,427,300)				3,427,300
Retirement/Separation Incentive Program Savings (Fund 001)	(296,556)				296,556
Retirement/Separation Incentive Program Savings (Fund 001)	(85,661)				85,661
Safety Equipment for 25 new firefighters	250,000				(250,000)
TOP Funding portion for FY 2020-21 (CC Apprvd 05/19/20)	500,000				(500,000)
Police Department FY 2019-20 Vehicle Carryforward (Fund 022)	77,743				(77,743)

City of Ontario
 Detail of Recommended Budget Adjustments by Fund
 Fiscal Year 2020-21
 First Quarter Budget Update

Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfers-In	Operating Transfers-Out	Fund Balance Impact
Retirement/Separation Incentive Program Savings (Fund 022)	2,180,154				(2,180,154)
Retirement/Separation Incentive Program Savings (Fund 022)	(1,354,176)				1,354,176
Retirement/Separation Incentive Program Savings (Fund 022)	(10,297)				10,297
Retirement/Separation Incentive Program Savings (Fund 022)	(671,103)				671,103
Retirement/Separation Incentive Program Savings (Fund 022)	(136,453)				136,453
Retirement/Separation Incentive Program Savings (Fund 022)	(8,125)				8,125
Mountain Ave and Holt Blvd Intersection Widening Project (MAMCO Inc, CC 08/18/20)	-			1,637,663	(1,637,663)
Recommended personnel changes	323,035				(323,035)
Carryforward Encumbrances from FY 2019-20 (Fund 001)	5,011,109				(5,011,109)
Carryforward Encumbrances from FY 2019-20 (Fund 022)	10,444				(10,444)
GENERAL FUND TOTAL	9,222,376	747,370	-	1,956,763	(10,431,769)
GENERAL FUND TRUST					
Fund 098 - General Fund Trust					
Moving reserved funding for City Facilities to Facility Maintenance Fund				2,614,032	(2,614,032)
Moving reserved funding for Public Safety Equipment to Equipment Services Fund				330,460	(330,460)
GENERAL FUND TRUST TOTAL	-	-	-	2,944,492	(2,944,492)
SPECIAL REVENUE FUNDS					
Fund 002 - Quiet Home Program					
Grant Administration-Remove budget for Information Services-City	(82,392)				82,392
Manual Carryforward	56,883				(56,883)
Manual Carryforward	(32,920)				32,920
Manual Carryforward	63,922				(63,922)
	<u>5,493</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(5,493)</u>
Fund 003 - Gas Tax					
Carryforward CIP Appropriations from FY 2019-20	1,352,693	213,522			(1,139,171)
Carryforward CIP Encumbrances from FY 2019-20	1,703,090				(1,703,090)
Carryforward Encumbrances from FY 2019-20	365,857				(365,857)
Carryforward Grant Appropriations from FY 2019-20	100,177				(100,177)
Carryforward Grant Encumbrances from FY 2019-20	238,447				(238,447)
	<u>3,760,264</u>	<u>213,522</u>	<u>-</u>	<u>-</u>	<u>(3,546,742)</u>
Fund 004 - Measure I					
Revenue for 2020 Fall Pavement Rehabilitation Project		889,765			889,765
	<u>-</u>	<u>889,765</u>	<u>-</u>	<u>-</u>	<u>889,765</u>
Fund 005 - Measure I-Valley Major Projects					
Carryforward CIP Appropriations from FY 2019-20	27,344,061	27,344,061			-
Carryforward CIP Encumbrances from FY 2019-20	268,100	268,100			-
	<u>27,612,161</u>	<u>27,612,161</u>	<u>-</u>	<u>-</u>	<u>-</u>

City of Ontario Detail of Recommended Budget Adjustments by Fund Fiscal Year 2020-21 First Quarter Budget Update					
Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfers-In	Operating Transfers-Out	Fund Balance Impact
Fund 006 - Cable Access Fund					
Lighting improvements and additional camera in Council Chambers	35,000				(35,000)
PEG Fund Manual Carryforward	8,609				(8,609)
PEG Fund Manual Carryforward	52,000				(52,000)
Carryforward Encumbrances from FY 2019-20	43,594				(43,594)
	139,203	-	-	-	(139,203)
Fund 007 - Park Impact/Quimby					
Carryforward CIP Appropriations from FY 2019-20	2,128,744				(2,128,744)
Carryforward CIP Encumbrances from FY 2019-20	426,697				(426,697)
	2,555,441	-	-	-	(2,555,441)
Fund 008 - Community Development Block Grant					
CARES Act HUD: Admin allocation (City Council approved on 08/18/18)	32,202	32,202			-
CARES Act HUD: Admin allocation (City Council approved on 08/18/18)	127,979	127,979			-
CARES Act HUD: Admin allocation (City Council approved on 08/18/18)	127,979	127,979			-
CARES Act: Admin allocation (City Council approved on 08/18/18)	143,185	143,185			-
CARES Act: Business utility assistance allocation (City Council approved on 08/18/20 and 10/20/20)	175,000	175,000			-
CARES Act: Diversion allocation (City Council approved on 08/18/20 and 10/20/20)	25,000	25,000			-
CARES Act: Eviction prevention allocation (City Council approved on 08/18/20)	1,011,076	1,011,076			-
CARES Act: Mercy House Admin allocation (City Council approved on 05/05/20 and 08/18/20)	39,772	39,772			-
CARES Act: Motel voucher program allocation (City Council approved on 05/05/20 and 08/18/20)	200,000	200,000			-
CARES Act: Short term rental & utility assistance allocation (City Council approved on 05/05/20 and 10/20/20)	822,011	822,011			-
CARES Act: Street outreach allocation (City Council approved on 08/18/20 and 10/20/20)	100,000	100,000			-
Correct typographical error	(11)				11
Funding for Continuum of Care Manager (City Council approved on 09/15/20)	(66,364)				66,364
Funding for Continuum of Care Manager (City Council approved on 09/15/20)	(60,000)				60,000
Funding for Continuum of Care Manager (City Council approved on 09/15/20)	126,364				(126,364)
New Project: Mission/Mountain Storefront Façade (City Council approved on 06/16/20) GR2114	125,000				(125,000)
Remaining Park Improvement transfer from 314 to department 326 (PA2002)	(30,182)				30,182
Remaining Park Improvement transfer from 314 to department 326 (PA2002)	30,182				(30,182)
Transfer of funds to Ontario On The Go from GR1907 to GR1924	(47,200)				47,200
Transfer of funds to Ontario On The Go from GR1907 to GR1924	47,200				(47,200)
Recommended personnel changes	(108,973)				108,973
Carryforward CIP Appropriations from FY 2019-20	284,569				(284,569)
Carryforward CIP Encumbrances from FY 2019-20	286,930				(286,930)
Carryforward Encumbrances from FY 2019-20	10,234				(10,234)
Carryforward Grant Appropriations from FY 2019-20	1,904,568				(1,904,568)
Carryforward Grant Encumbrances from FY 2019-20	531,890				(531,890)
	5,838,410	2,804,204	-	-	(3,034,206)
Fund 009 - HOME Grants					
Manual Carryforward HOME CHDO Program	93,400				(93,400)
Carryforward CIP Appropriations from FY 2019-20	899,498				(899,498)
Carryforward CIP Encumbrances from FY 2019-20	778,855				(778,855)
Recommended personnel changes	(24,497)				24,497
	1,747,257	-	-	-	(1,747,257)

