

CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING AGENDA

February 27, 2018

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

6:30 PM

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

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

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

ROLL CALL

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

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS

- 1) Agenda Items
- 2) Commissioner Items

PUBLIC COMMENTS

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

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

CONSENT CALENDAR ITEMS

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

A-01. MINUTES APPROVAL

Planning/Historic Preservation Commission Minutes of January 23, 2018, approved as written.

PLANNING COMMISSION PUBLIC HEARING ITEMS

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

- B. ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PCUP17-021 AND PDEV17-046:** Development Plan (File No. PDEV17-046) to construct a 4,500 square-foot self-service carwash (Fast 5 Xpress) in conjunction with a Conditional Use Permit (File No. PCUP17-021) to establish and operate the drive-thru carwash, on 0.93 acres of land, within the Commercial land use designation of the Grove Avenue Specific Plan, located at 2345 S. Grove Avenue. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and

found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0216-081-25) **submitted by Fast 5 Xpress Car Wash.**

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15332

2. File No. PCUP17-021 (Conditional Use Permit)

Motion to Approve/Deny

3. File No. PDEV17-046 (Development Plan)

Motion to Approve/Deny

C. ENVIRONMENTAL ASSESSMENT, TENTATIVE PARCEL MAP AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PMTT16-018 (PM 19827) AND PDEV16-032:

A Tentative Parcel Map (File No. PMTT16-018/PM 19827) to subdivide 3.98 acres of land into 2 parcels in conjunction with a Development Plan (File No. PDEV16-032) to construct a 25,512 square foot industrial building on Parcel 1. The project is located at the southwest corner of State Street and Mountain Access Road, at 1121 West State Street within the IL (Light Industrial) zoning district. Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). (APNs: 1011-191-02 and 1011-191-03); **submitted by Chris Evans.**

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15332

2. File No. PMTT16-018 (Tentative Parcel Map)

Motion to Approve/Deny

3. File No. PDEV16-032 (Development Plan)

Motion to Approve/Deny

D. ENVIRONMENTAL ASSESSMENT, VARIANCE, AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PVAR17-006 AND PDEV17-027:

A Variance (File No. PVAR17-006) to deviate from the Grove Avenue Specific Plan building setback standard along Grove Avenue, from 40 feet to 30 feet, and reduce the interior building setback, from 10 feet to 0 feet, in conjunction with a Development Plan (File No. PDEV17-027)

to construct a 23,570 square-foot warehouse/office building on 1.27 acres of land located at 930 S. Grove Avenue, within the Business Park land use district of the Grove Avenue Specific Plan. Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15304 (Minor Alterations to Land) and Section 15332 (In-Fill Development Projects) of the CEQA guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plans (ALUCP) for ONT, provided certain conditions are met; (APN: 1049-384-09) **submitted by The Heaton Company.**

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15304 & § 15332

2. File No. PVAR17-006 (Variance)

Motion to Approve/Deny

3. File No. PDEV17-027 (Development Plan)

Motion to Approve/Deny

E. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FOR FILE NO. PDA16-002: A Development Agreement (File No. PDA16-002) between the City of Ontario and CVRC Ontario Investments, LLC, for the potential development of up to 480 residential units (File No. PMTT16-004/TT 19966) on 111.10 acres of land within the Residential Single Family district of Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan, located on the southwest corner of Riverside Drive and Ontario Avenue. The environmental impacts of this project were previously reviewed in conjunction with the Armstrong Ranch Specific Plan (File No. PSP15-002), for which an Environmental Impact Report (State Clearing House No. 2016111009) was adopted by the Ontario City Council on December 5, 2017. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 218-101-01, 218-101-02, 218-101-07, 218-101-08, 218-102-10, 218-102-11) **submitted by CVRC Ontario Investments, LLC. City Council action is required.**

1. CEQA Determination

No action necessary – use of previous EIR

2. File No. PDA16-002 (Development Agreement)

Motion to recommend Approval/Denial

- F. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT16-004 (TTM 19966):** A Tentative Tract Map (PMTT16-004/TTM 19966) to subdivide 111.10 acres of land into 480 numbered lots and 92 lettered lots within the Residential Single Family district of Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan, located on the southwest corner of Riverside Drive and Ontario Avenue. The environmental impacts of this project were previously reviewed in conjunction with the Armstrong Ranch Specific Plan (File No. PSP15-002), for which an Environmental Impact Report (State Clearing House No. 2016111009) was adopted by the Ontario City Council on December 5, 2017. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 218-101-01, 218-101-02, 218-101-07, 218-101-08, 218-102-10, 218-102-11) **submitted by CVRC Ontario Investments, LLC.**

1. CEQA Determination

No action necessary – use of previous EIR

2. File No. PMTT16-004 (Tentative Tract Map)

Motion to Approve/Deny

- G. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA05-001:** A Development Agreement Amendment (Second Amendment – File No PDA05-001) between the City of Ontario and Edenglen Ontario, to clarify and update the timing of the construction of public infrastructure, the development impact fee provisions, and the extension of the term of the agreement to serve Tract Map No’s 17392, 17558, 17559, 17560, 17561, 17562, 17563, 17564, 18789, 18790, 18791, and 17564, generally located north of Chino Avenue, south of Riverside Drive, east of Mill Creek Avenue, and west of the SCE utility corridor, within Planning Areas 1 through 8 of the Edenglen Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Edenglen Specific Plan Environmental Impact Report (SCH# 2004051108) that was adopted by the City Council on November 5, 2005. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-171-15; 0218-921-07, 08, 16, 19, 22, and 30; 0218-931-01 through 25; 218-931-75 through 89; 0218-932-01 through 21; 0218-933-01 through 17; 0218-934-01 through 24; 0218-935-01-through 04; 0218-935-12 through 19; 0218-935-22 through 38; 0218-941-01 through 39; 0218-941-55 through 93; 0218-951-01 through 70; 0218-952-19 through 82; 0218-954-01 through 42; 0218-955-01 through 42; 0218-956-01 through 58; 0218-961-07 through 88) **submitted by Edenglen Ontario, LLC. City Council action is required.**

1. CEQA Determination

No action necessary – use of previous EIR

2. File No. PDA05-001 (Development Agreement Amendment)

Motion to recommend Approval/Denial

MATTERS FROM THE PLANNING/HISTORIC PRESERVATION COMMISSION

- 1) Old Business
 - Reports From Subcommittees
 - Historic Preservation (Standing):
- 2) New Business
- 3) Nominations for Special Recognition

DIRECTOR'S REPORT


- 1) Monthly Activity Report

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

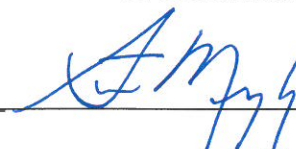
If you challenge any action of the Planning/Historic Preservation Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning/Historic Preservation Commission at,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



I, Gwen Berendsen, Administrative Assistant, of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on **Friday, February 23, 2018**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.



Gwen Berendsen, Secretary Pro Tempore



Scott Murphy, AICP
Assistant Development Director
Planning/Historic Preservation
Commission Secretary

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

MINUTES

January 23, 2018

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

MINUTES

January 23, 2018

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

COMMISSIONERS

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

Absent: Downs

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

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Willoughby.

ANNOUNCEMENTS

Mr. Murphy stated that there were items before them, a revised resolution for Item D and two correspondence received relating to Items E & F

PUBLIC COMMENTS

No one responded from the audience.

CONSENT CALENDAR ITEMS

Commissioner Reyes requested item A-04 be pulled from the Consent Calendar for separate discussion.

A-01. MINUTES APPROVAL

Planning/Historic Preservation Commission Minutes of Special Meeting on December 18, 2017 approved as written.

A-02. ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP TIME EXTENSION REVIEW FOR FILE NO. PMTT14-020: A one-year Time Extension of

the expiration date for the approval of File No. PMTT14-020, a Tentative Parcel Map (PM 19552) to subdivide a 0.20-acre parcel of land into a single parcel for condominium purposes, located on the west side of Euclid Avenue, approximately 450 feet north of Elm Street, at 1420 South Euclid Avenue, within the MDR-18 (Medium Density Residential – 11.1 to 18.0 DU/Acre) and EA (Euclid Avenue) Overlay zoning districts. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 1050-051-01); **submitted by Johnathan Ma.**

- A-03. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-028:** A Development Plan (File No. PDEV17-028) to construct 37 multiple-family apartment units on 1.13 acres of land generally located on the north side of Sixth Street, approximately 150 feet east of Interstate 10, at 941 East Sixth Street, within the HDR-45 (High Density Residential – 25.1 to 45.0 DU/Acre) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15332 (Class 32, Infill Development) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 1047-172-03 and 1047-172-19) **submitted by Kirk Wallace.**

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Gregorek, to approve the Planning Commission Minutes of Special Meeting on December 18, 2017, as written, and to adopt the resolutions to approve the Tentative Parcel Map Time Extension, File No., PMTT14-020, and the Development Plan, File No., PDEV17-028, subject to conditions of approval. The motion was carried 6 to 0.

PUBLIC HEARING ITEMS

- A-04. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-045:** A Development Plan (File No. PDEV17-045) to construct 190 conventional single-family homes on 40.20 acres of land located within the Conventional Medium Lot Residential district of Planning Area 3 of the Subarea 29 Specific Plan, located at the southeast corner of Archibald Avenue and Eucalyptus Avenue. The environmental impacts of this project were previously reviewed in conjunction with an addendum to the Subarea 29 Specific Plan EIR (SCH# 2004011009) that was adopted by the City Council on April 21, 2015. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0218-281-15 and 0218-281-16) **submitted by KB Home.**

Senior Planner, Henry Noh, presented the staff report. He described the location and surrounding area. The project consists of 190 conventional single-family homes, a 1.5 acre private pocket park and 3 paseo connections. He described the different proposed designs, elevations, and layouts of the homes. He stated that staff is recommending the Planning Commission approve File No. PDEV17-045, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Reyes wanted clarification as to where the larger parks would be outside of the proposed area.

Mr. Noh stated that the residents would be able to access Celebration Park in PA 11, through the paseo and another park in PA 14 that is under construction.

Mr. Reyes wanted clarification if the residents in the proposed area would have access to the club house in PA 15.

Mr. Noh stated no, they would only have access to the park areas.

Mr. Reyes wanted to know what kind of amenities would be going into PA 11 and 14, and clarification if these are developer parks.

Mr. Murphy stated that both of these will be public parks that are being built by the developers and will be turned over to the city. Celebration Park has already been turned over to the city, which is predominantly a passive park with an amphitheater, band stand and some rose gardens. The north park will be more active with some open fields, tot lots, shade structures and walking paths and play equipment.

Mr. Reyes wanted clarification as to the amenities that are being proposed in the pocket park for the current proposed project.

Mr. Noh stated that there are 2 half-court basketball courts, some bbq's and shade structures and some active open field areas being proposed.

Mr. Willoughby wanted clarification regarding play structures for younger kids within the proposed pocket park.

Mr. Noh stated there was none being proposed.

Mr. Reyes stated that the reason he wanted this to be looked at separately was because he would in the future, like to be able to see more details of the amenities being offered. He stated that with 190 homes going in with this project, he would like to have some minor sort of tot lot amenities in parks like this in the future. He explained that he appreciated the basketball court offerings, which are nice for older children, but a parent with younger kids having to walk two blocks to the other parks to have tot activities might be difficult. He stated that we might want to look closer at this in the future and put some sort of small tot equipment in, especially being that there is room for it in this size park. He stated he would also like to see shade so that the bbq areas are more readily used. He stated that other than that, he thinks the project is very good.

Mr. Murphy asked if it was the desire of the Commission to have that incorporated into

this project or is this for future projects?

Mr. Reyes asked if we could apply it in this case, and we could have staff work with that, he would prefer that now.

Mr. Willoughby stated he would like to have the applicant come forward and discuss it with him and also that he concurs with Mr. Reyes thoughts of the distance for a family with young children to have to walk to enjoy tot lot amenities.

Mr. Delman asked the other Commissioners if they were in agreement with this. They agreed.

Mr. Gage stated that with 190 homes there will probably be 190 kids and he agreed that we should consider some sort of equipment play equipment in their area.

Mr. Delman opened the Public Hearing and asked the applicant to come forward.

PUBLIC TESTIMONY

RJ Hernandez, the project manager, spoke and stated that they were very diligent about designing the park in accordance with Subarea 29 Planning Area 3 guidelines. He described the amenities that are available in the proposed park area. He stated that with his project schedule and working with the Planning staff, he would like to work with the city on these issues but would like to be able to continue to move forward with the project. He stated that he was concerned that this was the first he heard about these changes.

Mr. Reyes stated this was the first time before Planning Commission so that is why it's the first these concerns have been brought forward. He stated he is not asking for the park to be redesigned, but just that a small tot lot area be included, that would make it feel more like a family place. He stated it seems unlikely that a family with a young child would go so far to use the tot lot, and he feels like it would be better if they could offer something more internal for the area. He would like to have staff work with the applicant to integrate something into the project, but not delay the project. He stated it is his hope that the other Commissioners would support this.

Mr. Hernandez stated that he would be willing to look at this with staff. He stated he has a young child and he did keep children ages 2 to 5 in mind when he designed this area, and that children this age like to run around. He stated that he understands the desire for this type of equipment, but it is costly and he is concerned about the lead time for something like this.

Mr. Reyes clarified that he isn't looking for a huge addition, just something even off the shelf that could be added to this area, that wouldn't delay the project from moving forward, and stated that most tot lots don't need to be ADA accessible so it really opens up options for this addition.

Mr. Willoughby wanted clarification if it was feasible for this item to have staff to work with KB Homes to work on some sort of tot lot amenity, but not delay the project.

Mr. Murphy stated that this can be added as a condition of approval that a tot lot would

need to be provided and that this could be worked out with staff, and it can be approved with this in place.

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

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by DeDiemar, to adopt a resolution to approve the Development Plan, File No., PDEV17-045, with the added condition that the applicant work with staff to add a tot lot to the pocket park area and subject to all other conditions of approval. The motion was carried 6 to 0.

B. ENVIRONMENTAL ASSESSMENT, TENTATIVE PARCEL MAP, DEVELOPMENT PLAN AND CERTIFICATE OF APPROPRIATENESS REVIEW FOR FILE NOS.: PMTT17-006 (PM 19832), PDEV17-020 & PHP17-036:

A Tentative Parcel Map (File No. PMTT17-006 (PM 19832) to subdivide a 2.7 acre site for common lot condominium purposes in conjunction with a Development Plan (File No. PDEV17-020) and a Certificate of Appropriateness (File No. PHP17-036) to allow for the construction of a two-story retail and medical office building totaling 37,074 square feet located on the northeast corner of Euclid Avenue and Riverside Drive, within the CN (Neighborhood Commercial) zoning district and EA (Euclid Avenue) Overlay District. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1051-614-08) **submitted by Creative Design Associates.**

Senior Planner, Lorena Mejia, presented the staff report. She gave the history of the property and the project site location and surrounding area. She stated that the Certificate of Appropriateness was approved at the last Historic Preservation Sub-Committee meeting. She stated that the first floor would be retail and the second story would be medical offices. The buildings would be connected by a second story walkway with stairways and elevators provided. She described the landscaping, the elevations, and architectural features that are proposed for the project. She stated that staff is recommending the Planning Commission approve File Nos. PHP17-036, PMTT17-006 & PDEV17-020, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Willoughby wanted clarification on the height of the project, which looks to be about 43.9 feet, as it compares to the existing facilities.

Mr. Murphy stated they don't have the exact height for the existing buildings but that end gable on the building looks about 38 to 40 feet and that the proposed project would be in the proximity with the existing facilities.

Mr. Willoughby wanted clarification regarding the two suites in the northwest area, if that was connected to the other building for the elevator access in some way.

Ms. Mejia stated yes it was through the second story walkway.

Mr. Willoughby stated that the asphalt was in bad condition and wanted clarification if this will be upgraded or a slurry coat done.

Ms. Mejia stated the asphalt would be upgraded within the confines of their parcel area.

Mr. Willoughby asked if that applied to the existing landscaping within the redlines of the parcel, would that be upgraded as well.

Ms. Mejia stated yes that the landscaping and irrigation would be upgraded and that some of the planters would be enlarged as well.

Mr. Reyes wanted clarification regarding the plaza areas in front of the building and if these were intended for people to sit.

Ms. Mejia stated that yes there is proposed bench seating around some of the shade tree areas and this is intended for patrons and employees to sit and relax.

Mr. Reyes wanted clarification regarding access to the building from the parking in the back.

Ms. Mejia stated that there is a walkway between O'Reilly's and the building, on either end of the building, and access on the northern end.

Mr. Willoughby wanted clarification regarding the minimum square footage for the lower retail space.

Ms. Mejia stated that yes each one of spaces are about 1,500 to 1,600 square feet, but they have the option to expand into additional space.

Mr. Reyes asked if the applicant could work with staff regarding the tree screening for the residences to the east of the building, being that the building was two stories and their backyards would be looking directly at these elevations which aren't very embellished.

Mr. Murphy stated that the Planning landscape division is always really good about making sure the existing landscape is enhanced and there will also be new landscape added within the parking area, so we would have that issue covered with both of those items.

PUBLIC TESTIMONY

Mr. Christopher Chung, the project manager, representing Euclid PHD, LLC, appeared and spoke. He thanked the staff for all their hard work and being so easy to work with. He stated he wanted clarification regarding the uses that were stated in the staff report for the lower portion of the building stated commercial retail only, but the plan they submitted reflected medical and professional offices here as well. He stated they wanted to have the flexibility that if they were unable to get retail in that they would have the option to have professional offices there as well.

Mr. Reyes asked is the landscape architect and architect could go into some detail regarding the project and what is proposed in the open spaces.

Mr. Kenneth Pang, the architect for the project appeared and stated in the courtyard facing the front parking area, they will be providing benches and seat walls for sitting areas and shaded canopy with the trees where people could stay and enjoy the space.

Mr. Willoughby wanted clarification regarding the landscape on the east side of the parking lot regarding the size of the trees proposed.

Mr. Craig Duncan, the landscape architect for the project, stated 36-inch boxed Sycamore trees and 24-inch boxed Koelreuteria trees.

Mr. Willoughby wanted clarification regarding the east area on the property line regarding what is there and what is proposed to be replaced.

Mr. Duncan stated that there are currently Crepe Myrtles along the wall and that they have cataloged all of the existing trees and their current condition, and the 24-inch boxed Crepe Myrtles that are proposed are for the parking along the west end. He stated that they have not proposed to do anything with the trees along the wall to the east, as this is the back of the building.

Mr. Reyes wanted clarification regarding the east planter area and if any shrubs or vines were proposed to green up this area, beside the Crepe Myrtles and DG that are there.

Mr. Duncan stated that no there was nothing proposed for this area as the residences wouldn't be able to see that area on this side of the wall.

Mr. Reyes stated that he wanted to know if they could work with staff to maybe think about something, maybe evergreens, to soften and screen the area more for the residents.

Mr. Willoughby wanted to clarify with staff the uses that the applicant had questioned and if medical offices would be allowed on the lower level.

Mr. Murphy stated that the Euclid Avenue Overlay does not allow for medical office on the ground level. He stated that general office uses would be allowable on the ground floor and medical offices on the second floor.

Mr. Chung wanted clarification as to the wording in the resolution, does the term commercial retail include general office use. He also stated that the parking was calculated for 50,000 square feet of medical offices on the lower level, so if they weren't able to have this, there would be extra parking available.

Mr. Murphy stated yes commercial retail includes general office.

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

There was no Planning Commission deliberation.

HISTORIC PRESERVATION COMMISSION ACTION

It was moved by Willoughby, seconded by Gregorek, to adopt a resolution to approve the Certificate of Appropriateness, File No., PHP17-036, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

PLANNING COMMISSION ACTION

It was moved by Gage, seconded by Reyes, to adopt a resolution to approve the Parcel Map, File No., PMTT17-006 and Development Plan, File No., PDEV17-020, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

- C. **ENVIRONMENTAL ASSESSMENT AND GENERAL PLAN AMENDMENT REVIEW FOR FILE NO. PGPA16-005**: An Amendment to the Policy Plan (general plan) component of The Ontario Plan to: [1] modify the Land Use Element designation on a portion of a lot totaling 2.8 acres of land from Industrial to Business Park, generally located at the northwest corner of Grove Avenue and Mission Boulevard, at 1192 East California Street; and [2] modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes. Staff is recommending the adoption of an Addendum to an Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (Related File No. PZC16-003); (APNs: 1049-382-05 and 1049-172-01) **City Initiated. City Council action is required.**
- D. **ENVIRONMENTAL ASSESSMENT AND ZONE CHANGE REVIEW FOR FILE NO. PZC16-003**: A Zone Change on a portion of a lot totaling 2.8 acres of land, from IG (General Industrial) to IL (Light Industrial) to bring property zoning into consistency with the Policy Plan (general plan) component of The Ontario Plan, generally located at the northwest corner of Grove Avenue and Mission Boulevard, at 1192 East California Street. Staff is recommending the adoption of an Addendum to an Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 1049-382-05 and 1049-172-01). (Related File No. PGPA16-005); **City Initiated. City Council action is required.**

Assistant Planner, Jeanie Aguilo, presented the staff report. She described the project location and the surrounding area, and showed what the existing zoning is and what was being changed to bring the zoning into alignment with The Ontario Plan. She stated that staff is recommending the Planning Commission recommend approval of the Addendum to an EIR and of File Nos.

PGPA16-005 and PZC16-003, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

No one responded.

PUBLIC TESTIMONY

No one responded.

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

There was no Planning Commission deliberation.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Gregorek, to recommend approval of adoption of the Addendum to an EIR, Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

It was moved by Gage, seconded by Willoughby, to recommend approval of adoption of a resolution to approve the General Plan Amendment, File No., PGPA16-005, and the Zone Change, File No., PZC16-003, with the amended resolution and subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

E. ENVIRONMENTAL ASSESSMENT AND GENERAL PLAN AMENDMENT REVIEW FOR FILE NO. PGPA17-001: A City initiated request to:

- 1) Modify the Land Use Element of The Ontario Plan (General Plan) to change the land use designations shown on the Land Use Plan Map (Exhibit LU-1) for approximately 450 properties, generally concentrated in the downtown area, and the residential area north of the I-10 Freeway, and additional areas located throughout the City; and
- 2) Modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes.

Staff is recommending the adoption of an Addendum to an Environmental Impact Report (SCH# 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (Related File PZC17-001) (APNs: Various, see attached map and details per Exhibit A attached to the resolution); **City Initiated. City Council action is required.**

F. ENVIRONMENTAL ASSESSMENT AND ZONE CHANGE REVIEW FOR FILE NO. PZC17-001: A City initiated request to change the zoning designations on

approximately 800 properties, generally concentrated in the downtown area, and the residential area north of the I-10 Freeway, and utility corridors located mostly on the east and south sides of the City, and additional areas located throughout the City, in order to make the zoning consistent with The Ontario Plan (TOP) land use designations of the

properties. The environmental impacts of this project were previously analyzed in an Environmental Impact Report (SCH# 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). (Related File: PGPA17-001) (APNs: Various, see attached map and details per Exhibit A attached to the resolution); **City initiated. City Council action is required.**

Associate Planner, Clarice Burden, presented the staff report. She described the meetings held for the community and the responses that were received. She described the environmental impacts of the changes and the zoning descriptions and areas, what is there and what will be changed. She stated that staff is recommending the Planning Commission recommend approval of File No. PGPA17-001 and PZC17-001 pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Reyes wanted clarification regarding Area 23 which has a small motel there and if they will be allowed to stay a motel, but once they close their doors that use would not be allowed there.

Ms. Burden stated that this is correct. The current zoning is ONT which is Ontario International Airport which was a zone established for the airport. The current motel is currently legal non-conforming within the industrial zoning designation and should they close their doors for more than 6 months, it would revert to the current zoning.

Mr. Reyes wanted clarification regarding Area 15 and the difference between RE-2 and AG Residential and if someone wanted to do smaller lots how would that work.

Ms. Burden stated that the standard for the AG residential lots have to be 100 feet wide and in RE-2 its 70 feet. In a lot of this area the properties don't meet the 100 feet and most of these properties are already developed, so it would only really effect someone that wanted to do a room addition or that type of thing. She stated that what the RE-2 zoning does is recognize the smaller lots but also allows for animal keeping for those that do have adequate area to provide the setbacks for animal keeping.

Mr. Reyes wanted clarification that animal keeping could remain.

Ms. Burden stated yes.

Mr. Willoughby wanted to verify that AR minimum lot size is 18,000 square feet and RE-2 is about 10,000 square feet, and wanted clarification regarding animal keeping on RE-2, if they sell the property would the new owner still be able to maintain animals.

Ms. Burden stated that yes those square feet ranges are correct. She stated that with RE-2, they could keep their animals and even establish new animal keeping on a parcel that didn't have it previously.

Mr. Willoughby wanted clarification that the setbacks and distances would remain the same for animal keeping in RE-2 and AR.

Ms. Burden stated that was correct.

Mr. Gage wanted clarification regarding the St. George property in the downtown area, proposing dark brown high density. What is it know and what is the reasoning for changing? He stated the property is currently a church and school.

Ms. Burden stated that the change is to coordinate with the General Plan that was adopted for the area in 2010. She stated that the school can remain as long as they want to but it gives them the option if they choose to transition that land to private party or they could develop it with residential uses.

Mr. Gage stated that wouldn't the high density zoning encourage them to make a money decision on that, because they could get more money for that land, so they would sell to high density apartments and move the church and school and take down the historic St. George Church.

Mr. Murphy stated the current General Plan for this is already High Density Residential and they are just bringing the zoning into consistency. He stated that whether or not it would encourage them to relocate, they still have a current vibrant church activity there and they would need to go through an EIR process and an environmental review and the historic aspect would need to be looked at. He stated that he's not sure it's much of an incentive so much as it is bringing the zoning into consistency and regardless whether we make it low density or medium density, they still have that right to pursue alternative uses on that property, being as we don't have a designated church zone, it is currently conditionally permitted in all our residential uses.

Mr. Gage wanted clarification that this is proposed as a change so it's not High Density now and that there is no church zoning.

Mr. Murphy stated it is only a zone change and that we do not have a church zone designation. He clarified the current zoning is Medium Density up to 25 to the acre and would go to High Density which takes it up to 45.

Mr. Reyes wanted clarification if what the zoning for churches varies based on whatever the zoning is for the property.

Mr. Murphy stated that is correct, that churches are generally conditionally permitted in most of the zoning designations that we have within the city.

Mr. Reyes wanted clarification that if a project is brought is for a church, how does the staff look at it based on the zoning or the area and that this change would not make it more difficult for churches.

Mr. Murphy stated they have to go through the Conditional Use Permit process and we evaluate their site plan, how traffic circulates and how it fits in with the neighborhood. He stated that is would not make it more difficult for churches.

PUBLIC TESTIMONY

Lynn McIlwain spoke regarding his residents on Map 15 and stated he was in favor of this proposal, and keeping the farming animal zoning.

Quyen Lee and her neighbor Maggie came forward, and Quyen spoke regarding their residents located on E. Locust St. on Map 15. She stated she doesn't mind horse keeping and they have two neighbors that have horses and they take them away to ride them, so they don't bother the neighborhood. She stated their lots are very big and the houses are very small and they have huge backyards which have lots of weeds and gophers, which have done huge damage to the land. She stated they have ants, big spiders, rats and lots of gophers, more gophers than humans on the block. She stated it's very expensive and difficult to keep up the lots. She stated she would like to be reconsidered to change to a higher density, maybe LDR-5, so that they could build another house in the back because of the huge lot sizes. She did write a letter and had several neighbors sign it and gave it to Ms. Burden. Maggie spoke and stated that they wanted to be reconsidered for LDR-5 so that they could build a larger dwelling than what exists on the property.

Mr. Delman wanted clarification that if the zoning was changed to LDR-5 would the property owner be able to build a second house larger than the current dwelling.

Mr. Murphy stated that they would need to subdivide the property, but they run into the same issue with the current AG and the RE-2 standards, you can have a second dwelling on the property but it cannot be larger than the current residence, but you can have that now. The only way to accomplish that would be to consolidate several of the properties and then re-subdivide them to bring the lot sizes down to 7,200 square feet.

Mr. Willoughby wanted clarification regarding subdividing the 23,000 square foot lots into two 11,000 lots, in an RE-2 zone.

Mr. Murphy stated that theoretically yes you could but, with the configuration of the lots that they are working with, it would make that difficult.

Mr. Gage wanted clarification regarding the regulations for the second dwelling that needs to be smaller than the current residence, and if any exceptions are made or is it a one size fits all. He stated that if the existing residence is the size of a guest house it seems fair that they should be able to build a larger residence and who came up with these regulations that are one size fits all.

Mr. Murphy stated that the state came up with the legislation, but it doesn't state that they can't expand their current residence, but that a second dwelling is ancillary to the existing residence. He stated we didn't want to have two full size residents on the property but they had the option of having an accessory dwelling if it was needed, but it does have limitations as to the size.

Mr. Willoughby wanted clarification regarding the law that was handed down from the state mandating the size, but doesn't state that if they wanted to add a 2,000 square foot addition to the existing dwelling and then come back and build a 1,500 square foot second dwelling, they could.

Mr. Murphy stated not quite that big. There is a limitation of 850 square feet is the max.

Les Garrison stated he is in Map 17 and backs up against Walnut. He was concerned about the signs and wanted to make sure that by rezoning this that they wouldn't be able to just put up neon signs.

Mr. Willoughby stated that staff could clarify that it would fall under the signage regulations which are the same for neighborhood commercial versus community residential.

Mr. Murphy stated that was correct, generally they are allowed signage on the building itself and then monument signage out along the street, which is based on the frontage, which is one sign for every 600 feet of frontage, but there are also height limitations, 8 foot maximum and a limitation on the total square footage which is 50 square foot total.

Daniel Cholinga came forward and stated he was south of the 10 freeway, and wanted to know how they are going to structure the 10 freeway. He stated Caltrans came in and built a big wall and took a lot of his property. He stated he received a letter that they want more and he wanted to clarify what we would be taking.

Mr. Murphy explained that Caltrans and San Bernardino County Transportation Authority are working on a project that will widen the 10 Freeway and they had a meeting regarding this. He stated they sent out letter to those individuals that would be impacted by the project and some are impacted more than others depending on the amount of additional right-away that is needed. He explained that we are doing zone changes tonight and the City of Ontario is not part of that project. He stated that we could get some information to him regarding this project, if he wanted to leave his name and phone number.

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

Mr. Reyes wanted clarification regarding Area 14 at Campus and Woodland and the residence there that is now going to be industrial and is there a current resident there that has any thoughts on this change.

Ms. Burden stated that this recommendation is based on the property owner's request. This is one of the properties that went before the City Council and staff was asked to take another look at it and see if industrial would be appropriate for this location and being that it is directly adjacent to industrial.

Mr. Reyes wanted clarification regarding the letter from Mrs. Lee and the regulations regarding accessory dwellings and would they be able to have a 850 square foot second dwelling, in addition to adding square footage to the original home.

Mr. Murphy stated that this is correct and that some of the provisions put out now are less restrictive than they were previously and they can do up to 40% lot coverage.

Mr. Reyes wanted to know what the biggest differences are to the areas that are being changed from General Commercial to Neighborhood Commercial.

Mr. Murphy stated when we look the General Plan and Development Code we try to

create a hierarchy similar to residential for commercial. With General Commercial, we are typically looking at larger sites with good freeway access. Neighborhood Commercial is exactly that commercial-within residential and usually these are more restrictive uses so that we don't have impacts to the neighborhoods, which are generally smaller sites and don't have freeway accessibility.

Mr. Reyes stated he wanted this clarification because of his concern regarding the mom and pop type stores that are within these neighborhoods and wanted to make sure they would still be able to continue.

Mr. Murphy explained within the Development Code, the terminology the "corner store" is part of the neighborhood fabric and allow for those within residential neighborhoods, but they are more restrictive regarding the uses, and are intended to serve the immediate neighborhood.

Mr. Willoughby wanted clarification regarding the truck stop property that is going to General Industrial and could this be revisited years from now if the trucks choose to relocate, and make it commercial property.

Mr. Murphy stated that was correct. There is nothing that would preclude us from changing it in the future.

Mr. Willoughby wanted to know within General Industrial if the hotel was damaged beyond 50% would it be able to be rebuilt as a hotel.

Mr. Murphy stated that yes if it was more than 50%, it would come before the Planning Commission to be rebuilt and they could just go through plan check if it was less than 50%.

Mr. Gage wanted to thank the people of Ontario for coming out to speak tonight. He stated that one of his concerns of changing the St. George property to higher density gets people to sell.

Mr. Willoughby stated that HDR-45 is the General Plan designation for the property, so we aren't changing the General Plan, we are just bringing it into alignment with that.

Mr. Murphy stated that is correct,

Mr. Reyes wanted to know how long it has been sitting out of zone and what would happen if it continued to sit like that.

Mr. Murphy stated it has been that way since 2010 and his preference is that it not sit like that because we have an obligation under state law to make sure our General Plan and Zoning are consistent, but if the desire is to change it to a lower density, then we can certainly look at that. But we need to make sure that we aren't spot zoning.

Ms. DeDiemar asked if St. George was part of the notification process and if they had voiced any concerns or if anyone was present from St. George.

Mr. Murphy stated that was correct, when we look at the properties we try to look at what's out there and what makes sense. He stated when you look at the St. George property and

take the historic aspect out of it, it is a large property and it you look at the higher density in the surrounding area. He stated that obviously we all don't want to see the historic church disappear.

Mr. Gregorek stated that what is being proposed isn't much different from what is out there and the property is designated historic and he hasn't heard anything regarding the church selling the property and move on. He stated that maybe we are worrying about things that aren't going to happen and we should just stay on the course that staff has recommended.

Mr. Reyes stated that it is really tough to get churches built these days and he doesn't know if these changes will affect the church, and maybe this is just something that we send to City Council and let them weigh in on what should happen, being that it is in close proximity to the downtown.

Mr. Delman stated his recommendation is that we go forward with what staff is proposing.

Mr. Willoughby wanted to go over the letter from Jesse Fonz regarding some issues and that we do have codes within the City and have Code Enforcement that you can contact if you have any issues regarding someone not following these codes on their property.

PLANNING COMMISSION ACTION

It was moved by DeDiemar, seconded by Gregorek, to recommend adoption of an Addendum to an EIR, Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

It was moved by DeDiemar, seconded by Willoughby, to recommend adoption of a resolution to approve the General Plan Amendment, File No., PGPA17-001, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

It was moved by Willoughby, seconded by Gregorek, to recommend adoption of a resolution to approve the Zone Change, File No., PZC17-001, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gregorek, Reyes, and Willoughby; NOES, Gage; RECUSE, none; ABSENT, Downs. The motion was carried 5 to 1.

- G. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA13-003:** A Development Agreement Amendment (Third Amendment – File No PDA13-003) between the City of Ontario and SL Ontario Development Company LLC, to clarify and update the phasing of the construction of public infrastructure to serve Tract Map No's 18913-1, 18913-2, 18913-3, 18913-4, 18913-5 and 18913. The project is generally located north of Riverside County Line Channel (Bellegrave Flood Control Channel), south of Eucalyptus Avenue, east of Archibald Avenue, and west of the SCE utility corridor, within Planning Areas 4 through 27, of the Subarea 29 Specific Plan (Park Place Community). The environmental impacts of this project were previously reviewed in conjunction with an addendum to the Subarea 29 Specific Plan EIR (SCH#

2004011009) that was adopted by the City Council on April 21, 2015. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-022-02, 0218-563-01 through 04, 0218-022-10 and 11, 0218-554-01 through 68, 218-573-01 through 06, 0218-033-01 through 06, 0218-583-01, and 0218-014-01 through 07) **submitted by SL Ontario Development Corporation. City Council action is required.**

Principal Planner, Rudy Zeledon, presented the staff report. He described the history of the Development Agreement and what changes are being made. He stated that staff is recommending the Planning Commission recommend approval File No. PDA13-003, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

No one responded.

PUBLIC TESTIMONY

Damon Gascon, of Lewis Management Corp., came forward and stated he was happy to answer any questions and as Mr. Zeledon stated the amendment phases certain infrastructure that will be consistent with how they are going to develop the balance of the property.

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

There was no Planning Commission deliberation.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Gage, to recommend adoption of a resolution to approve the Development Agreement Amendment, File No., PDA13-003, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

- H. ENVIRONMENTAL ASSESSMENT AND SPECIFIC PLAN AMENDMENT REVIEW FOR FILE NO. PSPA16-005:** An amendment to the Rich Haven Specific Plan (File No. PSPA16-005) to annex 72.3 acres of land located on the southeast corner of Haven Avenue and Ontario Ranch Road into the Mixed-Use Overlay district of the Rich Haven Specific Plan including updates to the development standards, exhibits and text changes to reflect the proposed annexation and Policy Plan (general plan) compliance. Staff has prepared an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) prepared in conjunction with File No. PGPA06-001 and adopted by City Council on January 27, 2010. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 218-211-01 and 218-211-23) **submitted by Brookcal Ontario LLC/Richland Communities. City Council action is required.**

Senior Planner, Lorena Mejia, presented the staff report. She stated it includes updates to the development standards, exhibits and text changes to reflect the proposed annexation and Policy Plan (General Plan) compliance. She stated that staff is recommending the Planning Commission recommend approval of an Addendum to an EIR and File No. PSPA16-005, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

No one responded.

PUBLIC TESTIMONY

Terry Galloway, with the Galloway Group, came forward and stated he has been working with the staff and concur with their report. He stated this is the second Specific Plan Amendment to this area and this is a straight forward application.

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

There was no Planning Commission deliberation.

PLANNING COMMISSION ACTION

It was moved by Gage, seconded by Reyes, to recommend adoption of the Addendum to an EIR. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

It was moved by Willoughby, seconded by Gregorek, to recommend adoption of a resolution to approve the Specific Plan Amendment, File No., PSPA16-005, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

- I. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA08-001:** A Development Agreement Amendment (First Amendment – File No PDA18-001) between the City of Ontario and True North Management Group to extend the term of the development agreement allowing for the construction of up to 870,000 square feet of class “A” mixed use office park and the required infrastructure, on approximately 24.8 acres of land within the Guasti Specific Plan, for property located north of Guasti Road and south of the I-10 Freeway, between Turner Avenue and Archibald Avenue. The Environmental Impacts of this project were previously reviewed in conjunction with File Nos. PDEV06-001 & PMTT06-019 for which a Mitigated Negative Declaration was adopted by the Planning Commission on May 23, 2006. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-022-02, 0218-563-01 through 04, 0218-022-10 and 11, 0218-554-01 through 68, 218-573-01 through 06, 0218-033-01 through 06, 0218-583-01, and 0218-014-01 through 07) **submitted by**

True North Management Group. City Council action is required.

Mr. Scott Murphy presented the staff report. He stated the history of the Development Agreement and stated they are recommending a 5 year time extension with the option of an additional 5 years. He stated that staff is recommending the Planning Commission recommend approval of File No. PDA08-001, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

No one responded.

PUBLIC TESTIMONY

No one responded.

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

Mr. Willoughby wanted clarification if after 5 years does it come before the commission again to extend to the additional 5 years or is it up to the Planning Department.

Mr. Murphy stated that the way it is worded is the additional 5 years is at the discretion of the City Manager.

Mr. Reyes stated he is glad we are giving some extra time to bring in some class "A" projects that are greatly needed in this area.

PLANNING COMMISSION ACTION

It was moved by Reyes, seconded by DeDiemar, to recommend adoption of a resolution to approve the Development Agreement Amendment, File No., PDA08-001, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

Historic Preservation (Standing): This subcommittee met on January 11, 2018.

Mr. Willoughby stated they approved the Certificate of Appropriateness for the retail office building that was presented to the commission tonight.

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

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

New Business

Mr. Reyes stated that he sees the progress of the new Sizzler project going in on

Mountain and looking forward to it opening.

NOMINATIONS FOR SPECIAL RECOGNITION

None at this time.

DIRECTOR'S REPORT

Mr. Murphy stated the monthly reports are available in their packets.

ADJOURNMENT

Willoughby motioned to adjourn, seconded by Gregorek. The meeting was adjourned at 9:04 PM.

Secretary Pro Tempore


Chairman, Planning Commission



CITY OF ONTARIO

MEMORANDUM

TO: Chairman and Members of the Planning Commission

FROM: Scott Murphy, AICP, Assistant Development Director 

DATE: February 27, 2018

SUBJECT: **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PCUP17-021 AND PDEV17-046:** Development Plan (File No. PDEV17-046) to construct a 4,500 square-foot self-service carwash (Fast 5 Xpress) in conjunction with a Conditional Use Permit (File No. PCUP17-021) to establish and operate the drive-thru carwash, on 0.93 acres of land, within the Commercial land use designation of the Grove Avenue Specific Plan, located at 2345 S. Grove Avenue. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0216-081-25) **submitted by Fast 5 Xpress Car Wash.**

Staff is recommending that this item be continued to the March 27, 2018 Planning Commission meeting to allow staff and the applicant additional time to hold a community meeting and receive input from the adjacent residents.



**PLANNING COMMISSION
STAFF REPORT**
February 27, 2018

SUBJECT: A Tentative Parcel Map (File No. PMTT16-018/PM 19827) to subdivide 3.98 acres of land into 2 parcels in conjunction with a Development Plan (File No. PDEV16-032) to construct a 25,512 square foot industrial building on 1.49 acres located at the southwest corner of State Street and Mountain Access Road, at 1121 West State Street, within the IL (Light Industrial) zoning district (APNs: 1011-191-02 and 1011-191-03);
Submitted by Chris Evans

PROPERTY OWNER: S. Mountain Avenue LLC

RECOMMENDED ACTION: That the Planning Commission approve File Nos. PDEV16-032 and PMTT16-018 (PM 19827), 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 3.98 acres of land located on the southwest corner of State Street and Mountain Access Road, at 1121 West State Street, within the IL (Light Industrial) zoning district, and is depicted in **Figure 1: Project Location**, below. The project site is a partially developed parcel with three industrial buildings and is surrounded to the north by the Union Pacific Railroad tracks, to the west by industrial buildings, to the south by a self-storage facility, and to the east by the Mountain Avenue overpass bridge.