City of Ontario
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Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfers-In	Operating Transfers-Out	Fund Balance Impact
Fund 010 - Asset Seizure					
Fund updated ground receive site for downlink	20,000				(20,000)
Fund updated ground receive site for downlink	78,000				(78,000)
Carryforward Encumbrances from FY 2019-20	545				(545)
	<u>98,545</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(98,545)</u>
Fund 013 - A.D. Administration					
Carryforward CIP Appropriations from FY 2019-20	274				(274)
Carryforward CIP Encumbrances from FY 2019-20	882,694				(882,694)
Carryforward Encumbrances from FY 2019-20	542,247			-	(542,247)
Recommended personnel changes	49,899			-	(49,899)
	<u>1,475,114</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(1,475,114)</u>
Fund 014 - Mobile Source Air					
Carryforward CIP Appropriations from FY 2019-20	911,700				(911,700)
Carryforward CIP Encumbrances from FY 2019-20	77,300				(77,300)
	<u>989,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(989,000)</u>
Fund 015 - General Fund Grants					
AmeriCorps State Formula Grant (CC Apprvd 08/04/20) GR2102	603,750				(603,750)
AmeriCorps State Formula Grant (CC Apprvd 08/04/20)		400,000			400,000
AmeriCorps State Formula Grant (CC Apprvd 08/04/20) (Grant Match)			203,750		203,750
Budget transfer for fund not used due to COVID-19	(14,270)				14,270
Budget transfer for fund not used due to COVID-19	(2,990)				2,990
Budget transfer for fund not used due to COVID-19	17,260				(17,260)
California Department of Alcoholic Beverage Control Grant (ABC) (CC Apprvd 07/07/2020) GR2101	22,312	22,312			-
COPS/ELEAS Grant (GR1816)	151,672	151,672			-
Justice Assistance Grant (JAG) (CC Apprvd 07/07/2020) GR2002	40,765	40,765			-
Justice Assistance Grant (JAG) (CC Apprvd 09/01/2020) GR2115	39,860	39,860			-
LEAP grant funding (CC Apprvd 05/19/20) GR2110	500,000	500,000			-
Mountain Ave and Holt Blvd Intersection Widening Project (MAMCO Inc, CC 08/18/20)	-			150,000	(150,000)
Mountain Ave and Holt Blvd Intersection Widening Project Addtl' Funding	-			19,558	(19,558)
National Endowment for the Arts CARES Act Grant (GR2001)	50,000	50,000			-
Selective Traffic Enforcement Program (STEP) Grant (CC Apprvd 02/18/2020) GR2107	454,000	454,000			-
Traffic Records Improvement Projects (TRIPS) Grant (CC Apprvd 02/18/2020) GR2108	25,000	25,000			-
UASI Grant equipment funding (GR1934)	14,000	14,000			-
Recommended personnel changes	91,620				(91,620)
Carryforward CIP Appropriations from FY 2019-20	6,059,831				(6,059,831)
Carryforward CIP Encumbrances from FY 2019-20	722,961				(722,961)
Carryforward Grant Appropriations from FY 2019-20	33,039,395				(33,039,395)
Carryforward Grant Encumbrances from FY 2019-20	1,071,883				(1,071,883)
	<u>42,887,048</u>	<u>1,697,609</u>	<u>203,750</u>	<u>169,558</u>	<u>(41,155,247)</u>
Fund 019 - Parkway Maintenance					
Carryforward CIP Appropriations from FY 2019-20	96,410				(96,410)
Recommended Personnel Changes	2,772				(2,772)
	<u>99,182</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(99,182)</u>

City of Ontario
Detail of Recommended Budget Adjustments by Fund
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Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfers-In	Operating Transfers-Out	Fund Balance Impact
Fund 060 - OMC CFD#21-Parkside Services					
Carryforward Encumbrances from FY 2019-20	2,950.00				(2,950)
	2,950	-	-	-	(2,950)
Fund 061 - NMC CFD#31-CarriageHseAmbLn					
Carryforward Encumbrances from FY 2019-20	2,950				(2,950)
	2,950	-	-	-	(2,950)
Fund 062 - NMC CFD#23-Park Place Svcs					
Carryforward Encumbrances from FY 2019-20	2,950				(2,950)
	2,950	-	-	-	(2,950)
Fund 064 - NMC CFD#27-New Haven Svc					
Carryforward Encumbrances from FY 2019-20	2,950				(2,950)
	2,950	-	-	-	(2,950)
Fund 069 - OMC CFD#20-Walmart Services					
Carryforward Encumbrances from FY 2019-20	2,950				(2,950)
	2,950	-	-	-	(2,950)
Fund 070 - Street Light Maintenance					
Reduce levy of assessments within Street Lightning Maintenance Districts (SLMD) (CC Apprvd 07/21/2020)		(131,203)			(131,203)
Carryforward CIP Appropriations from FY 2019-20	18,006				(18,006)
Recommended Personnel Changes	2,772				(2,772)
Carryforward CIP Encumbrances from FY 2019-20	6,454				(6,454)
Carryforward Encumbrances from FY 2019-20	573				(573)
	27,805	(131,203)	-	-	(159,008)
Fund 071 - OMC CFD#10-Airport Twr Svc					
Carryforward Encumbrances from FY 2019-20	2,950				(2,950)
	2,950	-	-	-	(2,950)
Fund 072 - NMC CFD# 9-Edenglen Services					
Carryforward Encumbrances from FY 2019-20	2,950				(2,950)
	2,950	-	-	-	(2,950)
Fund 076 - Facility Maintenance					
City of Ontario 2020 Financing of Energy Efficiency Improvements (CC Apprvd 09/15/2020)	33,988,400				(33,988,400)
City of Ontario 2020 Financing of Energy Efficiency Improvements (CC Apprvd 09/15/2020)	995,176				(995,176)
Moving reserved funding for City Facilities to Facility Maintenance Fund			2,614,032		2,614,032
Carryforward Encumbrances from FY 2019-20	133,501				(133,501)
	35,117,077	-	2,614,032	-	(32,503,045)
Fund 077 - Storm Drain Maintenance					
Carryforward Encumbrances from FY 2019-20	53,389				(53,389)
	53,389	-	-	-	(53,389)