PROJECT ANALYSIS:

[1] Background — The three existing industrial buildings located on the project site were built in the early 1960's and are currently occupied by warehousing/wholesaling of kitchen counter tops and auto repair uses.

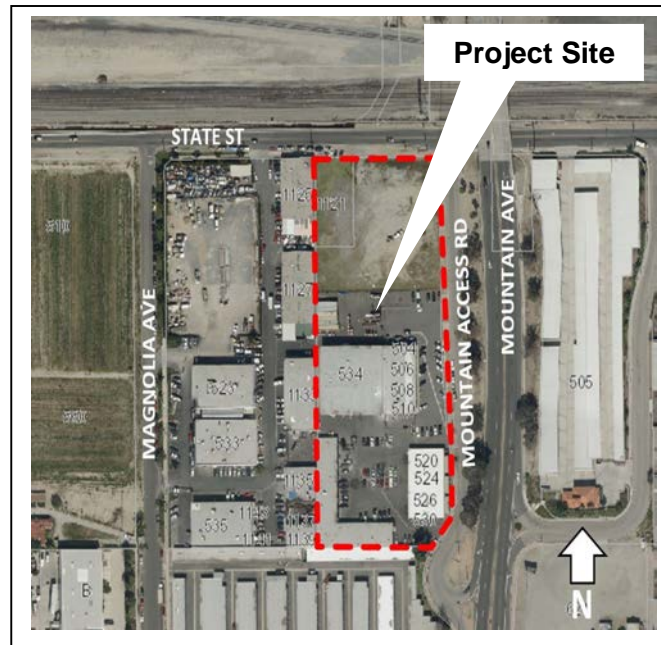


Figure 1: Project Location

Case Planner:	Denny D. Chen	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	2/21/2018	Approve	Recommend
Submittal Date:	7/12/2016	ZA			
Hearing Deadline:	3/20/2018	PC	2/27/2018		Final
		CC			

On February 21, 2018, the Development Advisory Board reviewed the subject application and recommended that the Planning Commission approve the proposed project, subject to departmental conditions of approval included with this report.

[2] Site Design/Building Layout — The proposed 25,512 square foot industrial building will be located on 1.49 acres of land, which gradually slopes from north to south. The project site is long and narrow with the following lot dimensions: 226 feet along the north property line, 246 feet along the south property line, 267 feet along the west property line, and 209 feet along the east property line. The proposed industrial building will be oriented east to west, with the front of the building facing east along Mountain Access Road. The building will be setback 10 feet along the north property line (State Street), 11 feet along the east property line (Mountain Access Road), 10 feet along the west property line, and 122 feet along the south property line. The proposed development will include a truck loading area on the south of the site, which will be screened by an 8 foot tall masonry wall along the east and south sides of the property to insure that the truck loading area will not be visible from public views.

The 25,512 square foot industrial building can potentially be divided into two suites. Both suites will consist of approximately 12,756 square feet. Suite “A” will have an office building entrance at the southwest corner of the building and Suite “B” at the southeast corner of the building, along the Mountain Access Road frontage. The parking and loading areas for each building suite will be located on the south side of the building (see **Exhibit A: Site Plan**).

[3] Site Access/Circulation — Access from Mountain Access Road to the site will be provided by a single 30-foot wide driveway located at the southeast corner of the site – no vehicular access will be provided from State Street. The entryway will consist of decorative colored concrete paving. The truck yard area provides for adequate truck and Fire Department access and turn-around space. Employee and visitor parking for Suite “A” will be provided along the southwest area of the site that will be accessed by an east-west drive aisle located south of the building truck loading areas. Suite “B” visitor parking area will be provided at the southeast corner of the building. Employee parking will be provided along the south boundary of the site, just south of the truck loading areas.

[4] Parking — Parking requirements for the project are consistent with the parking standards for warehouse with ancillary office, as specified within the Development Code. The proposed 25,512 square foot industrial building is required to provide a total of 23 parking spaces and 23 parking spaces will be provided. Parking is summarized in the Summary of Parking Analysis table below (**Figure 2: Summary of Parking**). Trailer truck parking is required at 1 space for every four dock-high doors. The project proposes two dock-high doors and therefore no designated truck trailer parking spaces are required. However, truck trailers will utilize the dock-high loading spaces if parking is needed. As a condition of approval for the project, truck trailers will not be permitted to park within the vehicle parking areas or within the truck maneuvering area of the building.

Figure 2: Summary of Parking Analysis				
Land Use	Gross Floor Area (SF)	Parking Ratio	Required Parking	Total Parking Provided
Warehouse Suites "A" & "B"	25,512	1 space per 1,000 SF of GFA for portion of GFA ≤ 20,000 SF, plus 0.5 space per 1,000 SF for GFA > 20,000 SF, plus one tractor-trailer parking space per 4 dock-high loading doors; plus required parking for "general business offices" when those uses exceed 10% of building GFA	23	23
	25,512		23	23

[5] Architecture — The proposed building elevations illustrate the type of high-quality architecture promoted by the Development Code Design Guidelines. The proposed building will be composed of concrete tilt-up walls that incorporates a modern architecture design (see **Exhibits B & C: Building Perspective** and **Exhibits D & E: Color Elevations**). The building will incorporate architectural tower elements at each corner of the building that will help to break up the building mass. In addition, the building footprint incorporates a combination of recessed and popped-out wall areas. To accent the building design, the following materials, finishes, and fixtures have been incorporated into the design of the building:

- Use of multiple exterior building colors;
- Horizontal and vertical reveal lines;
- 24-inch wide anodized alucabond fascia along the top of building's towers;
- 24-inch wide multiple horizontal reveals on panel walls and towers;
- Storefront aluminum canopies with brush aluminum finish to match towers fascia;
- Double glazed windows with a brushed aluminum mullion system;
- Aluminum frame and spandrel glass window insets in concrete tilt-up walls;

- Sandblasted form-bands along the building's north elevation; and
- Extensive use of glazing at office areas and corner towers.

[6] Landscaping —The project will provide a 17.9% landscape coverage, exceeding the 15% minimum landscape coverage requirements of the Development Code. Landscaping will consist of a 10-foot landscape setback along the State Street frontage, 11-feet along the Mountain Access Road frontage, 18-feet along the south property line and 10-feet along the west property line.

The landscape pallet for the project incorporates a combination of 24", 36" and 48" box sized accent and shade trees that includes Golden Rain, Willow Leaved Peppermint, Crape Myrtle, and Interior Live Oak. Within the parking lot areas of the site, 15 gallon Willow Leaved Peppermint trees, 24" box Live Oak trees and 36" box size Golden Rain trees are proposed. Within the 7 foot wide landscape parkways, along State Street and Mountain Access Road, 24" box Crape Myrtle trees are proposed. In addition a variety of shrubs and groundcovers are proposed within the landscaped areas.

An outdoor employee break/leisure area will be provided along the south side of the Building Suite "B" office area. The area will feature shade trees, decorative paving, and tables for both employees and guest to enjoy (see **Exhibit F: Landscape Plan**).

[7] Signage — The project is not proposing any signage at this time. However, all new signage shall comply with the requirements of Development Code and are required to be reviewed and approved by the Planning Department prior to permit issuance.

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

- Connect to an existing 8-inch sewer line on Mountain Access Road;
- Extend the sewer main to serve Parcel 1 (approximately 135-feet);
- Install a monitoring manhole for each of the two potential tenant's on the on-site sewer systems;
- Connect to an existing 8-inch water main on Mountain Access Road;
- Design and construct a storm water retention facility along the southern portion of the site (Parcel 1); and
- Submit a Water Quality Management Plan (WQMP) to establish the project's compliance with storm water discharge/water quality requirements.

[9] Tentative Parcel Map – In conjunction with the Development Plan application, a Tentative Parcel Map has been submitted to subdivide the 3.98 acre project site into 2 parcels.

Parcel 1 will be 1.49 acres in size and Parcel 2 will be 2.49 acres, consistent with the Development Code minimum lot requirement of 10,000 square feet for the IL (Light Industrial) zoning district.

Parcel 1 will facilitate the proposed Development Plan to construct the 25,512 square foot industrial warehouse building. Parcel 2 is developed with three industrial buildings (see **Figure 1: Project Location**). Both Parcels 1 and 2 will have separate ingress and egress from Mountain Access Road.

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

[1] City Council Goals.

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

[2] Vision.

Distinctive Development:

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

[3] Governance.

Decision Making:

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

[4] Policy Plan (General Plan)

Land Use Element:

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

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

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

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

Community Economics Element:

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

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

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

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

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

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

Safety Element:

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

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

➤ S4-4 Truck Traffic. We manage truck traffic to minimize noise impacts on sensitive land uses.

➤ S4-5 Road Design. We design streets and highways to minimize noise impacts.

Community Design Element:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport (ONT),

and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT.

ENVIRONMENTAL REVIEW: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, Infill Development Projects) of the CEQA Guidelines, which consists of projects characterized as infill development, meeting the following conditions:

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

CONDITIONS OF APPROVAL: See attached department reports.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Industrial & Partially Undeveloped Land	BP (Business Park)	IL (Light Industrial)	N/A
<i>North</i>	Union Pacific Railroad	Rail	RC (Rail Commercial)	N/A
<i>South</i>	Industrial Buildings	BP (Business Park)	IL (Light Industrial)	N/A
<i>East</i>	Self-Storage Facility	BP (Business Park)	IL (Light Industrial)	N/A
<i>West</i>	Industrial Buildings	BP (Business Park)	IL (Light Industrial)	N/A

General Site & Building Statistics

<i>Item</i>	<i>Proposed</i>	<i>Min./Max. Standard</i>	<i>Meets Y/N</i>
<i>Project Area:</i>	3.98 acres	10,000 (Min.)	Y
<i>Parcel 1 Size:</i>	1.49 acres	10,000 (Min.)	Y
<i>Parcel 2 Size:</i>	2.49 acres	10,000 (Min.)	Y
<i>Building Area (Parcel 1)</i>	25,512 SF	n/a	Y
<i>Floor Area Ratio (Parcel 1)</i>	0.39	0.55 (Max.)	Y
<i>Floor Area Ratio (Parcel 2)</i>	0.38	0.55 (Max.)	Y
<i>Building Height:</i>	35 FT	55 FT (Max.)	Y

Off-Street Parking:

<i>Type of Use</i>	<i>Building Area</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
<i>Warehouse Building</i>	25,512	1 per 1,000 for first 20,000 GFA and 0.5 per 1,000 for building GFA greater than 20,000 SF; plus 1 tractor-trailer parking space per 4 dock-high loading doors; plus required parking for "general business offices" when those uses exceed 10% of building GFA (Gross Floor Area).	23	23
<i>Existing Warehouse Building</i>	22,272	1 per 1,000 for first 20,000 GFA and 0.5 per 1,000 for building GFA greater than 20,000 SF	21	27
<i>Existing Motor Vehicle Repair Buildings</i>	19,600	2.5 spaces per 1,000 SF (0.0025/SF) of GFA	49	48
TOTAL			93	98

EXHIBIT A: Site Plan

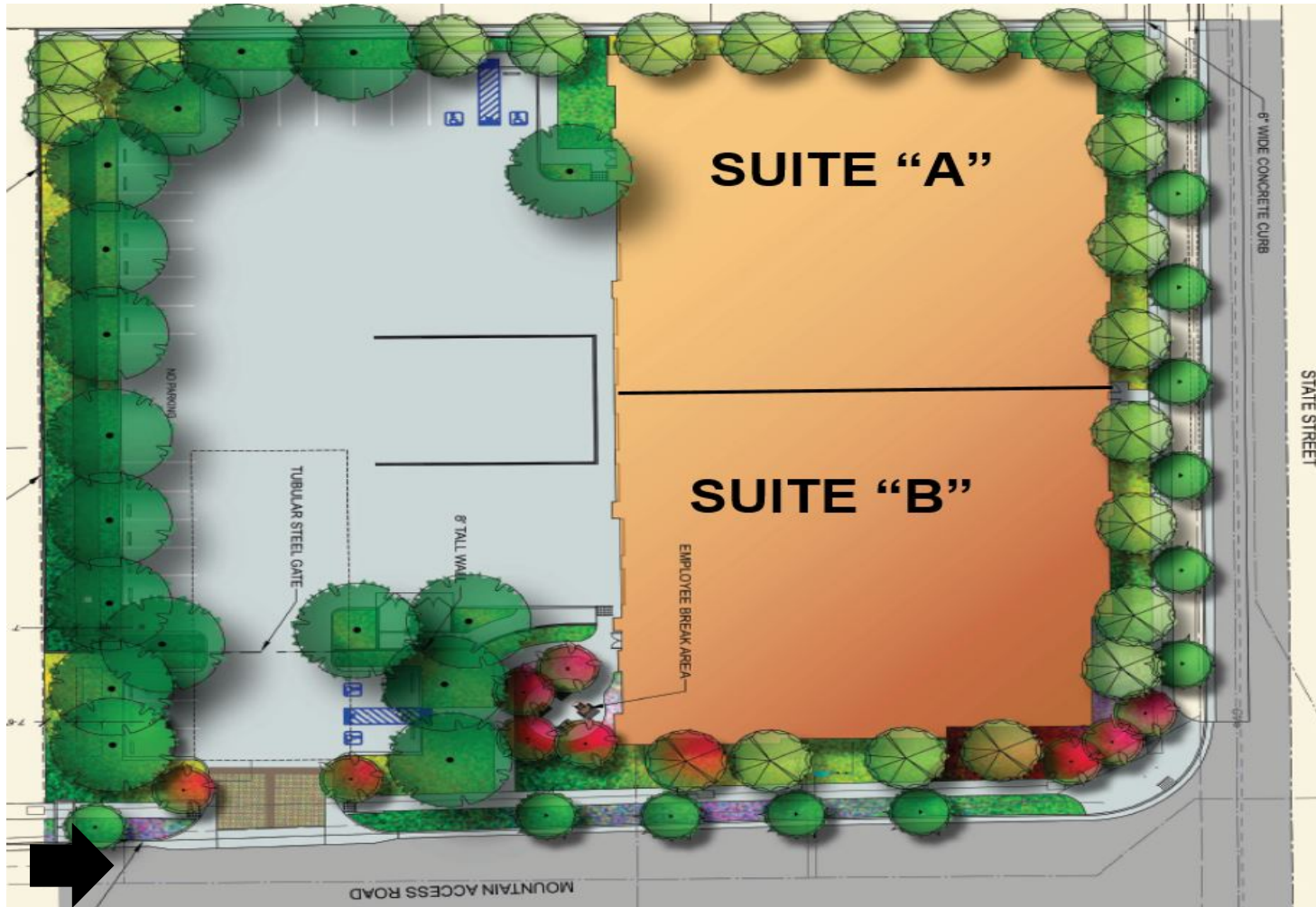


EXHIBIT B: Building Perspective



View of Northwest Corner of State Street & Mountain Access Road

EXHIBIT C: Building Perspective



Southeast View of Building from Mountain Avenue Bridge

EXHIBIT D: Color Elevations



NORTH



WEST

EXHIBIT E: Color Elevations



SOUTH

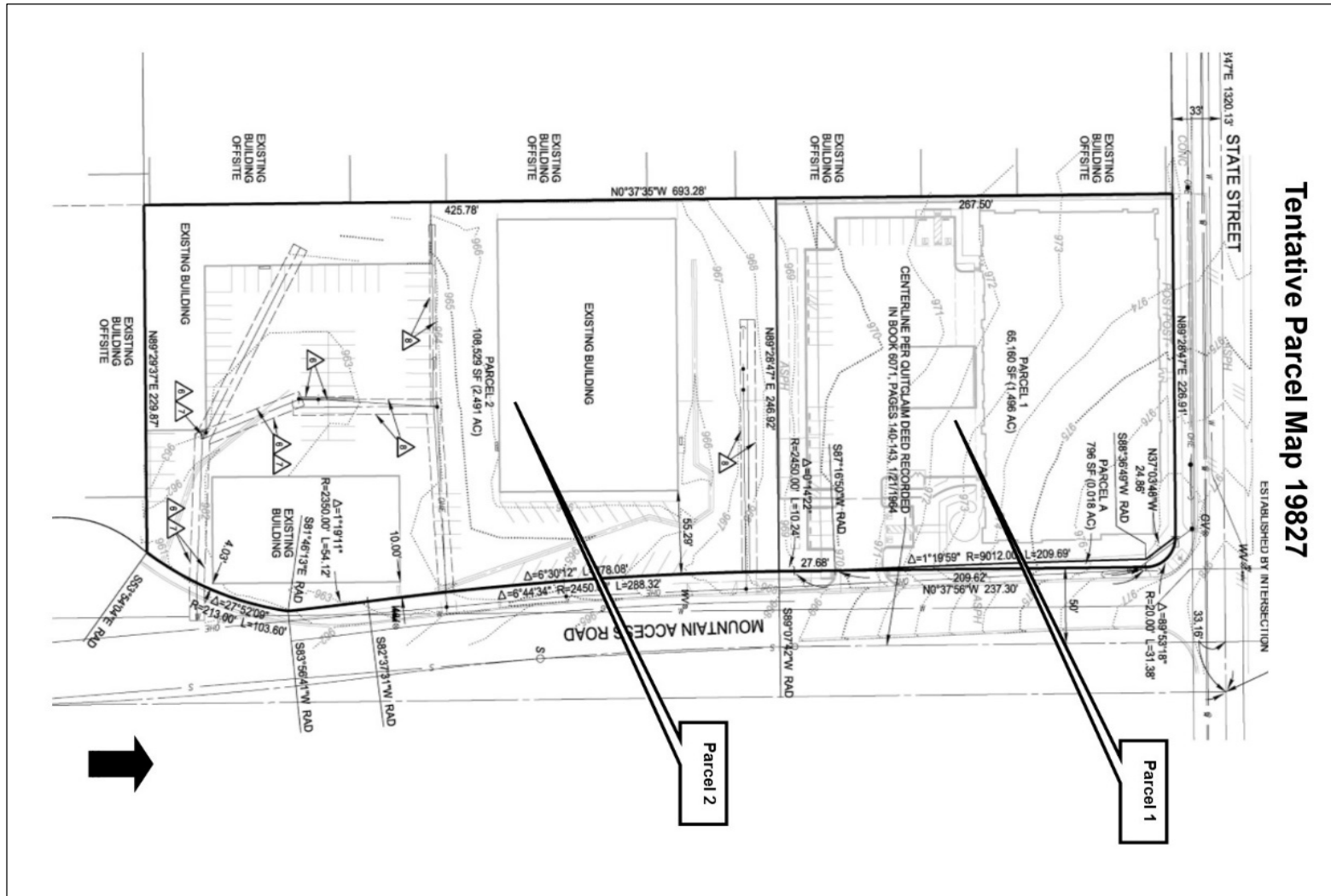


EAST

EXHIBIT F: Landscape Plan



EXHIBIT G: Tentative Parcel Map



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PMTT16-018 (PM 19827) A TENTATIVE PARCEL MAP TO SUBDIVIDE 3.98 ACRES OF LAND INTO 2 PARCELS FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF STATE STREET AND MOUNTAIN ACCESS ROAD, AT 1121 WEST STATE STREET WITHIN THE IL (LIGHT INDUSTRIAL) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1011-191-02 & 1011-191-03

WHEREAS, Chris Evans ("Applicant") has filed an Application for the approval of a Tentative Parcel Map, File No. PMTT16-018 (PM 19827), as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 3.98 acres of land located on the southwest corner of State Street and Mountain Access Road, at 1121 West State Street within the IL (Light Industrial) zoning district; and

WHEREAS, the property to the north of the Project site is within the RC (Rail Corridor) zoning district and is developed with the Union Pacific Railroad. The property to the east is within the IL (Light Industrial) zoning district and is developed with a self-storage facility. The property to the south is within the IL (Light Industrial) zoning district and is developed with three industrial buildings. The property to the west is within the IL (Light Industrial) zoning district and is developed with two industrial buildings; and

WHEREAS, on July 12, 2016 the applicant submitted a Tentative Parcel Map application (File No. PMTT16-018/PM 19827) to subdivide 3.98 acres of land into 2 parcels; and

WHEREAS, a Development Plan application (File No. PDEV16-032) has been submitted in conjunction with the Tentative Parcel Map application to facilitate the construction of a 25,512 square foot industrial warehouse building on 1.49 acres of land, located on the southwest corner of State Street and Mountain Access Road; and

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

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

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

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

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

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

WHEREAS, on February 21, 2018, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB18-007, recommending the Planning Commission approve the Application; and

WHEREAS, on February 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date; and

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

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

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

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

(2) The Project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, Infill Development Projects) of the CEQA Guidelines, which consists of projects characterized as infill development, meeting the following conditions:

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

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

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

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

SECTION 3: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility

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

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

(1) ***The proposed Tentative Tract/Parcel Map is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable area and specific plans, and planned unit developments.*** The proposed Tentative Parcel Map (PM 19827) is located within the BP (Business Park) land use district of the Policy Plan Land Use Map, and the IL (Light Industrial) zoning district. The proposed subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to the establishment of “[a] dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses” (Goal CD1). Furthermore, the project will promote the City’s policy to “take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods” (Policy CD1-1); and

(2) ***The design or improvement of the proposed Tentative Tract/Parcel Map is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable specific plans and planned unit developments.*** The proposed Tentative Parcel Map is located within the BP (Business Park) land use district of the Policy Plan Land Use Map, and the IL (Light Industrial) zoning district. The proposed design or improvement of the subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will provide “[a] high level of design quality resulting in

public spaces, streetscapes, and developments that are attractive, safe, functional and distinct (Goal CD2). Furthermore, the project will promote the City's policy to "collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques" (Policy CD2-7); and

(3) ***The site is physically suitable for the type of development proposed.*** The project site meets the minimum lot area and dimensions of the IL (Light Industrial) zoning district, and is physically suitable for the type of industrial development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions. The Ontario Development Code requires a minimum lot area of 10,000 square feet for properties within the IL (Light Industrial) zoning district. The proposed Tentative Parcel Map will subdivide 3.98 acres of land into 2 parcels. Parcel 1 will be 1.49 acres in size and Parcel 2 will be 2.49 acres, consistent with the Development Code minimum lot requirement of 10,000 square feet, and therefore, physically suitable for the proposed development and subdivision; and

(4) ***The site is physically suitable for the density/intensity of development proposed.*** The project site is approximately 3.98 acres and the proposed subdivision meets the minimum lot area and dimensions of the IL (Light Industrial) zoning district, which is 10,000 square feet, and is physically suitable for this proposed density of development. Within the IL (Light Industrial) zoning district, the maximum FAR (Floor Area Ratio) allowed is 0.55. The proposed 25,512 square foot industrial building on Parcel 1 will have a 0.39 floor area ratio, which meets the required development density; and

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

(6) ***The design of the subdivision, or the type of improvements thereon, are not likely to cause serious public health problems.*** The design of the proposed subdivision, and the driveway/access and parkway improvements existing or proposed on the project site, are not likely to cause serious public health problems, as the project is not anticipated to involve the transport, use, or disposal of hazardous materials during

either construction or project implementation, include the use of hazardous materials or volatile fuels, nor are there any known stationary commercial or industrial land uses within close proximity to the subject site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the project site; and

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

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

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

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

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27TH day of February 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy, AICP
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on February 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PMTT16-018 (PM 19827)
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



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

*Planning Department
Land Development Division
Conditions of Approval*

Meeting Date: February 21, 2018

File No: PMTT16-018 (PM 19827)

Related Files: PDEV16-032

Project Description: A Tentative Parcel Map (File No. PMTT16-018/PM 19827) to subdivide 3.98 acres of land into 2 parcels, for property located at 1121 West State Street within the IL (Light Industrial) zoning district; APNs: 1011-191-02 and 1011-191-03; **submitted by Chris Evans**

Prepared By: Denny D. Chen, Associate Planner
Phone: 909.395.2424 (direct)
Email: dchen@ontarioca.gov

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

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

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

2.1 Time Limits.

(a) Tentative Parcel/Tract Map approval shall become null and void 2 years following the effective date of application approval, unless the final parcel/tract map has been recorded, or a time extension has been approved by the Planning Commission pursuant to Development Code Section 2.02.025 (Time Limits and Extensions). This Permit does not supersede any individual time limits specified herein for performance of specific conditions or improvements.

2.2 Subdivision Map.

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

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

(c) Pursuant to California Government Section 66474.9, the subdivider agrees that it will defend, indemnify, and hold harmless the City of Ontario or its agents, officers and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set

aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer of this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. The City of Ontario shall promptly notify the subdivider of any such claim, action or proceeding and the City of Ontario shall cooperate fully in the defense.

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

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

2.4 Landscaping.

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

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

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

2.5 Environmental Review.

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

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

(ii) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

(iii) The project site has no value as habitat for endangered, rare, or threatened species;

(iv) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

(v) The Project site can be adequately served by all required utilities and public services.

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

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

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

Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

2.7 Additional Fees.

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

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

2.8 Additional Requirements.

(a) All Conditions of Approval for Development Plan (File No. PDEV16-032) shall apply.



**ENGINEERING DEPARTMENT
CONDITIONS OF APPROVAL**

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

<input checked="" type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> PARCEL MAP <input type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES	
PROJECT FILE NO. <u>PM-19827</u> RELATED FILE NO(S). <u>PDEV16-032</u>		
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: <u> / / </u>		

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

CITY PROJECT PLANNER & PHONE NO: Denny Chen (909) 395-2424

DAB MEETING DATE: February 21st, 2018

PROJECT NAME / DESCRIPTION: **PM-19827, a Tentative Parcel Map to
subdivide 3.98 acres of land into 2
parcels.**

LOCATION: 1121 West State Street

APPLICANT: S. Mountain Ave., LLC

REVIEWED BY: *[Signature]* 2/5/18
 Bryan Linley, P.E. Date
 Principal Engineer

APPROVED BY: *[Signature]* 2-9-18
 Khoi Do, P.E. Date
 Assistant City Engineer



THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2010-021) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE CHECKED. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO FINAL MAP OR PARCEL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT.

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

- 1.01 Dedicate to the City of Ontario, the right-of-way, described below:
 - 1. Variable width (from 0-ft to 5.2-ft) along Mountain Access Road frontage.
 - 2. Property line corner 'cut-back' required at the intersection of Mountain Access Road and State Street.
- 1.02 Dedicate to the City of Ontario, the following easement(s): _____
- 1.03 Restrict vehicular access to the site as follows: _____
- 1.04 Vacate the following street(s) and/or easement(s): _____
- 1.05 Submit a copy of a recorded private reciprocal use agreement or easement. The agreement or easement shall ensure, at a minimum, common ingress and egress and joint maintenance of all common access areas and drive aisles.
- 1.06 Provide (original document) Covenants, Conditions and Restrictions (CC&Rs) as applicable to the project and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&Rs shall provide for, but not be limited to, common ingress and egress, joint maintenance responsibility for all common access improvements, common facilities, parking areas, utilities, median and landscaping improvements and drive approaches, in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project. The CC&Rs shall also address the maintenance and repair responsibility for public improvements/utilities (sewer, water, storm drain, recycled water, etc.) located within open space/easements. In the event of any maintenance or repair of these facilities, the City shall only restore disturbed areas to current City Standards.
- 1.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.
- 1.08 File an application for Reapportionment of Assessment, together with payment of a reapportionment processing fee, for each existing assessment district listed below. Contact the Management Services Department at (909) 395-2124 regarding this requirement.
 - (1) _____
 - (2) _____
- 1.09 Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.



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

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

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

- 2.01 Record Parcel Map No. 19827 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a duplicate photo mylar of the recorded map to the City Engineer's office.
- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario per _____
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of _____
- 2.05 Apply for a: Certificate of Compliance with a Record of Survey; Lot Line Adjustment
 - Make a Dedication of Easement.
- 2.06 Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.



- 2.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.
- 2.08 **Submit a soils/geology report.**
- 2.09 Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies:
- State of California Department of Transportation (Caltrans)
 - San Bernardino County Road Department (SBCRD)
 - San Bernardino County Flood Control District (SBCFCD)
 - Federal Emergency Management Agency (FEMA)
 - Cucamonga Valley Water District (CVWD) for sewer/water service
 - United States Army Corps of Engineers (USACE)
 - California Department of Fish & Game
 - Inland Empire Utilities Agency (IEUA)
 - Other: _____
- 2.10 Dedicate to the City of Ontario the right-of-way described below:
- _____ feet on _____
- Property line corner 'cut-back' required at the intersection of _____ and _____.
- 2.11 Dedicate to the City of Ontario the following easement(s): _____
- _____
- 2.12 New Model Colony (NMC) Developments:
- 1) Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.
 - 2) Make a formal request to the City of Ontario Engineering Department for the proposed temporary use of an existing agricultural water well for purposes other than agriculture, such as grading, dust control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.
 - 3) Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall).
- 2.13 Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at 100% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.

Project File No. PM-19827 (Related to PDEV16-032)
Project Engineer: Antonio Alejos
DAB Date: 02/21/18



- 2.14 The applicant/developer shall submit all necessary survey documents prepared by a Licensed Surveyor registered in the State of California detailing all existing survey monuments in and around the project site. These documents are to be reviewed and approved by the City Survey Office.
- 2.15 **Pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee, approximately \$32,000, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.**
- 2.16 Other conditions: _____



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

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

Improvement	Mountain Access Rd	State St	Street 3	Street 4
Curb and Gutter	<input checked="" type="checkbox"/> Remove existing driveway approach and replace with new curb and gutter	<input checked="" type="checkbox"/> New; 20 ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Widen street section for a total half street width of 18-ft along frontage	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input checked="" type="checkbox"/> New commercial driveway approach along Parcel 1 <input checked="" type="checkbox"/> Remove all existing driveway approaches along Parcel 2 and replace with commercial driveway approach standard	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Sidewalk	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp (see Sec. 2.F)	<input checked="" type="checkbox"/> New; 40-ft curb return radius	<input checked="" type="checkbox"/> New; 40-ft curb return radius	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace



Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Fire Hydrant	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> New lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input checked="" type="checkbox"/> New service for domestic water use w/ back-flow preventer <input checked="" type="checkbox"/> New service for irrigation water use w/ back-flow preventer <input checked="" type="checkbox"/> New service for fire use w/ DCDA	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Storm Drain (see Sec. 2G)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Fiber Optics (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances



Overhead Utilities	<input checked="" type="checkbox"/> Relocate power pole a minimum of 1.5-ft behind the face of the new curb return	<input checked="" type="checkbox"/> Relocate power pole a minimum of 1.5-ft behind the face of new curb located 20-ft from CL <input checked="" type="checkbox"/> Relocate power pole a minimum of 1.5-ft behind the face of the new curb return	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	_____	_____	_____
Other Improvements	_____	_____	_____	_____

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

- 2.18 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s): _____
- 2.19 **Reconstruction of the full pavement structural section, per City of Ontario Standard Drawing number 1011, may be required based on the existing pavement condition and final street design. Minimum limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.**
- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide water service sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.
- 2.21 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892). Developer may pay in-lieu fee, approximately _____, for undergrounding of utilities in accordance with Section 7-7.303.e of the City's Municipal Code.
- 2.22 **Other conditions:**
 1. **Mountain Access Road along project frontage will be rehabilitated in year 2017-2018 as part of the City of Ontario's maintenance program. If the project starts construction after the rehabilitation of Mountain Access Road, the Applicant/Developer shall be required to add 100-ft of type II slurry seal on each side of a trench for the full street width which was slurred within the past three years in accordance with street moratorium requirements.**

C. SEWER

- 2.23 **An 8-inch sewer main is available for connection by this project in Mountain Access Road. (Ref: Sewer plan bar code: S11419)**
- 2.24 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately _____ feet away.



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

2.26 **Other conditions:**
 1. **The Applicant/Developer shall extend sewer main to serve Parcel 1 (approximately 135-ft).**
 2. **The Applicant/Developer shall install a monitoring manhole for each of the two (2) tenant's on-site sewer systems.**

D. WATER

2.27 **An 8-inch water main is available for connection by this project in Mountain Access Road. (Ref: Water plan bar code: W11537)**

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

2.29 Other conditions: _____

E. RECYCLED WATER

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

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

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

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

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

2.34 Other conditions: _____

F. TRAFFIC / TRANSPORTATION

2.35 Submit a focused traffic impact study, prepared and signed by a Traffic/Civil Engineer registered in the State of California. The study shall address, but not be limited to, the following issues as required by the City Engineer:
 1. On-site and off-site circulation
 2. Traffic level of service (LOS) at 'build-out' and future years
 3. Impact at specific intersections as selected by the City Engineer

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

2.37 **Other conditions:**
 1. **The Applicant/Developer shall be responsible for the installation of street light conduits, wiring and pull boxes beyond the project frontage along State Street to the existing street light service, east of the Mountain Avenue bridge.**



2. The Applicant/Developer's engineer-of-record shall meet with City Engineering staff prior to starting signing/stripping and street lighting design to discuss items such as striping layout and tie-ins to existing or future street light circuits.
3. The Applicant/Developer shall modify the curb-return radius at the southwest corner of Mountain Access Road and State Street per City Standard Drawing Number 1106, R=40-ft.
 - a. The Applicant/Developer shall be responsible to relocate an existing power pole in accordance with City standards if there is a conflict with the geometric changes to the new curb-return.
4. The project frontages of State Street and Mountain Access Road shall be signed "No Parking Anytime."
5. Gates shall remain open at all times during business hours.

G. DRAINAGE / HYDROLOGY

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

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

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



J. SPECIAL DISTRICTS

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

K. FIBER OPTIC

- 2.49 Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet handhole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet handhole. Generally located along State Street and Mountain Access Road, see Fiber Optic Exhibit herein.
- 2.50 Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Information Technology Department at (909) 395-2000, regarding this requirement.

L. Solid Waste

- 2.51 Onsite solid waste shall be designed in accordance with the City's Solid Waste Manual location at:
<http://www.ontarioca.gov/municipal-utilities-company/solid-waste>
- 2.52 Other conditions:
1. The Applicant/Developer shall construct a 2-bin (4-CY bins) trash enclosure with a solid roof per the Refuse & Recycling Planning Manual.



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

- 3.01 **Set new monuments in place of any monuments that have been damaged or destroyed as a result of construction of the subject project. Monuments shall be set in accordance with City of Ontario standards and to the satisfaction of the City Engineer.**
- 3.02 Complete all requirements for recycled water usage.
 - 1) Procure from the OMUC a copy of the letter of confirmation from the California Department of Public Health (CDPH) that the Engineering Report (ER) has been reviewed and the subject site is approved for the use of recycled water.
 - 2) Obtain clearance from the OMUC confirming completion of recycled water improvements and passing of shutdown tests and cross connection inspection, upon availability/usage of recycled water.
 - 3) Complete education training of on-site personnel in the use of recycled water, in accordance with the ER, upon availability/usage of recycled water.
- 3.03 **The applicant/developer shall submit all final survey documents prepared by a Licensed Surveyor registered in the State of California detailing all survey monuments that have been preserved, revised, adjusted or set along with any maps, corner records or Records of Survey needed to comply with these Conditions of Approvals and the latest edition of the California Professional Land Survey Act. These documents are to be reviewed and approved by the City Survey Office.**
- 3.04 NMC Projects: For developments located at an intersection of any two collector or arterial streets, the applicant/developer shall set a monument if one does not already exist at that intersection. Contact the City Survey office for information on reference benchmarks, acceptable methodology and required submittals.
- 3.05 **Confirm payment of all Development Impact Fees (DIF) to the Building Department.**
- 3.06 **Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studies and reports (i.e., hydrology, traffic, WQMP, etc.).**



EXHIBIT 'A'

ENGINEERING DEPARTMENT First Plan Check Submittal Checklist

Project Number: PDEV16-032, and/or Parcel Map No. PM-19827

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

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



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

PM-19827
Fiber Optic Exhibit
SWC of Mountain Access Road and State Street

OWNER
 9 MOUNTAIN LANE
 SEAL BEACH CA

APPLICANT
 SHAKEL BATEMAN ASSOCIATES AIA
 2900 HICKLEY STREET, LOMA LINDA, CA 92350
 TELEPHONE: 909-796-0500 shakelb@shakelb.com

SITE
 LOT AREA
 LOT ADDRESS
 PLANNING ZONE
 BUILDING ADDRESS AREA
 OFFICES PER 1000 SF
 OFFICE F.A.
 SUITE F.A.

OWNER'S ADDRESS
 121 WEST STATE STREET, ONTARIO CA

LIGHT INDUSTRIAL L

283.52 SF
 246.52 SF
 246.52 SF
 193.52 SF
 193.52 SF
 124.52 SF

0.07
 0.07
 39-2C
 1-2B-3

INDUSTRIAL LIGHT ILL. ZONE

PROJECT DATA

1. PREPARE THE SITE PLAN FOR THE CONCRETE DRIVEWAY
 2. 8 FT HIGH 12 IN CONCRETE DRIVEWAY
 3. 8 FT HIGH 12 IN CONCRETE DRIVEWAY
 4. 8 FT HIGH 12 IN CONCRETE DRIVEWAY
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 22. 8 FT HIGH 12 IN CONCRETE DRIVEWAY
 23. 8 FT HIGH 12 IN CONCRETE DRIVEWAY
 24. 8 FT HIGH 12 IN CONCRETE DRIVEWAY

KEYNOTES

SITE LEGEND

- LANDSCAPE
- CONCRETE PAVING
- ASPHALTIC PAVING
- BUILDING
- SITE WALLS
- ADA PATH OF TRAVEL
- PROPERTY LINE
- KEY NOTES

SITE LEGEND

1121 E STATE ST.
 ONTARIO CA.

PROJECT DATA

1. PREPARE THE SITE PLAN FOR THE CONCRETE DRIVEWAY
 2. 8 FT HIGH 12 IN CONCRETE DRIVEWAY
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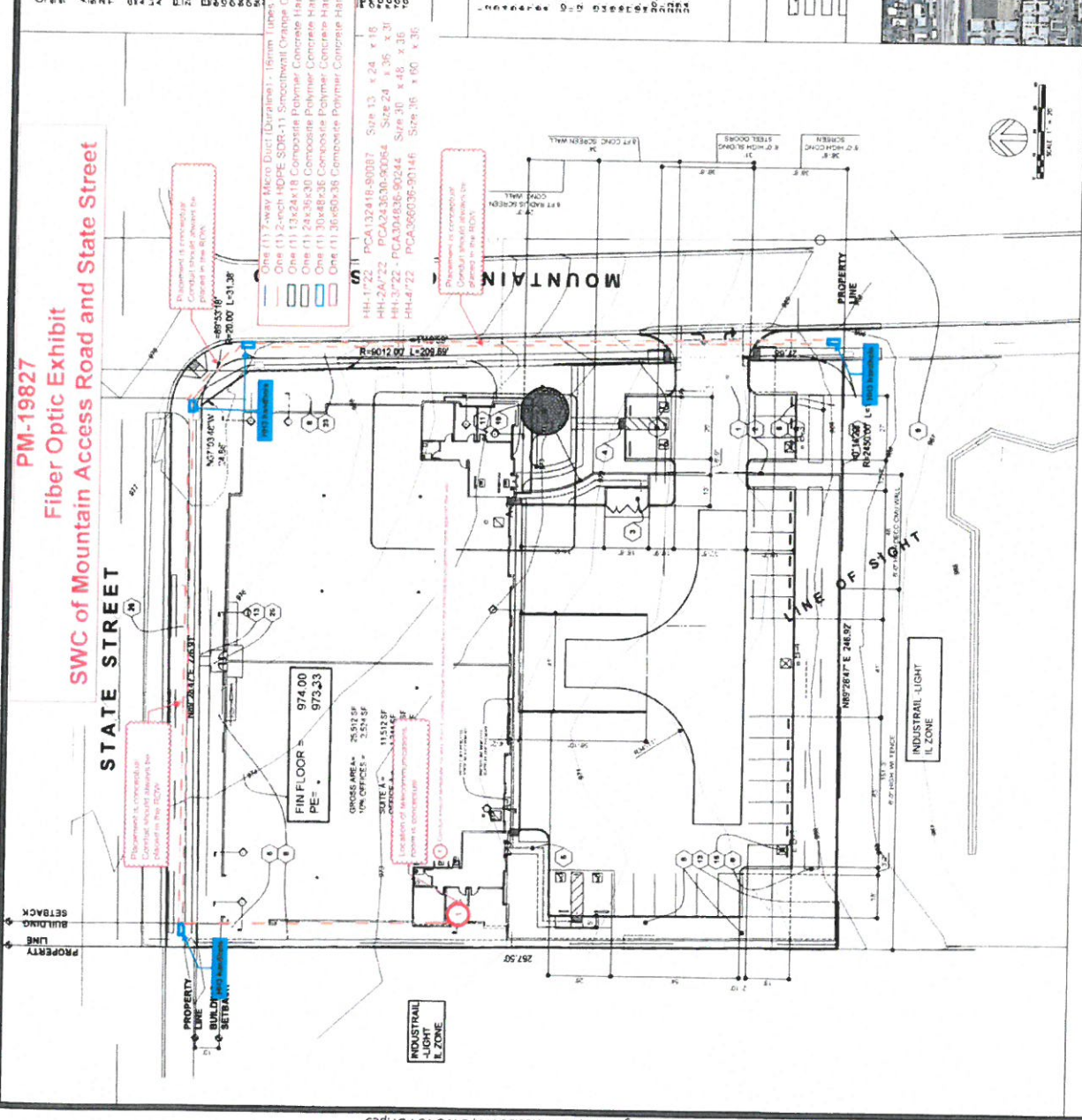
KEYNOTES

SITE LEGEND

- LANDSCAPE
- CONCRETE PAVING
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- SITE WALLS
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- KEY NOTES

SITE LEGEND

1121 E STATE ST.
 ONTARIO CA.



OWNER
 9 MOUNTAIN LANE
 SEAL BEACH CA

APPLICANT
 SHAKEL BATEMAN ASSOCIATES AIA
 2900 HICKLEY STREET, LOMA LINDA, CA 92350
 TELEPHONE: 909-796-0500 shakelb@shakelb.com

SITE
 LOT AREA
 LOT ADDRESS
 PLANNING ZONE
 BUILDING ADDRESS AREA
 OFFICES PER 1000 SF
 OFFICE F.A.
 SUITE F.A.