City of Ontario Detail of Recommended Budget Adjustments by Fund Fiscal Year 2020-21 First Quarter Budget Update					
Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfers-In	Operating Transfers-Out	Fund Balance Impact
Fund 079 - NMC CFD#37 Park&Turner-NE RF					
Carryforward Encumbrances from FY 2019-20	2,950				(2,950)
	2,950	-	-	-	(2,950)
Fund 122 - NMC CFD #19 Countryside Svs					
Carryforward Encumbrances from FY 2019-20	2,950				(2,950)
	2,950	-	-	-	(2,950)
Fund 332 - CFD#32 Archibald/SchaeferSrvcs					
Carryforward Encumbrances from FY 2019-20	2,950				(2,950)
	2,950	-	-	-	(2,950)
Fund 340 - NMC CFD #40 Emerald Park					
Carryforward Encumbrances from FY 2019-20	6,050				(6,050)
	6,050	-	-	-	(6,050)
Fund 344 - CFD#44 Esperanza Services					
Carryforward Encumbrances from FY 2019-20	2,950				(2,950)
	2,950	-	-	-	(2,950)
Fund 345 - NMC CFD#45 Nrthpk&CntrysideSvc					
Carryforward Encumbrances from FY 2019-20	2,950				(2,950)
	2,950	-	-	-	(2,950)
Fund 347 - CFD#47ColonyCmrcCntrWest1Svcs					
Carryforward Encumbrances from FY 2019-20	2,950				(2,950)
	2,950	-	-	-	(2,950)
Fund 358 - CFD #48 Tevelde Services					
Special Tax Ontario Ranch Services CFD No. 58 (CC Apprvd 08/04/2020)		518,950			518,950
	-	518,950	-	-	518,950
SPECIAL REVENUE FUNDS TOTAL	122,449,789	33,605,008	2,817,782	169,558	(86,196,558)
CAPITAL PROJECT FUNDS					
Fund 016 - Ground Access					
Carryforward CIP Appropriations from FY 2019-20	359,804	359,804			-
Carryforward CIP Encumbrances from FY 2019-20	200,115	146,882			(53,233)
	559,919	506,685	-	-	(53,233)

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 Detail of Recommended Budget Adjustments by Fund
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Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfers-In	Operating Transfers-Out	Fund Balance Impact
Fund 017 - Capital Projects					
DeAnza Teen Studio Project	55,000		55,000		-
DeAnza Teen Studio Project	(17,814)				17,814
DeAnza Teen Studio Project	17,814				(17,814)
DeAnza Teen Studio Project	(9,986)				9,986
DeAnza Teen Studio Project	9,986				(9,986)
Design-Build Agreement for the Construction of the C-Block Parking Structure (CC Apprvd 10/06/2020)	11,119,790				(11,119,790)
Mountain Ave and Holt Blvd Intersection Widening Project (MAMCO Inc, CC 08/18/20)			1,787,663		1,787,663
Mountain Ave and Holt Blvd Intersection Widening Project (MAMCO Inc, CC 08/18/20)	1,787,663				(1,787,663)
Mountain Ave and Holt Blvd Intersection Widening Project Addtl' Funding			19,558		19,558
Mountain Ave and Holt Blvd Intersection Widening Project Addtl' Funding	19,558				(19,558)
TOP Funding portion for FY 20-21 (CC Apprvd 05/19/20)	250,000				(250,000)
Transfer from fund 099 to 017 for Construction of the C-Block Parking Structure			8,000,000		8,000,000
Carryforward CIP Appropriations from FY 2019-20	13,473,760	693,896			(12,779,864)
Carryforward CIP Encumbrances from FY 2019-20	11,315,242				(11,315,242)
	<u>38,021,013</u>	<u>693,896</u>	<u>9,862,221</u>	<u>-</u>	<u>(27,464,896)</u>
Fund 170 - OMC Regional Streets					
Carryforward CIP Appropriations from FY 2019-20	5,888,054				(5,888,054)
					-
	<u>5,888,054</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(5,888,054)</u>
Fund 171 - OMC Local Adjacent Streets					
Mountain Ave and Holt Blvd Intersection Widening Project (MAMCO Inc, CC 08/18/20)	2,121,748				(2,121,748)
Carryforward CIP Appropriations from FY 2019-20	11,733,666				(11,733,666)
Carryforward CIP Encumbrances from FY 2019-20	196,738				(196,738)
	<u>14,052,152</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(14,052,152)</u>
Fund 173 - OMC Local Adjacent Storm Drain					
San Antonio Storm Drain Project (CC Apprvd 11/03/20)	2,990,000				(2,990,000)
San Antonio Storm Drain Project (CC Apprvd 11/03/20)	10,000				(10,000)
Carryforward CIP Appropriations from FY 2019-20	1,141,760				(1,141,760)
Carryforward CIP Encumbrances from FY 2019-20	2,752,891				(2,752,891)
	<u>6,894,652</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(6,894,652)</u>
Fund 174 - OMC - Regional Water					
DIF Credit & Reimbursement Agreement with Airport Drive Industrial Owner LP (CC Apprvd 07/07/20)	502,673				(502,673)
	<u>502,673</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(502,673)</u>
Fund 177 - OMC Local Adjacent Sewer					
DIF Credit & Reimbursement Agreement with Airport Drive Industrial Owner LP (CC Apprvd 07/07/20)	1,438,880				(1,438,880)
DIF Credit & Reimbursement Agreement with Airport Drive Industrial Owner LP (CC Apprvd 07/07/20)	1,007,495				(1,007,495)
DIF Credit & Reimbursement Agreement with Airport Drive Industrial Owner LP (CC Apprvd 07/07/20)			1,007,495		1,007,495
Carryforward CIP Appropriations from FY 2019-20	5,627,266				(5,627,266)
	<u>8,073,641</u>	<u>-</u>	<u>1,007,495</u>	<u>-</u>	<u>(7,066,146)</u>