OWNER'S ADDRESS
 121 WEST STATE STREET, ONTARIO CA

LIGHT INDUSTRIAL L

INDUSTRIAL LIGHT ILL. ZONE

PROJECT DATA

KEYNOTES

SITE LEGEND

1121 E STATE ST.
 ONTARIO CA.

DEVELOPMENT PLAN REVIEW- 3RD FINAL

PDEV 16-032
PMTT16-018

SITE PLAN

A100

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Denny Chen
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: July 20, 2016
SUBJECT: PMTT16-018

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

KS:lm

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV16-032, A DEVELOPMENT PLAN TO CONSTRUCT A 25,512 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING ON 1.49 ACRES LOCATED AT THE SOUTHWEST CORNER OF STATE STREET AND MOUNTAIN ACCESS ROAD, AT 1121 WEST STATE STREET WITHIN THE IL (LIGHT INDUSTRIAL) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1011-191-02 & 1011-191-03

WHEREAS, Chris Evans ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV16-032, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 1.49 acres of land generally located on the southwest corner of State Street and Mountain Access Road, at 1121 West State Street within the IL (Light Industrial) zoning district; and

WHEREAS, the property to the north of the Project site is within the RC (Rail Corridor) zoning district, and is developed with the Union Pacific Railroad. The property to the east is within the IL (Light Industrial) zoning district, and is developed with a self-storage facility. The property to the south is within the IL (Light Industrial) zoning district, and is developed with three industrial buildings. The property to the west is within the IL (Light Industrial) zoning district, and is developed with two industrial buildings; and

WHEREAS, on July 12, 2016 the applicant submitted a Development Plan (File No. PDEV16-032) to construct a 25,512 square foot industrial warehouse building on 1.49 acres, located on the southwest corner of State Street and Mountain Access Road; and

WHEREAS, a Tentative Parcel Map application (File No. PMTT16-018/PM 19827) has been submitted in conjunction with the proposed Development Plan application to subdivide 3.98 acres of land into 2 parcels to facilitate the construction of a 25,512 square foot industrial warehouse building on Parcel 1; and

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

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

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

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

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

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

WHEREAS, on February 21, 2018, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB18-008, recommending the Planning Commission approve the Application; and

WHEREAS, on February 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

evidence presented to the Planning Commission, the Planning Commission finds as follows:

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

(2) The Project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, Infill Development Projects) of the CEQA Guidelines, which consists of projects characterized as infill development, meeting the following conditions

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

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

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

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

SECTION 3: Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted

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

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

(1) ***The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed Project is located within the BP (Business Park) land use district of the Policy Plan Land Use Map, and the IL (Light Industrial) zoning district. The development standards and conditions under which the proposed Project will be constructed and maintained, is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. The proposed development is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to the establishment of “[a] dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses” (Goal CD1). Furthermore, the project will promote the City’s policy to “take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods” (Policy CD1-1); and

(2) ***The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located.*** The Project has been designed consistent with the requirements of the City of Ontario Development Code and the IL (Light Industrial) zoning

district, as-well-as building intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions; and

(3) ***The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project.*** The Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; [iv] the project will be in harmony with the area in which it is located; and [v] the project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan; and

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

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

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

SECTION 7: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located

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

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27TH day of February 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy, AICP
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on February 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PDEV16-032
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



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

***Planning Department
Land Development Division
Conditions of Approval***

Meeting Date: February 27, 2018
File No: PDEV16-032
Related Files: PMTT16-018 (PM 19827)

Project Description: A Development Plan (File No. PDEV16-032) to construct a 25,512 square foot industrial building on 1.49 acres located at 1121 West State Street, within the IL (Light Industrial) zoning district (APNs: 1011-191-02 and 1011-191-03); **submitted by Chris Evans**

Prepared By: Denny D. Chen, Associate Planner
Phone: 909.395.2424 (direct)
Email: dchen@ontarioca.gov

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

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

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

2.1 Time Limits.

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

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

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

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

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

2.3 Landscaping.

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

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

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

(d) Any dead or missing landscaping shall be replaced and a sprinkler system shall be installed that is set to a timer.

(e) Outside plaza areas, in front of the office pods, shall feature decorative color paving.

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

2.5 Parking, Circulation and Access.

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

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

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

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

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

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

2.6 Outdoor Loading and Storage Areas.

(a) Loading facilities shall be designed and constructed pursuant to Development Code Division 6.03 (Off-Street Parking and Loading).

(b) Areas designated for off-street parking, loading, and vehicular circulation and maneuvering, shall not be used for the outdoor storage of materials or equipment.

(c) Outdoor loading and storage areas, and loading doors, shall be screened from public view pursuant to the requirements of Development Code Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) Et Seq.

(d) Outdoor loading and storage areas shall be provided with gates that are view-obstructing by one of the following methods:

(i) Construct gates with a perforated metal sheet affixed to the inside of the gate surface (50 percent screen); or

(ii) Construct gates with minimum one-inch square tube steel pickets spaced at maximum 2-inches apart.

(e) The minimum gate height for screen wall openings shall be established based upon the corresponding wall height, as follows:

<i>Screen Wall Height</i>	<i>Minimum Gate Height</i>
14 feet:	10 feet
12 feet:	9 feet
10 feet:	8 feet
8 feet:	8 feet
6 feet:	6 feet

2.7 Site Lighting.

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

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

(c) Wall packs will not be allowed within the public view areas. All fixtures shall be decorative. Cut sheets shall be submitted to Planning during plan check review.

(d) Decorative light fixtures shall be used on the building to match the proposed architectural style.

2.8 Mechanical and Rooftop Equipment.

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

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

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

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

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

2.12 Environmental Review.

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

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

(ii) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

(iii) The project site has no value as habitat for endangered, rare, or threatened species;

(iv) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

(v) The Project site can be adequately served by all required utilities and public services.

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

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

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

2.14 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made

payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

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

2.15 Additional Requirements.

(a) The proposed decorative canopy over the office entrance (South Elevation) shall project from the face of the building a minimum of 6-feet. The canopy along the East Elevation shall project a minimum of 4-feet from the face of the building.

(b) An 8-foot tall decorative masonry block wall shall be constructed along the east and south side of the property to screen the truck loading area from public view. Applicant shall work with staff during plan check to finalize the necessary height. Applicant shall work with staff during plan check process to finalize the minimum height of screen wall and gates to screen truck docks and roll up doors from public view.

(c) Prior to project approval, applicant shall provide staff with an updated material board showing the building's colors and materials in order to ensure that the building will provide a unique and modern architecture design.

(d) Building roof projections must also have returns of a minimum length of 6-feet, to avoid a false front/unfinished appearance. Applicant shall work with staff during plan check process to finalize the minimum length of the roof returns.

(e) Truck trailers shall only utilize the dock-high door loading areas for parking. Truck trailers shall not be permitted to park within the vehicle parking areas and drive aisle within the back loading areas.

(f) Tower located on the southwest corner of the building, with multiple form reveals, shall leave the exposed aggregate finish within the multiple reveal lines.

(g) Applicant shall work with staff, during the plan check process, to finalize the landscape plans to locate a path of travel along the southern portion of Parcel 1.



**ENGINEERING DEPARTMENT
CONDITIONS OF APPROVAL**

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

<input checked="" type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> PARCEL MAP <input type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
PROJECT FILE NO. <u>PM-19827</u> RELATED FILE NO(S). <u>PDEV16-032</u>	
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: <u> / / </u>	

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

CITY PROJECT PLANNER & PHONE NO: Denny Chen (909) 395-2424

DAB MEETING DATE: February 21st, 2018

PROJECT NAME / DESCRIPTION: **PM-19827, a Tentative Parcel Map to
subdivide 3.98 acres of land into 2
parcels.**

LOCATION: 1121 West State Street

APPLICANT: S. Mountain Ave., LLC

REVIEWED BY: *[Signature]* 2/5/18
 Bryan Linley, P.E. Date
 Principal Engineer

APPROVED BY: *[Signature]* 2-9-18
 Khoi Do, P.E. Date
 Assistant City Engineer



THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2010-021) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE CHECKED. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO FINAL MAP OR PARCEL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT.

1. PRIOR TO PARCEL MAP APPROVAL, APPLICANT SHALL:		Check When Complete
<input checked="" type="checkbox"/>	1.01 Dedicate to the City of Ontario, the right-of-way, described below: 1. Variable width (from 0-ft to 5.2-ft) along Mountain Access Road frontage. 2. Property line corner 'cut-back' required at the intersection of Mountain Access Road and State Street.	<input type="checkbox"/>
<input type="checkbox"/>	1.02 Dedicate to the City of Ontario, the following easement(s): _____ _____	<input type="checkbox"/>
<input type="checkbox"/>	1.03 Restrict vehicular access to the site as follows: _____	<input type="checkbox"/>
<input type="checkbox"/>	1.04 Vacate the following street(s) and/or easement(s): _____	<input type="checkbox"/>
<input type="checkbox"/>	1.05 Submit a copy of a recorded private reciprocal use agreement or easement. The agreement or easement shall ensure, at a minimum, common ingress and egress and joint maintenance of all common access areas and drive aisles.	<input type="checkbox"/>
<input type="checkbox"/>	1.06 Provide (original document) Covenants, Conditions and Restrictions (CC&Rs) as applicable to the project and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&Rs shall provide for, but not be limited to, common ingress and egress, joint maintenance responsibility for all common access improvements, common facilities, parking areas, utilities, median and landscaping improvements and drive approaches, in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project. The CC&Rs shall also address the maintenance and repair responsibility for public improvements/utilities (sewer, water, storm drain, recycled water, etc.) located within open space/easements. In the event of any maintenance or repair of these facilities, the City shall only restore disturbed areas to current City Standards.	<input type="checkbox"/>
<input type="checkbox"/>	1.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at http://tceplumecleanup.com), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.	<input type="checkbox"/>
<input type="checkbox"/>	1.08 File an application for Reapportionment of Assessment, together with payment of a reapportionment processing fee, for each existing assessment district listed below. Contact the Management Services Department at (909) 395-2124 regarding this requirement. (1) _____ (2) _____	<input type="checkbox"/>
<input checked="" type="checkbox"/>	1.09 Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.	<input type="checkbox"/>



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

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

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

- 2.01 Record Parcel Map No. 19827 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a duplicate photo mylar of the recorded map to the City Engineer's office.
- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario per _____
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of _____
- 2.05 Apply for a: Certificate of Compliance with a Record of Survey; Lot Line Adjustment
 - Make a Dedication of Easement.
- 2.06 Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.



- 2.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.
- 2.08 **Submit a soils/geology report.**
- 2.09 Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies:
- State of California Department of Transportation (Caltrans)
 - San Bernardino County Road Department (SBCRD)
 - San Bernardino County Flood Control District (SBCFCD)
 - Federal Emergency Management Agency (FEMA)
 - Cucamonga Valley Water District (CVWD) for sewer/water service
 - United States Army Corps of Engineers (USACE)
 - California Department of Fish & Game
 - Inland Empire Utilities Agency (IEUA)
 - Other: _____
- 2.10 Dedicate to the City of Ontario the right-of-way described below:
- _____ feet on _____
- Property line corner 'cut-back' required at the intersection of _____
and _____
- 2.11 Dedicate to the City of Ontario the following easement(s): _____
- _____
- 2.12 New Model Colony (NMC) Developments:
- 1) Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.
 - 2) Make a formal request to the City of Ontario Engineering Department for the proposed temporary use of an existing agricultural water well for purposes other than agriculture, such as grading, dust control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.
 - 3) Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall).
- 2.13 Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at 100% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.



- 2.14 The applicant/developer shall submit all necessary survey documents prepared by a Licensed Surveyor registered in the State of California detailing all existing survey monuments in and around the project site. These documents are to be reviewed and approved by the City Survey Office.
- 2.15 **Pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee, approximately \$32,000, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.**
- 2.16 Other conditions: _____



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

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

Improvement	Mountain Access Rd	State St	Street 3	Street 4
Curb and Gutter	<input checked="" type="checkbox"/> Remove existing driveway approach and replace with new curb and gutter	<input checked="" type="checkbox"/> New; 20 ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Widen street section for a total half street width of 18-ft along frontage	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input checked="" type="checkbox"/> New commercial driveway approach along Parcel 1 <input checked="" type="checkbox"/> Remove all existing driveway approaches along Parcel 2 and replace with commercial driveway approach standard	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Sidewalk	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp (see Sec. 2.F)	<input checked="" type="checkbox"/> New; 40-ft curb return radius	<input checked="" type="checkbox"/> New; 40-ft curb return radius	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace



Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Fire Hydrant	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> New lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input checked="" type="checkbox"/> New service for domestic water use w/ back-flow preventer <input checked="" type="checkbox"/> New service for irrigation water use w/ back-flow preventer <input checked="" type="checkbox"/> New service for fire use w/ DCDA	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Storm Drain (see Sec. 2G)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Fiber Optics (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances



Overhead Utilities	<input checked="" type="checkbox"/> Relocate power pole a minimum of 1.5-ft behind the face of the new curb return	<input checked="" type="checkbox"/> Relocate power pole a minimum of 1.5-ft behind the face of new curb located 20-ft from CL <input checked="" type="checkbox"/> Relocate power pole a minimum of 1.5-ft behind the face of the new curb return	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	_____	_____	_____
Other Improvements	_____	_____	_____	_____

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

- 2.18 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s): _____
- 2.19 Reconstruction of the full pavement structural section, per City of Ontario Standard Drawing number 1011, may be required based on the existing pavement condition and final street design. Minimum limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.
- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide water service sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.
- 2.21 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892). Developer may pay in-lieu fee, approximately _____, for undergrounding of utilities in accordance with Section 7-7.303.e of the City's Municipal Code.
- 2.22 Other conditions:
 1. Mountain Access Road along project frontage will be rehabilitated in year 2017-2018 as part of the City of Ontario's maintenance program. If the project starts construction after the rehabilitation of Mountain Access Road, the Applicant/Developer shall be required to add 100-ft of type II slurry seal on each side of a trench for the full street width which was slurred within the past three years in accordance with street moratorium requirements.

C. SEWER

- 2.23 An 8-inch sewer main is available for connection by this project in Mountain Access Road. (Ref: Sewer plan bar code: S11419)
- 2.24 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately _____ feet away.



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

2.26 Other conditions:
 1. The Applicant/Developer shall extend sewer main to serve Parcel 1 (approximately 135-ft).
 2. The Applicant/Developer shall install a monitoring manhole for each of the two (2) tenant's on-site sewer systems.

D. WATER

2.27 An 8-inch water main is available for connection by this project in Mountain Access Road. (Ref: Water plan bar code: W11537)

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

2.29 Other conditions: _____

E. RECYCLED WATER

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

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

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

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

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

2.34 Other conditions: _____

F. TRAFFIC / TRANSPORTATION

2.35 Submit a focused traffic impact study, prepared and signed by a Traffic/Civil Engineer registered in the State of California. The study shall address, but not be limited to, the following issues as required by the City Engineer:
 1. On-site and off-site circulation
 2. Traffic level of service (LOS) at 'build-out' and future years
 3. Impact at specific intersections as selected by the City Engineer

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

2.37 Other conditions:
 1. The Applicant/Developer shall be responsible for the installation of street light conduits, wiring and pull boxes beyond the project frontage along State Street to the existing street light service, east of the Mountain Avenue bridge.



2. The Applicant/Developer's engineer-of-record shall meet with City Engineering staff prior to starting signing/stripping and street lighting design to discuss items such as striping layout and tie-ins to existing or future street light circuits.
3. The Applicant/Developer shall modify the curb-return radius at the southwest corner of Mountain Access Road and State Street per City Standard Drawing Number 1106, R=40-ft.
 - a. The Applicant/Developer shall be responsible to relocate an existing power pole in accordance with City standards if there is a conflict with the geometric changes to the new curb-return.
4. The project frontages of State Street and Mountain Access Road shall be signed "No Parking Anytime."
5. Gates shall remain open at all times during business hours.

G. DRAINAGE / HYDROLOGY

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

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

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



J. SPECIAL DISTRICTS

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

K. FIBER OPTIC

- 2.49 Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet handhole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet handhole. Generally located along State Street and Mountain Access Road, see Fiber Optic Exhibit herein.
- 2.50 Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Information Technology Department at (909) 395-2000, regarding this requirement.

L. Solid Waste

- 2.51 Onsite solid waste shall be designed in accordance with the City's Solid Waste Manual location at:
<http://www.ontarioca.gov/municipal-utilities-company/solid-waste>
- 2.52 Other conditions:
1. The Applicant/Developer shall construct a 2-bin (4-CY bins) trash enclosure with a solid roof per the Refuse & Recycling Planning Manual.



- 3. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, APPLICANT SHALL:**
- 3.01 Set new monuments in place of any monuments that have been damaged or destroyed as a result of construction of the subject project. Monuments shall be set in accordance with City of Ontario standards and to the satisfaction of the City Engineer.**
 - 3.02 Complete all requirements for recycled water usage.**
 - 1) Procure from the OMUC a copy of the letter of confirmation from the California Department of Public Health (CDPH) that the Engineering Report (ER) has been reviewed and the subject site is approved for the use of recycled water.
 - 2) Obtain clearance from the OMUC confirming completion of recycled water improvements and passing of shutdown tests and cross connection inspection, upon availability/usage of recycled water.
 - 3) Complete education training of on-site personnel in the use of recycled water, in accordance with the ER, upon availability/usage of recycled water.
 - 3.03 The applicant/developer shall submit all final survey documents prepared by a Licensed Surveyor registered in the State of California detailing all survey monuments that have been preserved, revised, adjusted or set along with any maps, corner records or Records of Survey needed to comply with these Conditions of Approvals and the latest edition of the California Professional Land Survey Act. These documents are to be reviewed and approved by the City Survey Office.**
 - 3.04 NMC Projects: For developments located at an intersection of any two collector or arterial streets, the applicant/developer shall set a monument if one does not already exist at that intersection. Contact the City Survey office for information on reference benchmarks, acceptable methodology and required submittals.**
 - 3.05 Confirm payment of all Development Impact Fees (DIF) to the Building Department.**
 - 3.06 Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studies and reports (i.e., hydrology, traffic, WQMP, etc.).**



EXHIBIT 'A'

ENGINEERING DEPARTMENT First Plan Check Submittal Checklist

Project Number: PDEV16-032, and/or Parcel Map No. PM-19827

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

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



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

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

CONDITIONS OF APPROVAL

Sign Off

Carolyn Bell
 Carolyn Bell, Sr. Landscape Planner

12/12/17
 Date

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

Phone:
(909) 395-2237

D.A.B. File No.:
 PDEV16-032 Rev 4

Case Planner:
 Denny Chen

Project Name and Location:
Mountain Industrial Complex
1121 W State Street

Applicant/Representative:
Marten Anderson MTH2 Engineering
639 Lakewood Dr.
Riverside, CA 92506

<input checked="" type="checkbox"/>	A Preliminary Landscape Plan (dated 11/27/17) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.
<input type="checkbox"/>	A Preliminary Landscape Plan (dated) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval.