City of Ontario
 Detail of Recommended Budget Adjustments by Fund
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Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfers-In	Operating Transfers-Out	Fund Balance Impact
Fund 178 - OMC Fire Impact					
Carryforward CIP Appropriations from FY 2019-20	72,979				(72,979)
Carryforward CIP Encumbrances from FY 2019-20	121,531				(121,531)
	<u>194,510</u>	-	-	-	<u>(194,510)</u>
Fund 180 - NMC Regional Streets					
Carryforward CIP Appropriations from FY 2019-20	12,700,149				(12,700,149)
	<u>12,700,149</u>	-	-	-	<u>(12,700,149)</u>
Fund 181 - NMC Local Adjacent Streets					
Additional budget for DIF refund payments	585,557				(585,557)
	<u>585,557</u>	-	-	-	<u>(585,557)</u>
Fund 182 - NMC Regional Storm Drains					
Additional budget for DIF refund payments	170,905				(170,905)
	<u>170,905</u>	-	-	-	<u>(170,905)</u>
Fund 183 - NMC Local Adjacent StrmDrain					
Additional budget for DIF refund payments	614,202				(614,202)
	<u>614,202</u>	-	-	-	<u>(614,202)</u>
Fund 184 - NMC Regional Water					
Additional budget for DIF refund payments	97,535				(97,535)
Carryforward CIP Appropriations from FY 2019-20	2,959,166				(2,959,166)
Carryforward CIP Encumbrances from FY 2019-20	99,956				(99,956)
	<u>3,156,657</u>	-	-	-	<u>(3,156,657)</u>
Fund 185 - NMC Local Adjacent Sewer					
Additional budget for DIF refund payments	584,830				(584,830)
Carryforward CIP Appropriations from FY 2019-20	4,106,988				(4,106,988)
Carryforward CIP Encumbrances from FY 2019-20	168,398				(168,398)
	<u>4,860,216</u>	-	-	-	<u>(4,860,216)</u>
Fund 187 - NMC Local Adjacent Sewer					
Additional budget for DIF refund payments	72,257				(72,257)
	<u>72,257</u>	-	-	-	<u>(72,257)</u>
Fund 188 - NMC Regional Fiber					
Additional budget for DIF refund payments	59,961				(59,961)
Build out of the fiber optic primary ring and The Ontario Ranch Community	375,000		375,000		-
Carryforward CIP Appropriations from FY 2019-20	387,577				(387,577)
Carryforward CIP Encumbrances from FY 2019-20	274,081				(274,081)
	<u>1,096,619</u>	-	<u>375,000</u>	-	<u>(721,619)</u>

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Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfers-In	Operating Transfers-Out	Fund Balance Impact
Fund 189 - NMC Local Adjacent Fiber					
Additional budget for DIF refund payments	59,961				(59,961)
Build out of the fiber optic primary ring and The Ontario Ranch Community	250,000		250,000		-
Carryforward CIP Appropriations from FY 2019-20	1,002,804				(1,002,804)
Carryforward CIP Encumbrances from FY 2019-20	166,305				(166,305)
	1,479,070	-	250,000	-	(1,229,070)
Fund 190 - NMC Fire Impact					
Award of Construction Contract for the Fire Station No. 9 Offsite Improvements (CC Apprvd 09/01/2020)	2,500,067				(2,500,067)
Carryforward CIP Appropriations from FY 2019-20	1,471,685				(1,471,685)
Carryforward CIP Encumbrances from FY 2019-20	8,575,928				(8,575,928)
	12,547,679	-	-	-	(12,547,679)
Fund 543 - CFD#43ParkPlaceFacilitiesPhs4					
Carryforward Encumbrances from FY 2019-20	2,950				(2,950)
	2,950	-	-	-	(2,950)
Fund 545 - NMC CFD#45 Nrthpk&CntrysideFac					
Carryforward Encumbrances from FY 2019-20	2,950				(2,950)
	2,950	-	-	-	(2,950)
CAPITAL PROJECT FUNDS TOTAL	111,475,824	1,200,581	11,494,716	-	(98,780,527)
ENTERPRISE FUNDS					
Fund 024 - Water Operating					
Billing & Collection Cost Allocation Plan (CAP) reduction	(1,513,743)				1,513,743
Increase funding for consultant costs (Classification and Compensation study)	70,000				(70,000)
Moving Utilities Billing and Collection from General Fund 001 to Enterprise Fund 024	1,623,073				(1,623,073)
Recommended personnel changes	108,522				(108,522)
Carryforward Encumbrances from FY 2019-20	339,519				(339,519)
	627,371	-	-	-	(627,371)
Fund 025 - Water Capital					
Carryforward CIP Appropriations from FY 2019-20	54,001,119				(54,001,119)
Carryforward CIP Encumbrances from FY 2019-20	4,435,260				(4,435,260)
Carryforward Encumbrances from FY 2019-20	59,938				(59,938)
Recommended personnel changes	(37,659)				37,659
	58,458,658	-	-	-	(58,458,658)
Fund 026 - Sewer Operating					
Billing & Collection Cost Allocation Plan (CAP) reduction	(723,021)				723,021
Increase funding for consultant costs (Classification and Compensation study)	70,000				(70,000)
Moving Utilities Billing and Collection from General Fund 001 to Enterprise Fund 026	829,570				(829,570)
Recommended personnel changes	46,734				(46,734)
Carryforward Encumbrances from FY 2019-20	28,931				(28,931)
	252,213	-	-	-	(252,213)

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Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfers-In	Operating Transfers-Out	Fund Balance Impact
Fund 027 - Sewer Capital					
DIF Credit & Reimb: Airport Drive Industrial Owner LP (CC Apprvd 07/07/20)	-			1,007,495	(1,007,495)
Recommended personnel changes	6,307				(6,307)
Carryforward CIP Appropriations from FY 2019-20	13,256,361				(13,256,361)
Carryforward CIP Encumbrances from FY 2019-20	116,165				(116,165)
	13,378,833	-	-	1,007,495	(14,386,328)
Fund 029 - Integrated Waste					
Billing & Collection Cost Allocation Plan (CAP) reduction	(1,370,064)				1,370,064
Funding for Used Oil Payment Program (CC Apprvd 08/04/20)	44,932	44,932			-
Increase funding for additional roll-off bins	100,000				(100,000)
Increase funding for additional temporary staffing	181,250				(181,250)
Increase funding for consultant costs (Classification and Compensation study)	60,000				(60,000)
Increase funding for two CNG roll-off trucks	560,000				(560,000)
Moving Utilities Billing and Collection from General Fund 001 to Enterprise Fund 029	1,154,185				(1,154,185)
Ontario Ranch sweeping services	17,469				(17,469)
Recommended personnel changes	115,458				(115,458)
Carryforward CIP Appropriations from FY 2019-20	2,201,895				(2,201,895)
Carryforward CIP Encumbrances from FY 2019-20	487,187				(487,187)
Carryforward Encumbrances from FY 2019-20	1,176,879				(1,176,879)
Carryforward Grant Appropriations from FY 2019-20	91,843	91,843			-
Carryforward Grant Encumbrances from FY 2019-20	24,484	24,484			-
	4,845,517	161,259	-	-	(4,684,258)
Fund 031 - Integrated Waste Facilities					
Carryforward CIP Appropriations from FY 2019-20	55,649				(55,649)
	55,649	-	-	-	(55,649)
Fund 035 - Information Technology Broadband					
Build out of the fiber optic primary ring and The Ontario Ranch Community	(625,000)			625,000	-
Carryforward CIP Appropriations from FY 2019-20	4,608,878				(4,608,878)
Carryforward CIP Encumbrances from FY 2019-20	1,039,130				(1,039,130)
Carryforward Encumbrances from FY 2019-20	149,654				(149,654)
Carryforward Grant Appropriations from FY 2019-20	112,642				(112,642)
Carryforward Grant Encumbrances from FY 2019-20	20,000				(20,000)
	5,305,305	-	-	625,000	(5,930,305)
ENTERPRISE FUNDS TOTAL	82,923,546	161,259	-	1,632,495	(84,394,782)
INTERNAL SERVICE FUNDS					
Fund 032 - Equipment Services					
Carryforward Encumbrances from FY 2019-20	6,550,308				(6,550,308)
Moving reserved funding for Public Safety Equipment to Equipment Services Fund			330,460		330,460
Professional Services Carryforward	60,000				(60,000)
Manual Carryforward for purchase and outfitting of vehicles	1,343,000				(1,343,000)
Carryforward CIP Appropriations from FY 2019-20	165,433				(165,433)
Carryforward CIP Encumbrances from FY 2019-20	132,849				(132,849)
	8,251,590	-	330,460	-	(7,921,130)

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Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfers-In	Operating Transfers-Out	Fund Balance Impact
Fund 033 - Self Insurance					
Carryforward Encumbrances from FY 2019-20	17,500				(17,500)
	17,500	-	-	-	(17,500)
Fund 034 - Information Technology					
AVL Modem and Antennas	60,350				(60,350)
AVL Modems and Antennas & Installation			60,350		60,350
Lighting improvements and additional camera in Council Chambers	13,000				(13,000)
Recommended personnel changes	41				(41)
Carryforward CIP Appropriations from FY 2019-20	2,843,605				(2,843,605)
Carryforward CIP Encumbrances from FY 2019-20	878,834				(878,834)
Carryforward Encumbrances from FY 2019-20	631,781				(631,781)
	4,427,611	-	60,350	-	(4,367,261)
Fund 036 - State Asset Seizure					
Carryforward Encumbrances from FY 2019-20	83,288				(83,288)
	83,288	-	-	-	(83,288)
Fund 037 - Workers Compensation					
Recommended personnel changes	(2,673)				2,673
	(2,673)	-	-	-	2,673
Fund 038 - General Liability					
Increase funding for insurance premium costs and excess liability pool	514,748				(514,748)
Recommended personnel changes	(4,010)				4,010
	510,738	-	-	-	(510,738)
Fund 099 - Other Post Employment Benefits					
Transfer from fund 099 to 017 for Construction of the C-Block Parking Structure				8,000,000	(8,000,000)
	-	-	-	8,000,000	(8,000,000)
INTERNAL SERVICE FUNDS TOTAL	13,288,054	-	390,810	8,000,000	(20,897,244)
TOTAL CITY FUNDS BUDGET ADJUSTMENTS	339,359,589	35,714,218	14,703,308	14,703,308	(303,645,371)


City of Ontario
 Detail of Recommended Budget Adjustments by Fund
 Fiscal Year 2020-21
 First Quarter Budget Update

Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfers-In	Operating Transfers-Out	Fund Balance Impact
AGENCY FUNDS (OHA)					
Fund 048 - Ontario Housing Authority					
Funding for Continuum of Care Manager	(36,383)				36,383
Funding for Continuum of Care Manager	36,383				(36,383)
Original budget was not included in Adopted Budget reports (Contribution from Gov't FD)		27,300			27,300
Recommended personnel changes	(1,787)				1,787
Carryforward CIP Appropriations from FY 2019-20	113,858				(113,858)
Carryforward Encumbrances from FY 2019-20	103,332				(103,332)
Carryforward Grant Appropriations from FY 2019-20	5,002,000				(5,002,000)
	5,217,403	27,300	-	-	(5,190,103)
Fund 166 - Housing Asset Fund					
Carryforward CIP Appropriations from FY 2019-20	535,623				(535,623)
Carryforward CIP Encumbrances from FY 2019-20	47,031				(47,031)
	582,654	-	-	-	(582,654)
AGENCY FUNDS TOTAL	5,800,057	27,300	-	-	(5,772,757)
TOTAL ALL FUNDS BUDGET ADJUSTMENTS	345,159,646	35,741,518	14,703,308	14,703,308	(309,418,128)

CITY OF ONTARIO

Agenda Report
December 1, 2020

**SECTION:
CONSENT CALENDAR**

Department: Fire Department
Prepared By: Jordan T Villwock
Staff Member Presenting:
Ray Gayk, Fire Chief
Reviewed By: Nubia Roman
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 11

SUBJECT: A RESOLUTION CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY FOR THE 2020 CORONAVIRUS PANDEMIC

RECOMMENDATION: That the City Council adopt a resolution continuing the Proclamation of Local Emergency for the 2020 Coronavirus Pandemic until further notice with an update scheduled for the December 15, 2020 City Council Meeting, unless canceled sooner.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Maintain the Current High Level of Public Safety

FISCAL IMPACT: This resolution maintains the City's compliance with State and Federal requirements for emergency response and promotes the City's eligibility to receive State and Federal emergency assistance funds.

BACKGROUND & ANALYSIS: Governments worldwide are responding to an outbreak of respiratory disease caused by a novel (new) coronavirus that was first detected in China and which as now been detected in nearly 100 countries, including the United States. The virus has been named "SARS-CoV-2"; and the disease it causes has been named "coronavirus disease 2019" (abbreviated "COVID-19").

COVID-19 is a serious disease that as of November 16, 2020 has killed over 1,300,000 people worldwide with over 54 million confirmed cases and over 246,000 deaths in the United States, as well as infecting more than 1,020,000 and killing over 18,000 in California. On March 4, 2020, the Governor of the State of California declared a State of Emergency. On March 10, 2020, the San Bernardino County Health Department proclaimed a Public Health Emergency; and the Board of Supervisors issued a Proclamation of Local Emergency due to COVID-19. On March 11, 2020, the World Health Organization declared the disease a global pandemic. On March 13, 2020, the President of the United States declared a National Emergency.