CORRECTIONS REQUIRED

Civil Plans

1. Show a 5' dimension for transformers from paving – **not corrected.**
2. Show corner ramp and sidewalk per city standard drawing 1213 with max 13' ramp and back of ramp paving based on street width – **not corrected. Do not show concrete paving to the right of way line. See redlines**
3. **Add detail for curb and gutter with openings. Consider a 12" opening every 10-12' not every 2'; seems excessive and not necessary.**

Landscape Plans

4. Show minimum on-site tree sizes per the Landscape Development standards. **5% - 48" box, 10%-36 box, 30%- 24" box, 55%- 15 gallon. Add 48" box quantities.**
5. **Change accent trees along buildings to a tall narrow tree and space 25'-30' apart and alternate spacing with street trees. Alternate street tree on Mountain ave with on-site trees. See redlines**
6. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Typical fees are:

Plan Check—less than 5 acres\$1,301.00
 Inspection—Construction (up to 3 inspections) \$278.00

Once items are complete you may email an electronic set to: landscapeplancheck@ontarioca.gov

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV16-032
 Address: 1121 West State Street
 APN: 1011-191-02 & 03
 Existing Land Use: Vacant
 Proposed Land Use: Subdivision of two parcels and construction of 24,910 SF Industrial building
 Site Acreage: 4.04 Proposed Structure Height: 35 ft
 ONT-IAC Project Review: n/a
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia
 Contact Info: 909-395-2276
 Project Planner: Denny Chen
 Date: 8/17/16
 CD No: 2016-051
 PALU No: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input checked="" type="checkbox"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: 200 FT +	
<input type="radio"/> Zone 5			

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

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

Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

Airport Planner Signature: 



CITY OF ONTARIO

MEMORANDUM

TO: Denny Chen, Associate Planner
Planning Department

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

DATE: June 13, 2017

SUBJECT: PDEV16-032 - A Development Plan to construct a 25,246 square foot industrial building on 1.4 acres of land located at the southwest corner of State Street and Mountain Access Road, at 1121 West State Street, within the IL (Light Industrial) zoning district (APNs: 1011-191-02 and 1011-191-03). Related File: PMTT16-018

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

SITE AND BUILDING FEATURES:

- A. 2013 CBC Type of Construction: III B Concrete tilt-up
- B. Type of Roof Materials: Wood non rated
- C. Ground Floor Area(s): 25,246 sq. ft.
- D. Number of Stories: 1 story
- E. Total Square Footage: 25,246 sq. ft.
- F. 2013 CBC Occupancy Classification(s): B, F-1, S-1

CONDITIONS OF APPROVAL:

1.0 GENERAL

- 1.1 The following are the Ontario Fire Department ("Fire Department") requirements for this development project, based on the current edition of the California Fire Code (CFC), and the current versions of the Fire Prevention Standards ("Standards.") It is recommended that the applicant or developer transmit a copy of these requirements to the on-site contractor(s) and that all questions or concerns be directed to the Bureau of Fire Prevention, at (909) 395-2029. For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ontarioca.gov, click on "Fire Department" and then on "Standards and Forms."
- 1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

2.0 FIRE DEPARTMENT ACCESS

- 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty (20) ft. wide. See Standard #B-004.
- 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25') inside and forty-five feet (45') outside turning radius per Standard #B-005.
- 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150') in length shall have an approved turn-around per Standard #B-002.
- 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.
- 2.5 "No Parking-Fire Lane" signs and /or red painted curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.
- 2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See Standards #B-003, B-004 and H-001.

3.0 WATER SUPPLY

- 3.1 The required fire flow per Fire Department standards, based on the 2016 California Fire Code, Appendix B, is 1750 gallons per minute (g.p.m.) for 3 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.

- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- ☒ 3.4 The public water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

4.0 FIRE PROTECTION SYSTEMS

- ☒ 4.1 On-site private fire hydrants are required per Standard #D-005, and identified in accordance with Standard #D-002. Installation and locations(s) are subject to the approval of the Fire Department. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.2 Underground fire mains which cross property lines shall be provided with CC & R, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of fire department plan check. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- ☒ 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 13. All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.4 Fire Department Connections (FDC) shall be located on the address side of the building within one hundred fifty feet (150') of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and fire department connections per Standard #D-007. Raised curbs adjacent to Fire Department connection(s) shall be painted red, five feet either side, per City standards.
- ☒ 4.6 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.

5.0 BUILDING CONSTRUCTION FEATURES

- ☒ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- ☒ 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1.3280 of the Ontario Municipal Code and Standards #H-003 and #H-002.

- ☒ 5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.
- ☒ 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.

6.0 OTHER SPECIAL USES

- ☒ 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.
- ☒ 6.2 Any High Piled Storage, or storage of combustible materials greater than twelve (12') feet in height for ordinary (Class I-IV) commodities or storage greater than six feet (6') in height of high hazard (Group A plastics, rubber tires, flammable liquids, etc.) shall be approved by the Fire Department, and adequate fire protection features shall be required. If High Piled Storage is proposed, a Fire Department High Piled Storage Worksheet shall be completed and detailed racking plans or floor plans submitted prior to occupancy of the building.



CITY OF ONTARIO

MEMORANDUM

TO: Denny Chen, Planning Department

FROM: Douglas Sorel, Police Department

DATE: August 17, 2016

SUBJECT: PDEV16-032– A DEVELOPMENT PLAN TO CONSTRUCT AN INDUSTRIAL BUILDING AT THE SOUTHEAST CORNER OF MOUNTAIN AVENUE AND STATE STREET.

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

- Required lighting for all walkways, driveways, doorways, parking areas, and other areas used by the public shall be provided operate on photosensor. Photometrics shall be provided to the Police Department. Photometrics shall include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- Rooftop addresses shall be installed on the building as stated in the Standard Conditions. The numbers shall be at a minimum 3 feet tall and 1 foot wide, in reflective white paint on a flat black background, and oriented with the bottom of the numbers towards the addressed street.
- The Applicant shall comply with construction site security requirements as stated in the Standard Conditions.

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

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Denny Chen
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: July 20, 2016
SUBJECT: PDEV16-032

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

KS:lm

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

CONDITIONS OF APPROVAL

Sign Off

Carolyn Bell
 Carolyn Bell, Sr. Landscape Planner

12/12/17
 Date

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

Phone:
(909) 395-2237

D.A.B. File No.:
 PDEV16-032 Rev 4

Case Planner:
 Denny Chen

Project Name and Location:
Mountain Industrial Complex
1121 W State Street

Applicant/Representative:
Marten Anderson MTH2 Engineering
639 Lakewood Dr.
Riverside, CA 92506

<input checked="" type="checkbox"/>	A Preliminary Landscape Plan (dated 11/27/17) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.
<input type="checkbox"/>	A Preliminary Landscape Plan (dated) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval.

CORRECTIONS REQUIRED

Civil Plans

1. Show a 5' dimension for transformers from paving – **not corrected.**
2. Show corner ramp and sidewalk per city standard drawing 1213 with max 13' ramp and back of ramp paving based on street width – **not corrected. Do not show concrete paving to the right of way line. See redlines**
3. Add detail for curb and gutter with openings. Consider a 12" opening every 10-12' not every 2'; seems excessive and not necessary.

Landscape Plans

4. Show minimum on-site tree sizes per the Landscape Development standards. 5% - 48" box, 10%- 36 box, 30%- 24" box, 55%- 15 gallon. Add 48" box quantities.
5. **Change accent trees along buildings to a tall narrow tree and space 25'-30' apart and alternate spacing with street trees. Alternate street tree on Mountain ave with on-site trees. See redlines**
6. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Typical fees are:
 Plan Check—less than 5 acres\$1,301.00
 Inspection—Construction (up to 3 inspections) \$278.00

Once items are complete you may email an electronic set to: landscapeplancheck@ontarioca.gov

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV16-032
 Address: 1121 West State Street
 APN: 1011-191-02 & 03
 Existing Land Use: Vacant
 Proposed Land Use: Subdivision of two parcels and construction of 24,910 SF Industrial building
 Site Acreage: 4.04 Proposed Structure Height: 35 ft
 ONT-IAC Project Review: n/a
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia
 Contact Info: 909-395-2276
 Project Planner: Denny Chen
 Date: 8/17/16
 CD No.: 2016-051
 PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input checked="" type="checkbox"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: 200 FT +	
<input type="radio"/> Zone 5			

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

Zone 1
 Zone 2
 Zone 3
 Zone 4
 Zone 5
 Zone 6
 Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

Airport Planner Signature: _____



CITY OF ONTARIO

MEMORANDUM

TO: Denny Chen, Associate Planner
Planning Department

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

DATE: June 13, 2017

SUBJECT: PDEV16-032 - A Development Plan to construct a 25,246 square foot industrial building on 1.4 acres of land located at the southwest corner of State Street and Mountain Access Road, at 1121 West State Street, within the IL (Light Industrial) zoning district (APNs: 1011-191-02 and 1011-191-03). Related File: PMTT16-018

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

SITE AND BUILDING FEATURES:

- A. 2013 CBC Type of Construction: III B Concrete tilt-up
- B. Type of Roof Materials: Wood non rated
- C. Ground Floor Area(s): 25,246 sq. ft.
- D. Number of Stories: 1 story
- E. Total Square Footage: 25,246 sq. ft.
- F. 2013 CBC Occupancy Classification(s): B, F-1, S-1

CONDITIONS OF APPROVAL:

1.0 GENERAL

- 1.1 The following are the Ontario Fire Department ("Fire Department") requirements for this development project, based on the current edition of the California Fire Code (CFC), and the current versions of the Fire Prevention Standards ("Standards.") It is recommended that the applicant or developer transmit a copy of these requirements to the on-site contractor(s) and that all questions or concerns be directed to the Bureau of Fire Prevention, at (909) 395-2029. For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ontarioca.gov, click on "Fire Department" and then on "Standards and Forms."
- 1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

2.0 FIRE DEPARTMENT ACCESS

- 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty (20) ft. wide. See Standard #B-004.
- 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25') inside and forty-five feet (45') outside turning radius per Standard #B-005.
- 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150') in length shall have an approved turn-around per Standard #B-002.
- 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.
- 2.5 "No Parking-Fire Lane" signs and /or red painted curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.
- 2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See Standards #B-003, B-004 and H-001.

3.0 WATER SUPPLY

- 3.1 The required fire flow per Fire Department standards, based on the 2016 California Fire Code, Appendix B, is 1750 gallons per minute (g.p.m.) for 3 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.

- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- ☒ 3.4 The public water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

4.0 FIRE PROTECTION SYSTEMS

- ☒ 4.1 On-site private fire hydrants are required per Standard #D-005, and identified in accordance with Standard #D-002. Installation and location(s) are subject to the approval of the Fire Department. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.2 Underground fire mains which cross property lines shall be provided with CC & R, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of fire department plan check. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- ☒ 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 13. All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.4 Fire Department Connections (FDC) shall be located on the address side of the building within one hundred fifty feet (150') of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and fire department connections per Standard #D-007. Raised curbs adjacent to Fire Department connection(s) shall be painted red, five feet either side, per City standards.
- ☒ 4.6 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.

5.0 BUILDING CONSTRUCTION FEATURES

- ☒ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- ☒ 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1.3280 of the Ontario Municipal Code and Standards #H-003 and #H-002.

- ☒ 5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.
- ☒ 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.

6.0 OTHER SPECIAL USES

- ☒ 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.
- ☒ 6.2 Any High Piled Storage, or storage of combustible materials greater than twelve (12') feet in height for ordinary (Class I-IV) commodities or storage greater than six feet (6') in height of high hazard (Group A plastics, rubber tires, flammable liquids, etc.) shall be approved by the Fire Department, and adequate fire protection features shall be required. If High Piled Storage is proposed, a Fire Department High Piled Storage Worksheet shall be completed and detailed racking plans or floor plans submitted prior to occupancy of the building.



CITY OF ONTARIO

MEMORANDUM

TO: Denny Chen, Planning Department

FROM: Douglas Sorel, Police Department

DATE: August 17, 2016

SUBJECT: PDEV16-032– A DEVELOPMENT PLAN TO CONSTRUCT AN INDUSTRIAL BUILDING AT THE SOUTHEAST CORNER OF MOUNTAIN AVENUE AND STATE STREET.

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

- Required lighting for all walkways, driveways, doorways, parking areas, and other areas used by the public shall be provided operate on photosensor. Photometrics shall be provided to the Police Department. Photometrics shall include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- Rooftop addresses shall be installed on the building as stated in the Standard Conditions. The numbers shall be at a minimum 3 feet tall and 1 foot wide, in reflective white paint on a flat black background, and oriented with the bottom of the numbers towards the addressed street.
- The Applicant shall comply with construction site security requirements as stated in the Standard Conditions.

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

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Denny Chen
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: July 20, 2016
SUBJECT: PDEV16-032

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

KS:lm



PLANNING COMMISSION STAFF REPORT

February 27, 2018

SUBJECT: A Variance (File No. PVAR17-006) to deviate from the Grove Avenue Specific Plan building setback standard along Grove Avenue, from 40 feet to 30 feet, and reduce the interior building setback, from 10 feet to 0 feet, in conjunction with a Development Plan (File No. PDEV17-027) to construct a 23,570 square-foot warehouse/office building on approximately 1.3 acres of land located at 930 S. Grove Avenue, within the Business Park land use district of the Grove Avenue Specific Plan (APN: 1049-384-09). Related file: PDEV17-027; **submitted by The Heaton Company.**

PROPERTY OWNER: The Heaton Company

RECOMMENDED ACTION: That the Planning Commission approve File No. PVAR17-006 and File No. PDEV17-027, 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 1.3 acres of land located at 930 S. Grove Avenue, within the Business Park land use designation of the Grove Avenue Specific Plan, and is depicted in **Figure 1: Project Location**, below. The project site slopes gently from north to south and is currently mass graded. The properties to the north and east of the project site are developed with industrial buildings and are located within the Business Park land use designation of the Grove Avenue Specific Plan. The property to the south is currently vacant and is located within the Business Park land use designation of the Grove Avenue Specific Plan. The property to the west is developed with an industrial building and is located in the General Industrial zoning district.



Figure 1: Project Location

Case Planner:	Alexis Vaughn	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	2/21/18	Approval	Recommend
Submittal Date:	7/14/17	ZA			
Hearing Deadline:	N/A	PC	2/27/18		Final
		CC			

PROJECT ANALYSIS:

[1] Background — On June 29, 2017, the Heaton Company, submitted a Development Plan (File No. PDEV17-027) to construct a 23,570 square-foot warehouse/office building on approximately 1.3 acres of land located at 930 S. Grove Avenue, within the Business Park land use district of the Grove Avenue Specific Plan. To facilitate the proposed Development Plan, the applicant submitted a Variance application request (File No. PVAR17-006) to deviate from the minimum front building setback along Grove Avenue, from 40 to 30 feet, and from the southerly interior side setback, from 10 to 0 feet.

On February 21, 2018, the Development Advisory Board reviewed the subject application and recommended that the Planning Commission approve the proposed project, subject to the departmental conditions of approval included with this report. The proposed project's pertinent site and development statistics are listed in the Technical Appendix of this report.

[2] Site Design/Building Layout — The building is situated along the south property line of the site. The proposed building is set back 30' from the Grove Avenue right-of-way, 0' along the south interior side property line, 70' from the rear (west) property line, and 47' from the north interior side property line. The main office area is located adjacent to the entry. Two dock-high doors are located at the west end of the building (see **Exhibit C – Site Plan**).

[3] Site Access/Circulation — Access to the site will be provided by a 32' wide drive approach off Grove Avenue at the north end of the property. The entryway will consist of decorative saw-cut, top-cast, acid-wash paving. The site, as proposed, provides accommodation for truck and Fire Department access and turn-around space with the main drive aisle traveling east-west along the northern portion of the project site.

[4] Parking — Parking is provided in two areas, one near the office area and one located at the rear of the property. Parking requirements for the project are consistent with the parking standards for a warehouse with ancillary office, as specified within the Development Code. Parking was calculated per the Summary of Parking Analysis chart, below. In addition to the spaces shown below, the project will provide bicycle parking via bike racks (2 spaces) and 1 truck parking and 1 truck loading space for the 2 dock-high loading doors.

Summary of Parking Analysis				
Land Use	Gross Floor Area (SF)	Parking Ratio	Required Parking	Total Parking Provided
Warehouse	20,863	1 space per 1,000 SF of GFA for portion of GFA ≤ 20,000 SF, plus 0.5 space per 1,000 SF for GFA > 20,000 SF, plus one tractor-trailer parking space per 4 dock-high loading doors; plus required parking for "general business offices" when those uses exceed 10% of building GFA	23 + 1 truck/trailer parking	
Office	2,707* (*350 SF are in excess of the above-mentioned 10%)	4 spaces per 1,000 SF of GFA	1	
	23,570		24	24

[5] Architecture — The proposed project’s exterior design is a modern style with clean lines and materials that is complementary to other new industrial buildings in the area. The proposed building will be composed of concrete tilt-up walls painted primarily in a light tan color with dark tan accent striping. The building will incorporate a variety of other elements that will help to break up the massing, such as horizontal and vertical reveal lines, longboard aluminum cladding, decorative window headers, a decorative steel canopy at the front door, clerestory windows, and varying parapet heights. All roof-mounted mechanical equipment shall be architecturally screened from public view.

The proposed project illustrates the type of high-quality architecture promoted by the Development Code and the Grove Avenue Specific Plan, as exemplified through the use of:

- Articulation in the building footprint, incorporating a combination of recessed and popped-out wall areas as appropriate;
- Articulation in the building parapet/roofline, which serves to accentuate the building’s entry and breaks up large expanses of building wall where possible; and
- A mix of exterior materials, finishes, fixtures and treatments which provide definition to the building via changes in color, materials, and recessed wall areas.

[6] Landscaping — Landscaping is proposed throughout the site to act as a buffer between the building and the public right-of-way and between property lines and parking areas. The development standards of the Grove Avenue Specific Plan require 15% landscape coverage and 15.2% landscape coverage has been proposed. The applicant is proposing to plant three California Sycamores (36” box) street trees along Grove Avenue, as well as accent trees along the front elevation that includes three Western

Redbuds (two 48" box and one 36" box), two Australian Willow (24" box) and two Mondell Pines (24" box). Additionally, the applicant is proposing a variety of parking lot shade trees and property line trees along the northern and western portions of the project site that includes Chinese Elms (24" box), Brisbane Box (15 gallon) and Bottle Trees (15 gallon). The project proposes a variety of low water usage and drought tolerant shrubs and groundcovers as well. The employee break area is proposed within the southwestern portion of the project site consisting of two tables and seating.

[7] Utilities (drainage, sewer) — Public utilities (water and sewer) are available to serve the project. Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan (PWQMP), which establishes the project's compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious services and maximizes low impact development (LID) best management practices (BMPs), such as grading parking lot areas/drive aisles to sheet flow runoff into perimeter landscaped belts and swales, locating landscaped swales in strategic areas to accept building roof and parking lot runoff water, installing underground stormwater retention chambers where downstream landscaped areas are limited, and constructing streets, sidewalks, and parking lot stalls to the minimum widths necessary. Any overflow drainage will be conveyed to the public street by way of parkway culverts.

[8] Variance - In conjunction with the Development Plan application, the applicant has filed a Variance application to deviate from the minimum front building setback along Grove Avenue, from 40 to 30 feet, and on the southerly interior side setback, from 10 to 0 feet. The project site has a narrow width of 149.41 feet and long depth of 327 feet, posing a challenge in efficient planning of the site. Requiring a 40-foot setback along Grove Avenue and a 10-foot setback along the southern interior side would impact the project site's ability to achieve a well-planned development and provide a building/site that is consistent with the density and scale of the surrounding industrial developments. In that Fire Department emergency access must be maintained to the rear of the building, a fire lane must be provided the full length of the building and along with an emergency vehicle turnaround at the west end of the site. The emergency vehicle hammerhead standard takes up significant area (120 feet in length by 24 feet in width). And while the building could provide the required front and side yard setbacks, the building would be severely restricted in its overall floor area. The resulting Floor Area Ratio would be roughly 0.38 compared to 0.6 permitted by the General Plan for the Business Park land use designation and 0.55 permitted by the Industrial land use designation. Further, the proposed front setback of 30' is greater than the adjacent development to the north that currently enjoys a reduced front setback of approximately 26' along Grove Avenue. Therefore, the Variance request will permit development to occur while still allowing the project to meet required parking and landscaping, as well as necessary access for passenger, delivery, and emergency vehicles.

The Variance request is consistent with The Ontario Plan (TOP) Goal LU3, which promotes flexibility in order to respond to special conditions and circumstances in order to achieve the Vision of providing a diverse selection of buildings and uses throughout the region. In acting on a Variance request, the Planning Commission must consider and clearly establish certain findings of fact, which are prescribed by State law and the City's Development Code. The following facts and findings have been provided as basis for approval of the requested Variance:

(1) ***The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the development regulations contained in this Development Code.*** The 1.3-acre site has a narrow width of 149.41 feet and long depth of 327 feet. The property site is bounded by Grove Avenue to the east and existing industrially-zoned parcels on the north, south, and west. While the property meets all Development Code setbacks and regulations for other industrial zoning districts, the property is located within the Grove Avenue Specific Plan, which requires an interior side building setback of 10 feet and a street front setback 40 of feet. The site has a lot depth of 327 feet with no secondary means of access, which requires the project to provide a turn-around (hammerhead) at the rear of the site to adequately accommodate fire truck ingress and egress into the site. In order to accommodate for the required Fire Department and semi-truck loading and turn-around (minimum 24' drive aisle) area at the rear of the site, reductions in the front building setback from 40 feet to 30 feet and in the south interior side setback from 10 feet to 0 feet are needed. Because of the need for the emergency vehicle turn-around space per the Fire Department's standards (120-foot hammerhead, 60 feet from center line of hammerhead), the building cannot be placed any closer to the rear property line. The setback reductions will also allow the project to provide the required amount of parking and landscaping. In addition, TOP land use designation for the project site is Business Park, which allows a maximum Floor Area Ratio (FAR) of 0.6; therefore, the project as proposed with an FAR of 0.48 does not maximize the use of the site. The Variance request is consistent with TOP Goal LU3, which promotes flexibility in order to respond to special conditions and circumstances in order to achieve the Vision. Strict interpretation and enforcement of the Grove Avenue Specific Plan's front and interior side setbacks would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the development regulations contained in the Ontario Development Code.

(2) ***There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to other properties in the vicinity and in the same zoning district.*** The narrow width of the site poses a physical hardship inconsistent with the Grove Avenue Specific Plan. Other developed properties along Grove Avenue within the same zoning district are either not restricted by a narrow lot width or have also been granted reduced setbacks. The placement of the building and site design (circulation and parking) is impacted by the parcel's narrow width of 149.41 feet and long depth of 327

feet, which makes it difficult for the project to comply with the required Fire Department and semi-truck loading and turn-around (minimum 24' drive aisle) area at the rear of the site. The adjacent development to the north currently enjoys a reduced front setback of approximately 26' along Grove Avenue. In addition, the existing parking landscape setbacks along Grove Avenue range from 20 to 25 feet. Therefore a variance is necessary to meet development standards as granted on other properties in the same zone.

(3) ***The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district.*** The requested deviation from the minimum front setback along Grove Avenue from 40' to 30', and along the interior side from 10' to 0', will allow for greater design flexibility and will serve to equalize development rights between the applicant and property owners within the same zoning district. In addition, the adjacent development to the north currently enjoys a reduced front setback of approximately 26' along Grove Avenue. Furthermore, the landscape parking setbacks along Grove Avenue range from 20 to 25 feet. The setback deviations provide for the applicant to successfully accommodate other Specific Plan and Development Code regulations, such as parking, landscaping, and safe and effective site circulation, on top of substantial improvement of the existing vacant site. Further, compliance with the setback requirements would result in a Floor Area Ratio of approximately 0.38 significantly less than the 0.6 permitted by the General Plan for the Business Park land use designation and 0.55 permitted by the Industrial land use designation. Therefore, the strict or literal interpretation and enforcement of the specified regulations would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district.

(4) ***The granting of the Variance will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.*** To minimize the encroachment into the required setback along Grove Avenue and along the southern interior property line, certain design requirements, such as dense landscaping and building design elements (articulated building foot print) have been incorporated into the project. In addition, staff has analyzed the potential impacts resulting from the construction of the proposed industrial warehouse building. Through the conditions of approval, such as frontage infrastructure improvements and landscaping, the impacts are less than significant. Therefore, the new industrial warehouse building and requested Variance will not have negative impacts to the surrounding industrial neighborhood, or be materially injurious to properties in the vicinity, and it will not be detrimental to the public health, safety or welfare.

(5) ***The proposed Variance is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and the purposes of any applicable specific plan or planned unit development, and the purposes of this Development Code.*** The proposed project is located within the Business Park land use designation of the Grove Avenue Specific Plan, and the Business Park General Plan designation. The

development standards and conditions under which the proposed project will be constructed and maintained are consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council priorities components of The Ontario Plan (TOP).

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

[1] City Council Goals.

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

[2] Governance.

Decision Making:

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

[3] Policy Plan (General Plan)

Land Use Element:

▪ Goal LU3: We promote flexibility in staff, regulations, and processes in order to respond to special conditions and circumstances in order to achieve the Vision.

➤ 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.

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.

Community Design Element:

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

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

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

➤ CD2-1 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.

➤ CD2-9 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.

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

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

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

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

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

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

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport (ONT), and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT, provided certain conditions are met.

ENVIRONMENTAL REVIEW: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15304 (Minor Alterations to Land) of the CEQA Guidelines, which consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes; and Section 15332 (In-Fill Development Projects) of the CEQA Guidelines, which consists of projects characterized as in-fill development meeting the conditions as described.

CONDITIONS OF APPROVAL: See attached department reports.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site:</i>	Vacant	Business Park (0.6 FAR)	Grove Avenue Specific Plan	Business Park
<i>North:</i>	Wholesale	Business Park (0.6 FAR)	Grove Avenue Specific Plan	Business Park
<i>South:</i>	Vacant	Business Park (0.6 FAR)	Grove Avenue Specific Plan	Business Park
<i>East:</i>	Industrial	Industrial (0.55 FAR)	General Industrial	N/A
<i>West:</i>	Industrial	Industrial (0.55 FAR)	General Industrial	N/A

General Site & Building Statistics

<i>Item</i>	<i>Proposed</i>	<i>Min./Max. Standard</i>	<i>Meets Y/N</i>
<i>Project Area:</i>	1.3 acres	N/A	Y
<i>Lot/Parcel Size:</i>	1.3 acres	1 acre (Min.)	Y
<i>Building Area:</i>	23,570 square feet	N/A	Y
<i>Floor Area Ratio:</i>	0.42	0.6 (Max.)	Y
<i>Building Height:</i>	35 feet	35 feet (Max.)	Y

Off-Street Parking:

<i>Type of Use</i>	<i>Building Area</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
<i>Warehouse</i>	20,863	1 space per 1,000 SF of GFA for portion of GFA ≤ 20,000 SF, plus 0.5 space per 1,000 SF for GFA > 20,000 SF, plus one tractor-trailer parking space per 4 dock-high loading doors; plus required parking for "general business offices" when those uses exceed 10% of building GFA	23 + 1 truck/trailer parking	
<i>Office</i>	2,707 (350 SF are in excess of the above-mentioned 10%)	4 spaces per 1,000 SF of GFA	1	
<i>TOTAL</i>	23,570		24 + 1 truck/trailer parking	24 + 1 truck/trailer parking

Exhibit A— AERIAL PHOTOGRAPH



Exhibit B—VICINITY MAP



Exhibit C—SITE PLAN



Exhibit D—PRELIMINARY LANDSCAPE PLAN

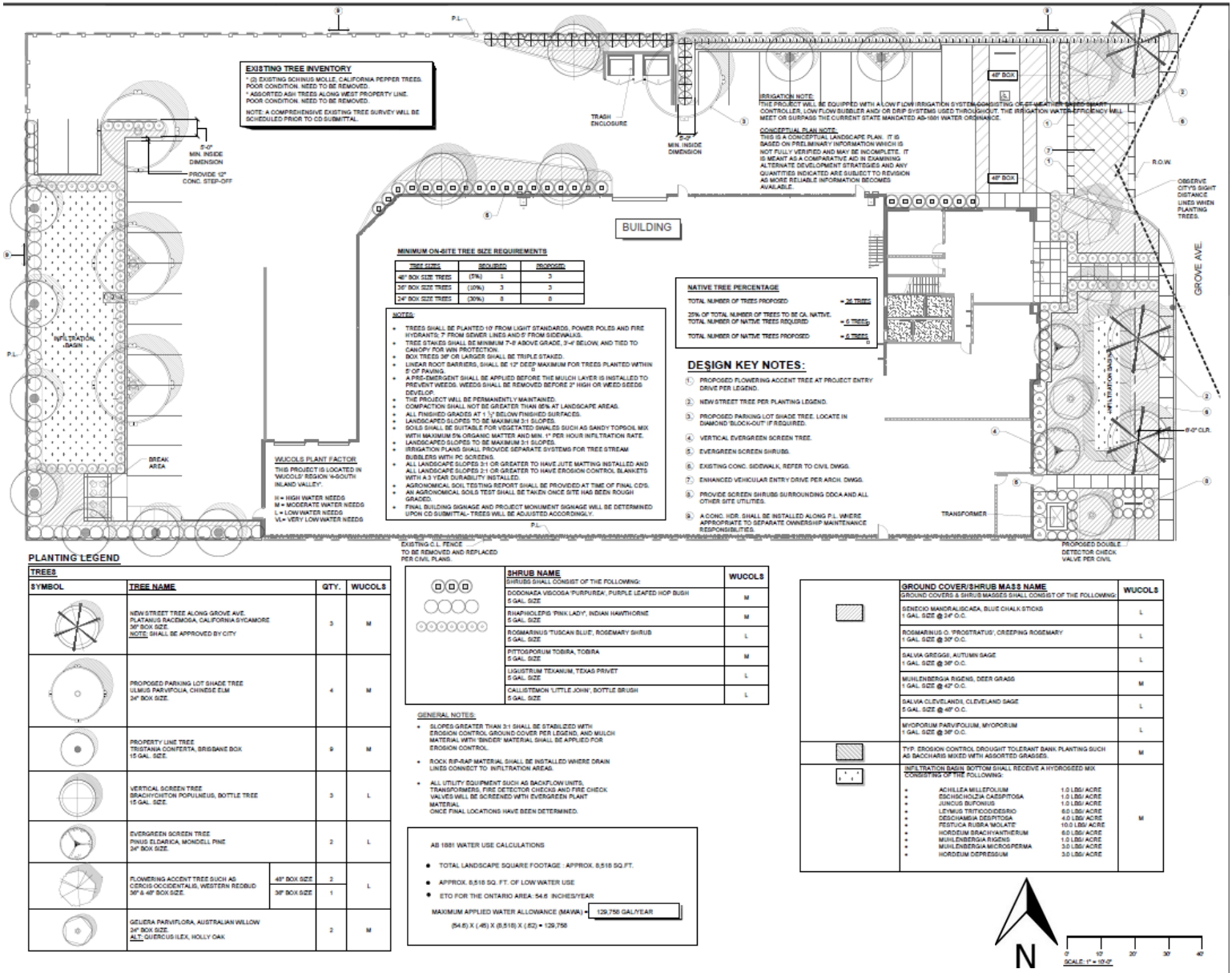
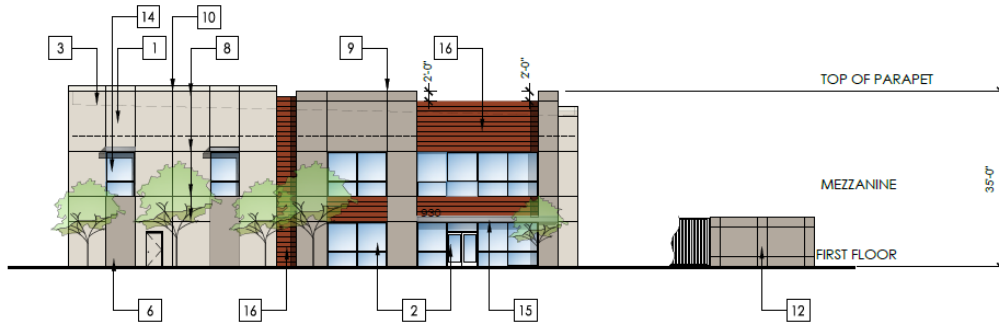
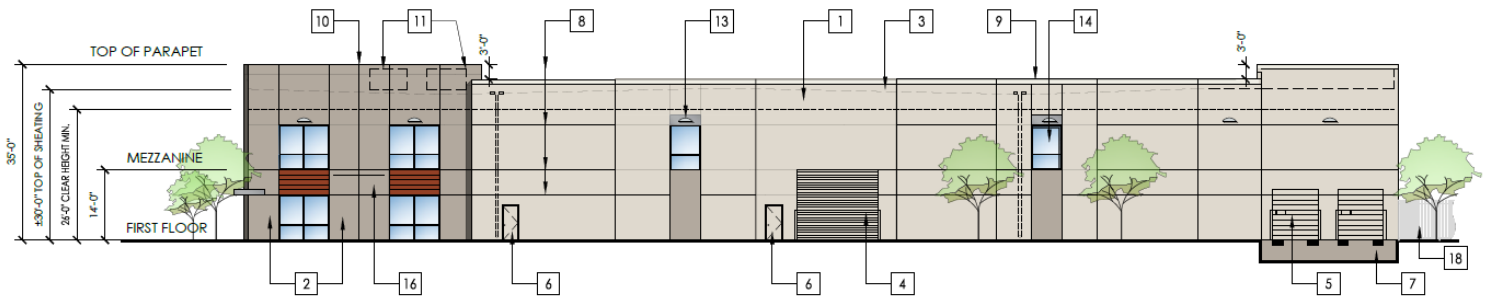


Exhibit E—ELEVATIONS



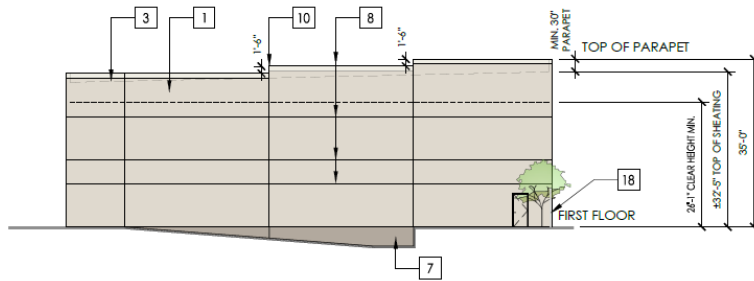
EAST ELEVATION GROVE AVE.

SCALE 1/16" = 1'-0"

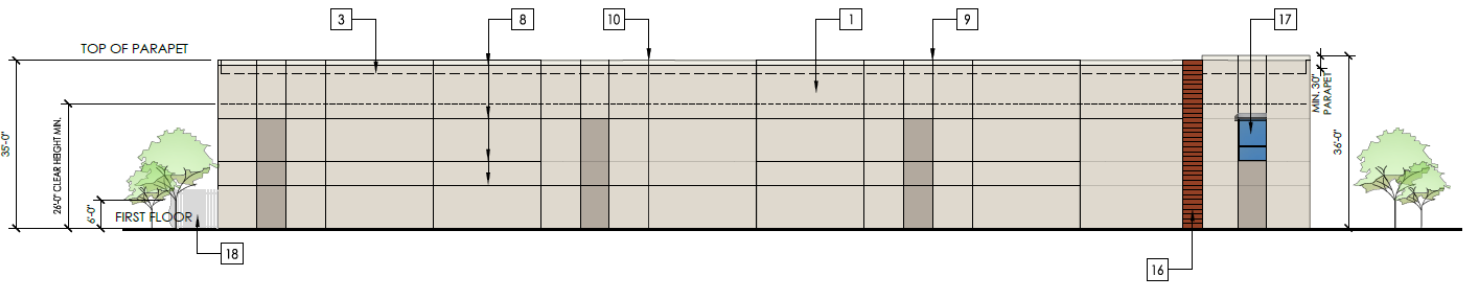


NORTH ELEVATION

SCALE 1/16" = 1'-0"



WEST ELEVATION
SCALE 1/16" = 1'-0"



SOUTH ELEVATION
SCALE 1/16" = 1'-0"

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PVAR17-006, A VARIANCE REQUEST TO DEVIATE FROM THE MINIMUM DEVELOPMENT CODE STANDARD FOR THE GROVE AVENUE BUILDING SETBACK, FROM 40 TO 30 FEET, AND THE INTERIOR SIDE PROPERTY LINE BUILDING SETBACK, FROM 10 FEET TO 0 FEET, LOCATED AT 930 S. GROVE AVENUE, WITHIN THE BUSINESS PARK LAND USE DISTRICT OF THE GROVE AVENUE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1049-384-09.

WHEREAS, Heaton Company ("Applicant") has filed an Application for the approval of a Variance, File No. PVAR17-006, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 1.3 acres of land generally located near the southwest corner of Grove Avenue and Mission Boulevard, at 930 S. Grove Avenue within the Business Park land use designation of the Grove Avenue Specific Plan, and is presently vacant; and

WHEREAS, the properties to the north and east of the project site are developed with industrial buildings and are located within the Business Park land use designation of the Grove Avenue Specific Plan. The property to the south is within the Business Park land use designation of the Grove Avenue Specific Plan, and is vacant. The property to the west is within the General Industrial zoning district, and is developed with an industrial use; and

WHEREAS, the Variance proposes to deviate from the minimum building setback along Grove Avenue, from 40 to 30 feet, and from the minimum interior side building setback, from 10 to 0 feet. As the project site has a narrow width of 149.41 feet and long depth of 327 feet, the Variance to reduce the interior side and front building setbacks will permit development to occur, while still allowing the project to meet required parking and landscaping, as well as necessary access for passenger, delivery, and emergency vehicles. Requiring the additional setback along the front and interior side property lines would impact the project site's ability to achieve a well-planned development and provide a product that is consistent with the density, scale, and setbacks of the surrounding industrial developments. The proposed project, with the Variance request, will be much more successful and will bring improvement to the currently-vacant site; and

WHEREAS, the Variance was submitted in conjunction with a Development Plan (File No. PDEV17-027) that proposes a 23,570 square-foot building on 1.3 acres of vacant land; and

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

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

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

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

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

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

WHEREAS, on February 21, 2018, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB18-009, recommending the Planning Commission approve the Application; and

WHEREAS, on February 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

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

(2) The Project is categorically exempt from environmental review pursuant to Section 15304 (Minor Alterations to Land) of the CEQA Guidelines, which consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes; and Section 15332 (In-Fill Development Projects) of the CEQA Guidelines, which consists of projects characterized as in-fill development meeting the conditions as described; and

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

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

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

SECTION 3: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility

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

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

(1) ***The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the development regulations contained in this Development Code.*** The 1.3-acre site has a narrow width of 149.41 feet and long depth of 327 feet. The property site is bounded by Grove Avenue to the east and existing industrially-zoned parcels on the north, south, and west. While the property meets all Development Code setbacks and regulations for other industrial zoning districts, the property is located within the Grove Avenue Specific Plan, which requires an interior side building setback of 10 feet and a street front setback 40 of feet. The site has a lot depth of 327 feet with no secondary means of access, which requires the project to provide a turn-around (hammerhead) at the rear of the site to adequately accommodate fire truck ingress and egress into the site. In order to accommodate for the required Fire Department and semi-truck loading and turn-around (minimum 24' drive aisle) area at the rear of the site, reductions in the front building setback from 40 feet to 30 feet and in the south interior side setback from 10 feet to 0 feet are needed. Because of the need for the emergency vehicle turn-around space per the Fire Department's standards (120-foot hammerhead, 60 feet from center line of hammerhead), the building cannot be placed any closer to the rear property line. The setback reductions will also allow the project to provide the required amount of parking and landscaping. In addition, TOP land use designation for the project site is Business Park, which allows a maximum Floor Area Ratio (FAR) of 0.6; therefore, the project as proposed with an FAR of 0.48 does not maximize the use of the site. The Variance request is consistent with TOP Goal LU3, which promotes flexibility in order to respond to special conditions and circumstances in order to achieve the Vision. Strict interpretation and enforcement of the Grove Avenue

Specific Plan's front and interior side setbacks would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the development regulations contained in the Ontario Development Code.

(2) ***There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to other properties in the vicinity and in the same zoning district.*** The narrow width of the site poses a physical hardship inconsistent with the Grove Avenue Specific Plan. Other developed properties along Grove Avenue within the same zoning district are either not restricted by a narrow lot width or have also been granted reduced setbacks. The placement of the building and site design (circulation and parking) is impacted by the parcel's narrow width of 149.41 feet and long depth of 327 feet, which makes it difficult for the project to comply with the required Fire Department and semi-truck loading and turn-around (minimum 24' drive aisle) area at the rear of the site. The adjacent development to the north currently enjoys a reduced front setback of approximately 26' along Grove Avenue. In addition, the existing parking landscape setbacks along Grove Avenue range from 20 to 25 feet. Therefore a variance is necessary to meet development standards as granted on other properties in the same zone.

(3) ***The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district.*** The requested deviation from the minimum front setback along Grove Avenue from 40' to 30', and along the interior side from 10' to 0', will allow for greater design flexibility and will serve to equalize development rights between the applicant and property owners within the same zoning district. In addition, the adjacent development to the north currently enjoys a reduced front setback of approximately 26' along Grove Avenue. Furthermore, the landscape parking setbacks along Grove Avenue range from 20 to 25 feet. The setback deviations provide for the applicant to successfully accommodate other Specific Plan and Development Code regulations, such as parking, landscaping, and safe and effective site circulation, on top of substantial improvement of the existing vacant site. Further, compliance with the setback requirements would result in a Floor Area Ratio of approximately 0.38 significantly less than the 0.6 permitted by the General Plan for the Business Park land use designation and 0.55 permitted by the Industrial land use designation. Therefore, the strict or literal interpretation and enforcement of the specified regulations would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district.

(4) ***The granting of the Variance will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.*** To minimize the encroachment into the required setback along Grove Avenue and along the southern interior property line, certain design requirements, such as dense landscaping and building design elements (articulated building foot print) have been incorporated into the project. In addition, staff has analyzed the potential impacts

resulting from the construction of the proposed industrial warehouse building. Through the conditions of approval, such as frontage infrastructure improvements and landscaping, the impacts are less than significant. Therefore, the new industrial warehouse building and requested Variance will not have negative impacts to the surrounding industrial neighborhood, or be materially injurious to properties in the vicinity, and it will not be detrimental to the public health, safety or welfare.