On June 18, 2020, California Governor Newsom issued a statewide order mandating the wearing of face masks or coverings for the public in which the City of Ontario followed by requiring face masks or coverings for city employees. On June 28, 2020, California Governor Newsom issued an order closing bars and restricting indoor restaurant operations for seven counties including the County of San Bernardino. On July 13, 2020, California Governor Newsom issued an order closing additional businesses including gyms, worship services, personal care services, hair salons, and malls. On August 28, 2020, California Governor Newsom released the next evolution of the response called the Blueprint

for a Safer Economy. This plan replaces the State Watchlist and allows for more businesses to safely open with restrictions.

Beginning in July 2020, the City of Ontario began issuing Temporary Use Permits allowing restaurants to use outdoor spaces for dining purposes while waiving fees and expediting the process. Additionally, in July 2020, the City of Ontario drafted an operational transition plan for City facilities to reclose and some work functions to return to a telecommuting basis due to the increase infections in the County and the potential for employee spread.

The City of Ontario regularly participates in disaster drills to maintain its preparedness. The City's first and second response agencies are prepared for the impact of COVID-19; however, the declaration of a local emergency further unlocks resources and legal authority to quickly respond to changing conditions.

Through Ontario Ordinance No. 2990, the City Manager, as the Director of Emergency Services, proclaimed a Local Emergency on July 14, 2020 with additional details and originally proclaimed on March 17, 2020, to enhance the City's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek potential reimbursement by the State and Federal governments.

Per California Government Code § 8630, a proclamation of local emergency must be ratified by the governing body within 7 days of issuance and reviewed and continued every 30 days thereafter until termination of the local emergency as conditions warrant.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROCLAIMING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY AND DIRECT THE EMERGENCY ORGANIZATION OF THE CITY OF ONTARIO TO TAKE ALL NECESSARY STEPS FOR THE PROTECTION OF LIFE, HEALTH AND SAFETY IN THE CITY OF ONTARIO.

WHEREAS, City of Ontario Ordinance No. 2990 empowers the City Manager as the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said city is affected or likely affected by a public calamity and the City Council is not in session; and

WHEREAS, conditions of disaster or of extreme peril to the safety of persons and property have re-risen due to increased levels of positive cases of COVID-19 and accompanying higher hospitalizations and death rates; and

WHEREAS COVID-19 has spread to every country in the world, infecting more than 12 million persons and killing more than 550,000 individuals worldwide, and exists in every state in the United States, infecting more than 3 million persons and killing over 130,000 in the country, as well as infecting more than 300,000 and killing over 6,700 in California, and

WHEREAS, on June 18, 2020, California Governor Gavin Newsom issued a statewide order mandating the wearing of face masks or coverings for the public which the City of Ontario followed by requiring face masks or coverings for city employees; and

WHEREAS, on June 28, 2020, California Governor Gavin Newsom issued an order closing bars and restricting indoor restaurant operations for seven counties including the County of San Bernardino; and

WHEREAS, on July 13, 2020, California Governor Gavin Newsom issued an order closing additional businesses including gyms, worship services, personal care services, hair salons, and malls; and

WHEREAS, the City is issuing Temporary Use Permits allowing restaurants to use outdoor spaces for dining purposes to maintain a safe environment for restaurant employees and patrons while waiving fees and expediting the process; and

WHEREAS, the City has drafted an operational transition plan for City facilities to reclose and some work functions to return to a telecommuting basis due to the increased infections in the County and the potential for employee-spread; and

WHEREAS, the City's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek future reimbursement by the State and Federal governments will be critical to the continued battle against COVID-19; and

WHEREAS, these conditions warrant and necessitate that the City of Ontario declare the existence of a local emergency.

WHEREAS, on July 21, 2020 the Ontario City Council ratified Resolution No. 2020-124 proclaiming the existence of a local emergency.

WHEREAS, on August 18, 2020, the Ontario City Council ratified Resolution No. 2020-146 proclaiming the continued existence of a local emergency.

WHEREAS, on September 15, 2020, the Ontario City Council ratified Resolution No. 2020-155 proclaiming the continued existence of a local emergency.

WHEREAS, on October 6, 2020, the Ontario City Council ratified Resolution No. 2020-166 proclaiming the continued existence of a local emergency.

WHEREAS, on November 3, 2020, the Ontario City Council ratified Resolution No. 2020-183 proclaiming the continued existence of a local emergency.

NOW THEREFORE, BE IT RESOLVED, by the City Council does hereby proclaim the existence of a local emergency and directs the Emergency Organization of the City of Ontario to take the necessary steps for the protection of life, health and safety in the City of Ontario.

IT IS FURTHER RESOLVED, that during the existence of said local emergency the powers, functions, and duties of the Emergency Organization of the City shall be those prescribed by state law, by ordinances, and resolutions of the City; and

THE CITY COUNCIL DIRECTS, that all City Departments shall review and revise their department emergency and contingency plans to address the risks COVID-19 poses to their critical functions in coordination with the Office of Emergency Management (OEM); and

THE CITY COUNCIL FURTHER DIRECTS, that all City Departments shall track costs for staffing, supplies, and equipment related to COVID-19 preparation and prevention and forward that information to the Financial Services Agency; and

THE CITY COUNCIL FURTHER DIRECTS, that OEM shall coordinate Citywide planning, preparedness and response efforts regarding COVID-19 with the San Bernardino County Department of Public Health and the San Bernardino County Office of Emergency Services (OES).

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the City Council, that the Resolution to Proclamation of a Local Emergency shall continue the previous proclamation while including additional requirements, guidelines, and procedures.

IT IS FURTHER RESOLVED AND ORDERED, by the City Council that a copy of this Resolution be forwarded to the San Bernardino County Office of Emergency Services to be forwarded to the Director of the California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with State law; that the Governor of California pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in San Bernardino County; that the Governor waive regulations that may hinder response and recovery efforts; that response and recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

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

PASSED, APPROVED, AND ADOPTED this 1st day of December 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER, LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held December 1, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held December 1, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
December 1, 2020

SECTION: CONSENT CALENDAR

Department: Utilities

Prepared By: Dennis Mejia

Staff Member Presenting:

Scott Burton, Utilities General Manager

Reviewed By: Dennice Raygoza, Michael Sigsbee

Approved By:



Submitted To: Council/OHA

Approved: _____

Continued To: _____

Denied: _____

Item No: 12

SUBJECT: A CONSTRUCTION CONTRACT FOR THE SAN ANTONIO AVENUE WATER TRANSMISSION MAIN, PHASE 1

RECOMMENDATION: That the City Council approve the plans and specifications and award Contract No. UT 1013 (on file in the Records Management Department) to CP Construction, Inc. of Ontario, California, for the construction of the San Antonio Avenue Water Transmission Main, Phase 1, in the amount of \$1,900,210 plus a 15% contingency of \$285,032, for a total amount of \$2,185,242; and authorize the City Manager to execute said contract and file a notice of completion at the conclusion of all construction activities related to the project.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

FISCAL IMPACT: The Fiscal Year 2019-2020 Adopted Capital Improvement Program includes appropriations in the amount of \$2,185,242 from the Water Capital Fund for this project, which will be included in the project carryover process at Fiscal Year 2020-2021 First Quarter Budget Update. The recommended contract award to CP Construction, Inc. is for the bid amount of \$1,900,210 plus a 15% contingency of \$285,032, for a total amount of \$2,185,242. There is no impact to the General Fund.

BACKGROUND & ANALYSIS: The City's potable water system includes approximately 614 miles of pipeline. The City's Water Master Plan and asset management programming are used to identify and replace undersized and aging pipelines to maintain the reliability of water service to the community and to improve service pressure and fire flow availability. Improvements are prioritized based on capacity deficiencies, condition assessments, and current level of maintenance activities required to provide adequate and reliable water service.

The City owns a 20-million-gallon (MG) Reservoir and a 2 MG Reservoir, located at Fern Reservoir Park in the City of Upland on 8th Street between Euclid Avenue and San Antonio Avenue, which serve the northern portion of the City. The project proposes to upsize the existing 18-inch transmission main with a new 30-inch diameter main connecting the reservoirs to the service area (Project). In order to avoid closure of two arterial streets simultaneously, the City of Upland has requested that the Project be constructed in two phases.

The work under this contract, Phase 1, consists of: installation of an approximately 1,600 linear feet of

30-inch diameter, potable water transmission main along San Antonio Avenue between 8th Street and the I-10 bridge; installation of water appurtenances; pavement repair; slurry seal; striping restoration; and coordination with CalTrans for the transmission main connection to the reconstructed San Antonio bridge at I-10.

Phase 2, which is currently under design, will consist of the installation of an approximately 1,300 linear feet potable water transmission main along 8th Street, between San Antonio Avenue and the City owned reservoirs, installation of water appurtenances, pavement repair, slurry seal, striping restoration.

On September 10, 2020, ten (10) bids were received for the UT1013 San Antonio Transmission Water Main Phase 1 Project. The lowest five (5) bids are summarized below.

Bidder	Location	Amount
C.P Construction Co. Inc	Ontario, CA	\$1,900,210
Norstar Plumbing & Engineering	Alta Loma, CA	\$1,974,663
Downing Construction Inc.	Redlands, CA	\$2,094,049
T.E. Roberts, Inc.	Orange, CA	\$2,444,700
Christensen Brothers General Engineering, Inc.	Apple Valley, CA	\$2,733,200

Staff recommends the award to CP Construction Co., Inc. of Ontario, California based on their expertise and ability to perform the work in a timely manner and successful completion of this type of work in the past.

ENVIROMENTAL REVIEW: The proposed Project is a component of the 2012 Infrastructure Master Plans that was approved by the City Council on December 4, 2012. A Mitigated Negative Declaration (MND) was prepared and approved for the 2012 Infrastructure Master Plans pursuant to the provisions of CEQA. The MND addressed the drainage, sewer, water and recycled water master plans (2012 Infrastructure Master Plans) including their alignments, pipe sizes and installation for the City. No revisions or modifications have been made in regard to the proposed Project, and the approved MND continues to constitute an accurate and complete assessment of the proposed Project. Staff has analyzed the proposed Project and has determined that there is no deviation from the description of this component of the overall 2012 Infrastructure Master Plans. Thus, no further CEQA analysis is required.




SAN ANTONIO AVENUE WATER TRANSMISSION MAIN PHASE 1



CITY OF ONTARIO

Agenda Report
December 1, 2020

SECTION: CONSENT CALENDAR

Department: Public Works
Prepared By: Fabiola Contreras
Staff Member Presenting:
Tito Haes, Executive Director Public Works
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 13

SUBJECT: CONSTRUCTION CONTRACT FOR ON-CALL PLUMBING SERVICES

RECOMMENDATION: That the City Council authorize the City Manager to execute a three-year Construction Contract (on file in the Records Management Department) with E.L. Engineering Corp., of La Verne, California, for on-call plumbing services in the amount of \$450,000; and authorize the option to extend the agreements for up to two additional years.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Operate in a Businesslike Manner

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

FISCAL IMPACT: The Fiscal Year 2020-21 Adopted Operating Budget includes appropriations in the Facilities Maintenance Fund of \$30,000 for plumbing repairs and \$515,000 for unanticipated emergency repairs. Annual expenditures for plumbing services are typically estimated at \$150,000.

At the City's discretion, two additional one-year extensions may be exercised. Future contracting actions will be commensurate with the City Council authorized work programs and budgets. Contracting for the multi-year period allows the City to avoid the cost of re-bidding the contract annually, provides service continuity, and better projects future years' costs. The total compensation paid by the City under the original term, and any subsequent term extensions, will be contingent upon actual services provided at the contracted fixed hourly rates as set forth in the agreement; however costs will not exceed \$750,000 over a 5-year term.

BACKGROUND & ANALYSIS: In May 2020, the City solicited proposals for on-call plumbing services. After reviewing the responses, staff identified several discrepancies with the proposals and deemed all bids non-responsive. New solicitations were posted on PlanetBids in June 2020 and two responses were received. Both proposals were rejected; as one did not meet the bid requirements and the second was significantly higher than the allocated budget. A third solicitation was posted in July 2020 and two bids were received. Again, both bids were significantly higher than the allocated budget amount and were not deemed to be in the best interest of the City, so they were rejected.

After three unsuccessful solicitations, staff were given approval to use an alternative bid procedure. Under Title 2 Chapter 6 Section 2-6.19. of the Ontario Municipal Code, a type of alternative procedure may include, but is not limited to, what will be referred to as a "simplified pricing procedure" wherein the authorized contracting party, or his/her designee, obtains written or oral price quotes from one or


more potential contractors or suppliers, and accepts the quote that is determined to be in the best interest of the City. Staff contacted five plumbing companies to request proposals based on using a sample project staff developed which included their hourly rates and received three responses. After evaluating each vendor's proposal, credentials, and history of providing service to the City, staff recommends award to E.L. Engineering Corp. of La Verne, California for on-call plumbing services.

Vendor	Location	Project Amount	Hourly Rate
E.L. Engineering Corp.	La Verne, California	\$7,990	\$88.50
Water Works Plumbing & Rooter Corp.	Rancho Cucamonga, California	\$10,205	\$125
Steve's Five Star Service	Upland, California	\$6,236	\$158
All Pro Plumbing	Ontario, California	Non-Responsive	
All Tankless Water Heater and Plumbing	Rancho Cucamonga, California	Non-Responsive	

CITY OF ONTARIO

Agenda Report
December 1, 2020

**SECTION:
ADMINISTRATIVE
REPORTS/DISCUSSION/ACTION**

Department: Records Management
Prepared By: Claudia Y Isbell
Staff Member Presenting:
Darlene M. Sanchez, Assistant City Manager
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 14

SUBJECT: INTRODUCTION OF AN ORDINANCE ADDING SECTION 2-10.09, "ELECTRONIC FILING OF CAMPAIGN DISCLOSURE STATEMENTS AND STATEMENTS OF ECONOMIC INTEREST," TO THE CITY OF ONTARIO MUNICIPAL CODE

RECOMMENDATION: That the City Council introduce and waive further reading of an Ordinance adding Section 2-10.09 to the Ontario Municipal Code – Electronic Filing of Campaign Disclosure Statements and Statements of Economic Interest.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Operate in a Businesslike Manner

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

FISCAL IMPACT: There is no cost associated with the approval of this ordinance. There will be an administrative cost of approximately \$10,000 per year for the software to host and administer the electronic services. These costs will be absorbed in the City Clerk's Fiscal Year 2020-21 adopted budget.

BACKGROUND & ANALYSIS: The Political Reform Act of 1974 requires the filing of specific statements, reports, and other documents to be made with its local filing officer, the City Clerk. These statements are currently accepted in-person, in paper format.

On September 28, 2020, Assembly Bill (AB) 2151, regarding online filing and disclosure systems, was signed into law. AB 2151 requires the local filing officer to make all specified, filed statements, reports and other documents pursuant to the Political Reform Act of 1974 available on the internet in an easily understood format that provides the greatest public access. This bill also requires a local government agency to post those documents on its website within 72 hours of the applicable filing deadline. It must also be made available for four years from the date of the election associated with the filing. AB 2151 also allows for a local government agency to require these filings be made online or electronically with the local filing officer.

In order for the City of Ontario to accept electronically filed statements (e.g., FPPC Forms 460, 470, 496, 497, and 700) pursuant to Government Code section 84615, the City Council must adopt an ordinance permitting the use of an online filing system as an option for filing and designating the filings received electronically by the City Clerk's office. In addition, the system must operate securely and effectively, be no cost to filers, be available to the public to view filings, not place undue burden on filers, and include procedures for filers to comply with the requirement that they sign statements and

reports under penalty of perjury.

Staff has identified an electronic filing system, NetFile, Inc. (“NetFile”) that would ensure a smooth transition from paper to electronic filings. The NetFile system is a web-based, vendor-hosted application that utilizes industry best practices for securing data, using the same data encryption for online filings that is used by banks for online banking. NetFile stores and backs up data at three separate locations, creating the essential safety measures and redundancy that will allow for recovery of information in the event of an emergency or disaster.

Implementation of the NetFile system will make it more convenient for committees, individuals, and the public. It provides 24-hour filing and viewing accessibility of campaign finance information from any computer, anywhere. In certain instances, the NetFile program will also increase the accuracy of filed campaign statements by prohibiting any filings that may have inadvertently omitted required information under the Act (e.g. missing addresses or the stated occupation of individual donors).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 10 OF TITLE 2, ADDING NEW SECTION 2-10.09 TO THE ONTARIO MUNICIPAL CODE, RELATING TO ELECTRONIC FILING OF CAMPAIGN STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS AND FINDING THE ACTION EXEMPT FROM CEQA.

WHEREAS, Government Code Section 84615 currently provides that a local agency may adopt an ordinance to require an elected officer, candidate, committee, or other person required to file statements, reports, or other documents required by Chapter 4 of the Political Reform Act (commencing with Section 84100 of the Government Code, except an elected officer, candidate, committee or other person who received contributions totaling less than \$2,000 and who makes expenditures totaling less than \$2,000 in a calendar year, to file those statements, reports, or other documents online or electronically with the local filing officer; and

WHEREAS, Assembly Bill 2151 ("AB 2151") requires the local filing officer to make all data so filed available on the internet in an easily understood format that provides the greatest public access; and

WHEREAS, AB 2151 also requires a local government agency to post on its internet website, within 72 hours of the applicable filing deadline, a copy of any specified statement, report, or other document filed with that agency in paper format; and

WHEREAS, AB 2151 additionally requires the statement, report, or other document be made available for four years from the date of the election associated with the filing; and

WHEREAS, the City intends to enter into an agreement with a vendor approved by the California Secretary of State to provide an online electronic filing system for campaign disclosure statements and statements of electronic interest forms; and

WHEREAS, the system will operate securely and effectively and will not unduly burden filers; will ensure the integrity of the data and includes safeguards against efforts to tamper with, manipulate, alter, or subvert the data; and the system will only accept a filing in the standardized record format developed by the Secretary of State and compatible with the Secretary of State's system for receiving an online or electronic filing.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 2-10.09 is hereby added to the Ontario Municipal Code to read in full, as follows:

“Section 2-10.09. Electronic filing of Campaign Statements and Statements of Economic Interests.

A. Any elected officer, candidate, committee, or other person required to file statements, reports, or other documents required by Government Code Chapter 4 (commencing with Section 84100), except an elected officer, candidate, committee or other person who receives contributions totaling less than two thousand dollars (\$2,000) in a calendar year, shall file those statements, reports, or other documents online or electronically with the City Clerk.

B. Any person holding a position listed in Government Code Section 87200 or designated in the city’s local conflict of interest code adopted pursuant to Government Code section 87300, shall file any required Statement of Economic Interest reports (Form 700) online or electronically with the City Clerk.

C. In any instance in which an original statement, report, or other document must be filed with the California Secretary of State and a copy of that statement, report or other document is required to be filed with the City Clerk, the filer may, but is not required to, file the copy electronically.

D. If the City Clerk’s electronic system is not capable of accepting a particular type of statement, report, or other document, an elected officer, candidate, committee or other person shall file that document with the City Clerk in an alternative format acceptable to the City Clerk.

E. The City Clerk shall ensure all procedural and public access requirements with respect to online or electronic filings, and the online or electronic filing system used by the City pursuant to this Section, complies with Government Code Section 84615, as may be amended from time to time.

SECTION 2. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

SECTION 3. This Ordinance shall become effective thirty (30) days after its adoption by the City Council.

SECTION 4. CEQA. The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Moreover, the City Council finds that this Ordinance is

also exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment).

SECTION 5. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this ____ day of _____ 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. ____ was duly introduced at a regular meeting of the City Council of the City of Ontario held December 1, 2020 and adopted at the regular meeting held _____, 2020 by the following roll call vote, to wit:

AYES: MAYOR/COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. ____ duly passed and adopted by the Ontario City Council at their regular meeting held _____, 2020 and that Summaries of the Ordinance were published on _____, 2020 and _____, 2020, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)