(5) ***The proposed Variance is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and the purposes of any applicable specific plan or planned unit development, and the purposes of this Development Code.*** The proposed project is located within the Business Park land use designation of the Grove Avenue Specific Plan, and the Business Park General Plan designation. The development standards and conditions under which the proposed project will be constructed and maintained are consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council priorities components of The Ontario Plan (TOP).

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

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

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

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of February, 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy, AICP
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on February 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PVAR17-006
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



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

*Planning Department
Land Development Division
Conditions of Approval*

Meeting Date: February 21, 2017

File No: PVAR17-006

Related Files: PDEV17-027

Project Description: A Development Plan to construct one 23,570 square-foot warehouse/office building on approximately 1.3 acres of land located at 930 S. Grove Avenue, within the Business Park land use district of the Grove Avenue Specific Plan (APN(s): 1049-384-09); **submitted by The Heaton Company.**

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

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

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

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

2.1 Time Limits.

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

(b) Variance approval shall become null and void one year following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director, except that a Variance approved in conjunction with a Development Plan shall have the same time limits as said Development Plan. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

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

(a) All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading,

utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

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

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

(d) The related Development Plan (File No. PDEV17-027) shall be subject to Planning Commission review and approval of the Variance (File No. PVAR17-006).

2.3 Landscaping.

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

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

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

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

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

2.5 Parking, Circulation and Access.

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

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

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

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

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

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

2.6 Outdoor Loading and Storage Areas.

(a) Loading facilities shall be designed and constructed pursuant to Development Code Division 6.03 (Off-Street Parking and Loading).

(b) Areas designated for off-street parking, loading, and vehicular circulation and maneuvering, shall not be used for the outdoor storage of materials or equipment.

(c) Outdoor loading and storage areas, and loading doors, shall be screened from public view pursuant to the requirements of Development Code Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) Et Seq.

2.7 Site Lighting.

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

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

2.8 Mechanical and Rooftop Equipment.

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

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

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

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

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

2.12 Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15304 (Class 04, Minor Alterations to Land) and Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines.

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

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

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

2.14 Additional Fees.

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

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

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Alexis Vaughn
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: July 6, 2017
SUBJECT: PVAR17-006

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

KS:lm



CITY OF ONTARIO

MEMORANDUM

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

FROM: Alexis Vaughn, Assistant Planner

DATE: June 30, 2017

SUBJECT: FILE #: PVAR17-006 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Friday, July 14, 2017**.

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

PROJECT DESCRIPTION: A Variance to deviate from the minimum Development Code standard for the Grove Avenue building setback, from 40 feet to 30 feet, and the interior property line building setback, from 10 feet to 0 feet, in conjunction with the construction of 23,570 square feet warehouse/office building, on approximately 1.27 acres of land located at 930 South Grove Avenue, within the Business Park land use district of the Grove Avenue Specific Plan (APN(s): 1049-384-09). Related File(s): PDEV17-027).

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

Police
Department

Douglas Sorel
Signature

MANAGEMENT
ANALYST
Title

7/20/17
Date

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PVAR17-006 and PDEV17-027
 Address: 930 South Grove Avenue
 APN: 1049-384-09
 Existing Land Use: Vacant
 Proposed Land Use: 23, 570 SF Warehouse Industrial building
 Site Acreage: 1.27 acres Proposed Structure Height: 35 ft
 ONT-IAC Project Review: n/a
 Airport Influence Area: ONT Airport

Reviewed By: Lorena Mejia
 Contact Info: 909-395-2276
 Project Planner: Alexis Vaughn
 Date: 7/11/17
 CD No.: 2017-043
 PALU No.: n/a

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

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

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

Zone 1
 Zone 2
 Zone 3
 Zone 4
 Zone 5
 Zone 6
 Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

See Attached

Airport Planner Signature: 

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT

CD No.: 2017-043

PALU No.: n/a

PROJECT CONDITIONS

1. Project is located within Safety Zone 2 and above ground storage of hazardous materials greater than 6,000 gallons is not allowed (ALUCP Policy S4b (Hazardous Material Storage)).
2. This project is located within Safety Zone 2 and is required to file and record an Avigation Easement with the City of Ontario prior to obtaining a Certificate of Occupancy.
3. The Land Use Intensity calculations proposed for this building have been met and are attached to this report. Future land uses that deviate from what is currently proposed must meet the policies and criteria of the ONT ALUCP.
4. New development located within any of the Ontario International Airport Safety Zones are required to have a "Property Located within Ontario International Airport Safety Zone Notification" appearing on the Property Deed and Title incorporating the following language:

(NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.) The property is presently located in a Safety Zone which limits land uses and the number of people on site. Land uses are required to meet the policies and criteria of the Ontario International Airport Land Use Compatibility Plan.

5. The maximum height limit for the project site is 60 feet and as such, any construction equipment such as cranes or any other equipment exceeding 60 feet in height will need a determination of "No Hazard" from the FAA. An FAA Form 7460-1 for any temporary objects will need to be filed and approved by the FAA prior to operating such equipment on the project site during construction.

**Intensity Calculations for
PDEV17-027
PVAR17-006**

CD No. 2017-043

Proposed Land Use	Land Use SF	Acreage	Safety Zone	ALUCP Load Factor	Load Factors	Sitewide Average Calculations (Zone 2 = 60 P/AC max)	Single Acre SF	Single Acre Intensity Calculations (Zone 2 = 120 P/AC max)
				ALUCP Load Factor		ALUCP Load Factor	Land Use SF	ALUCP Load Factor
Warehouse	20,863		2	1,000		21	20,863	21
Office	2,707		2	215		13	2,707	13
Totals	23,570	1.27				26		33
Sitewide Average Calculation 26								
Single Acre Intensity Calculation 33								
<p>Site Wide Average Calculation is for Zone 2. ONT criteria for Zone 2 allows a maximum of 60 people. The proposed project would generate a site wide average of 26 people as indicated in the calculations above.</p>								
<p>Single Acre Intensity Calculation is for Zone 2. ONT single acre criteria for Zone 2 allows a maximum of 120 people. The proposed project would generate a single acre intensity of 33 people as indicated in the above calculations.</p>								

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV17-027, A DEVELOPMENT PLAN TO CONSTRUCT A 23,570 SQUARE-FOOT WAREHOUSE/OFFICE BUILDING, ON APPROXIMATELY 1/3 ACRES OF LAND, LOCATED AT 930 S. GROVE AVENUE, WITHIN THE BUSINESS PARK LAND USE DISTRICT OF THE GROVE AVENUE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1049-384-09.

WHEREAS, Heaton Company ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV17-027, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 1.3 acres of land generally located near the southwest corner of Grove Avenue and Mission Boulevard, at 930 S. Grove Avenue within the Business Park land use designation of the Grove Avenue Specific Plan, and is presently vacant; and

WHEREAS, the properties to the north and east of the project site are developed with industrial buildings and are located within the Business Park land use designation of the Grove Avenue Specific Plan. The property to the south is within the Business Park land use designation of the Grove Avenue Specific Plan, and is vacant. The property to the west is within the General Industrial zoning district, and is developed with an industrial use; and

WHEREAS, the proposed project is a 23,570 square-foot warehouse/office building. The building will be situated along the south property line of the site and will be secured by a decorative wrought-iron fence. The project includes dense landscaping along the front elevation to help minimize visual impacts from the public right-of-way and will incorporate landscaping along the perimeter of the site; and

WHEREAS, the proposed project requires 24 parking spaces, and 24 parking spaces will be provided; and

WHEREAS, the Development Plan was submitted in conjunction with a Variance (File No. PVAR17-006) to deviate from the minimum 40-foot front setback to a 30-foot setback and 10-foot interior side setback to a 0-foot setback. The Variance was requested so as to accommodate the required parking and landscaping, as well as sufficient drive aisles for passenger, delivery, and emergency vehicles; and

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

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

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

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

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

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

WHEREAS, on February 21, 2018, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB18-010, recommending the Planning Commission approve the Application; and

WHEREAS, on February 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date; and

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

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

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

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

(2) The Project is categorically exempt from environmental review pursuant to Section 15304 (Minor Alterations to Land) of the CEQA Guidelines, which consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes; and Section 15332 (In-Fill Development Projects) of the CEQA Guidelines, which consists of projects characterized as in-fill development meeting the conditions as described; and

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

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

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

SECTION 3: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport

Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(1) ***The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed Project is located within the Business Park (0.6 FAR) land use district of the Policy Plan Land Use Map, and the Business Park land use designation of the Grove Avenue Specific Plan. The development standards and conditions under which the proposed Project will be constructed and maintained are consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.

(2) ***The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located.*** With approval of the Variance (File No. PVAR17-006), the Project shall be consistent with the requirements of the City of Ontario Development Code and the Business Park land use designation of the Grove Avenue Specific Plan, including standards relative to the particular land use proposed (warehouse and ancillary office), as-well-as building intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions.

(3) ***The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project.*** The Planning Commission has required certain safeguards, and imposed certain conditions of approval, which have been established to ensure that: [i] the purposes of the Grove Avenue Specific Plan are maintained; [ii] the

project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; [iv] the project will be in harmony with the area in which it is located; and [v] the project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan, and the Grove Avenue Specific Plan.

(4) ***The proposed development is consistent with the development standards and design guidelines set forth in the Development Code, or applicable specific plan or planned unit development.*** The Planning Commission has determined that the Project, when implemented in conjunction with the conditions of approval and with approval of a Variance (File No. PVAR17-006), will be consistent with the development standards and guidelines described in the Grove Avenue Specific Plan. The proposed Project has been reviewed for consistency with the general development standards and guidelines of the Grove Avenue Specific Plan that are applicable to the proposed Project, including building intensity, building height, amount of off-street parking and loading spaces, parking lot dimensions, design and landscaping, bicycle parking, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the particular land use being proposed (warehouse and ancillary office).

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

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

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

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of February, 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy, AICP
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on February 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PDEV17-027
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



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

*Planning Department
Land Development Division
Conditions of Approval*

Meeting Date: February 21, 2017

File No: PDEV17-027

Related Files: PVAR17-006

Project Description: A Development Plan to construct one 23,570 square-foot warehouse/office building on approximately 1.3 acres of land located at 930 S. Grove Avenue, within the Business Park land use district of the Grove Avenue Specific Plan (APN(s): 1049-384-09); **submitted by The Heaton Company.**

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

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

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

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

2.1 Time Limits.

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

(b) Variance approval shall become null and void one year following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director, except that a Variance approved in conjunction with a Development Plan shall have the same time limits as said Development Plan. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

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

(a) All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading,

utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

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

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

(d) The related Variance (File No. PVAR17-006) shall be subject to Planning Commission review and approval of the Development Plan (File No. PDEV17-027).

2.3 Landscaping.

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

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

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

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

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

2.5 Parking, Circulation and Access.

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

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

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

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

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

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

2.6 Outdoor Loading and Storage Areas.

(a) Loading facilities shall be designed and constructed pursuant to Development Code Division 6.03 (Off-Street Parking and Loading).

(b) Areas designated for off-street parking, loading, and vehicular circulation and maneuvering, shall not be used for the outdoor storage of materials or equipment.

(c) Outdoor loading and storage areas, and loading doors, shall be screened from public view pursuant to the requirements of Development Code Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) Et Seq.

2.7 Site Lighting.

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

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

2.8 Mechanical and Rooftop Equipment.

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

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

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

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

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

2.12 Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15304 (Class 04, Minor Alterations to Land) and Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines.

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

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

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

2.14 Additional Fees.

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

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



CITY OF ONTARIO

MEMORANDUM

TO: Alexis Vaughn, Planning Department

FROM: Douglas Sorel, Police Department

DATE: July 20, 2017

SUBJECT: PDEV17-027 – A DEVELOPMENT PLAN TO CONSTRUCT A
WAREHOUSE BUILDING AT 930 SOUTH GROVE AVENUE

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

- Required lighting for walkways, driveways, doorways, parking lots, hallways, stairwells, and other areas used by the public shall be provided. Lights shall operate via photosensor. Photometrics shall be provided to the Police Department and include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- Rooftop addresses shall be installed on the buildings as stated in the Standard Conditions.
- The Applicant shall comply with construction site security requirements as stated in the Standard Conditions.

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



CITY OF ONTARIO

MEMORANDUM

TO: Alexis Vaughn, Assistant Planner
Planning Department

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

DATE: July 24, 2017

SUBJECT: PDEV17-027 – A Development Plan To Construct A 23,570 Square Foot Industrial Building On 1.27 Acres Of Land Located At 930 South Grove Avenue, Within The Business Park Land Use District Of The Grove Avenue Specific Plan (APNs: 1049-384-09).

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

SITE AND BUILDING FEATURES:

- A. 2016 CBC Type of Construction: III-B
- B. Type of Roof Materials: Panelized
- C. Ground Floor Area(s): 20,900 Sq. Ft.
- D. Number of Stories: One
- E. Total Square Footage: 20,900 Sq. Ft.
- F. 2016 CBC Occupancy Classification(s): S1, B

CONDITIONS OF APPROVAL:

1.0 GENERAL

- 1.1 The following are the Ontario Fire Department ("Fire Department") requirements for this development project, based on the current edition of the California Fire Code (CFC), and the current versions of the Fire Prevention Standards ("Standards.") It is recommended that the applicant or developer transmit a copy of these requirements to the on-site contractor(s) and that all questions or concerns be directed to the Bureau of Fire Prevention, at (909) 395-2029. For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ontarioca.gov, click on "Fire Department" and then on "Standards and Forms."
- 1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

2.0 FIRE DEPARTMENT ACCESS

- 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty (24) ft. wide. See Standard #B-004.
- 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25') inside and forty-five feet (45') outside turning radius per Standard #B-005.
- 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150') in length shall have an approved turn-around per Standard #B-002.
- 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.
- 2.5 "No Parking-Fire Lane" signs and /or red painted curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.
- 2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See Standards #B-003, B-004 and H-001.

3.0 WATER SUPPLY

- 3.1 The required fire flow per Fire Department standards, based on the 2016 California Fire Code, Appendix B, is 1875 gallons per minute (g.p.m.) for 2 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.

- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- ☒ 3.4 The public water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

4.0 FIRE PROTECTION SYSTEMS

- ☒ 4.1 On-site private fire hydrants are required per Standard #D-005, and identified in accordance with Standard #D-002. Installation and locations(s) are subject to the approval of the Fire Department. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.2 Underground fire mains which cross property lines shall be provided with CC & R, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of fire department plan check. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- ☒ 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 13. All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.4 Fire Department Connections (FDC) shall be located on the address side of the building within one hundred fifty feet (150') of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and fire department connections per Standard #D-007. Raised curbs adjacent to Fire Department connection(s) shall be painted red, five feet either side, per City standards.
- ☒ 4.6 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.

5.0 BUILDING CONSTRUCTION FEATURES

- ☒ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- ☒ 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1 6.06 of the Ontario Municipal Code and Standards #H-003 and #H-002.

- ☒ 5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.
- ☒ 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.
- ☒ 5.8 The building shall be provided with a Public Safety 800 MHZ radio amplification system per the Ontario Municipal Code Section 4-11.09 (n) and the CFC. The design and installation shall be approved by the Fire Department.

6.0 OTHER SPECIAL USES

- ☒ 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.
- ☒ 6.2 Any High Piled Storage, or storage of combustible materials greater than twelve (12') feet in height for ordinary (Class I-IV) commodities or storage greater than six feet (6') in height of high hazard (Group A plastics, rubber tires, flammable liquids, etc.) shall be approved by the Fire Department, and adequate fire protection features shall be required. If High Piled Storage is proposed, a Fire Department High Piled Storage Worksheet shall be completed and detailed racking plans or floor plans submitted prior to occupancy of the building.
- ☒ 6.3 Underground fuel tanks, their associated piping and dispensers shall be reviewed, approved, and permitted by Ontario Building Department, Ontario Fire Department, and San Bernardino County Fire Department Hazardous Materials Division. In fueling facilities, an exterior emergency pump shut-off switch shall be provided.



**ENGINEERING DEPARTMENT
CONDITIONS OF APPROVAL**

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

<input checked="" type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> OTHER	<input type="checkbox"/> PARCEL MAP <input type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
PROJECT FILE NO. <u>PDEV17-027</u> RELATED FILE NO(S). <u>PVAR17-006</u>	
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: <u> / / </u>	

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

CITY PROJECT PLANNER & PHONE NO: Alexis Vaughn (909) 395-2416

DAB MEETING DATE: February 21st, 2018

PROJECT NAME / DESCRIPTION: PDEV17-027, a Development Plan to construct a 23,570 square foot industrial building.

LOCATION: 930 South Grove Avenue

APPLICANT: The Heaton Company

REVIEWED BY: *[Signature]* 1/29/18
 Bryan Lirley, P.E. Date
 Principal Engineer

APPROVED BY: *[Signature]* 1/29/18
 Khoi Do, P.E. Date
 Assistant City Engineer



THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2010-021) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE CHECKED. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO FINAL MAP OR PARCEL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT.

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

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

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



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

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

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

- 2.01 Record Parcel Map/Tract Map No. _____ pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a duplicate photo mylar of the recorded map to the City Engineer's office.
- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario per _____
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4th, 1972.
- 2.05 Apply for a: Certificate of Compliance with a Record of Survey; Lot Line Adjustment
 - Make a Dedication of Easement.
- 2.06 Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.



- 2.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.
- 2.08 **Submit a soils/geology report.**
- 2.09 Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies:
 - State of California Department of Transportation (Caltrans)
 - San Bernardino County Road Department (SBCRD)
 - San Bernardino County Flood Control District (SBCFCD)
 - Federal Emergency Management Agency (FEMA)
 - Cucamonga Valley Water District (CVWD) for sewer/water service
 - United States Army Corps of Engineers (USACE)
 - California Department of Fish & Game
 - Inland Empire Utilities Agency (IEUA)
 - Other: _____
- 2.10 Dedicate to the City of Ontario the right-of-way described below:

_____ feet on _____

Property line corner 'cut-back' required at the intersection of _____ and _____.
- 2.11 Dedicate to the City of Ontario the following easement(s): _____
- 2.12 New Model Colony (NMC) Developments:
 - 1) Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.
 - 2) Make a formal request to the City of Ontario Engineering Department for the proposed temporary use of an existing agricultural water well for purposes other than agriculture, such as grading, dust control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.
 - 3) Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall).
- 2.13 Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at 100% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.

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Project Engineer: Antonio Alejos
Date: 02/21/18



- 2.14 The applicant/developer shall submit all necessary survey documents prepared by a Licensed Surveyor registered in the State of California detailing all existing survey monuments in and around the project site. These documents are to be reviewed and approved by the City Survey Office.
- 2.15 **Pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee, approximately \$28,000, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.**
- 2.16 Other conditions: _____



B. PUBLIC IMPROVEMENTS

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

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

Improvement	Grove Av	Street 2	Street 3	Street 4
Curb and Gutter	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input checked="" type="checkbox"/> New Commercial Approach	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Sidewalk	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Fire Hydrant	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> New Lateral w/ Clean-out	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral



Water (see Sec. 2.D)	<input checked="" type="checkbox"/> New Service for Domestic Use w/ Backflow Preventer <input checked="" type="checkbox"/> New Service for Irrigation Use w/ Backflow Preventer <input checked="" type="checkbox"/> New Service for Fire Use w/ DCDA	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input checked="" type="checkbox"/> Upgrade Existing Street Light Fixture to LED Equivalent	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Storm Drain (see Sec. 2G)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> New Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Fiber Optics (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	<hr/> <hr/> <hr/>	<hr/> <hr/> <hr/>	<hr/> <hr/> <hr/>	<hr/> <hr/> <hr/>
Other Improvements	<input checked="" type="checkbox"/> Install a One-way Sign and Object Marker on Existing Raised Median	<hr/> <hr/> <hr/>	<hr/> <hr/> <hr/>	<hr/> <hr/> <hr/>

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



- 2.18 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s): _____
- 2.19 Reconstruction of the full pavement structural section, per City of Ontario Standard Drawing number 1011, may be required based on the existing pavement condition and final street design. Minimum limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.
- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide water service sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.
- 2.21 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892). Developer may pay in-lieu fee, approximately _____, for undergrounding of utilities in accordance with Section 7-7.303.e of the City's Municipal Code.
- 2.22 Other conditions: _____

C. SEWER

- 2.23 **An 8-inch sewer main is available for connection by this project in Grove Avenue.**
(Ref: Sewer plan bar code: S11394)
- 2.24 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.25 Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.
- 2.26 Other conditions: _____

D. WATER

- 2.27 **An 18-inch water main is available for connection by this project in Grove Avenue.**
(Ref: Water plan bar code: W10887)
- 2.28 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.29 Other conditions: _____

E. RECYCLED WATER

- 2.30 A _____ inch recycled water main is available for connection by this project in _____.
(Ref: Recycled Water plan bar code: _____)
- 2.31 Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.
- 2.32 Design and construct an on-site recycled water ready system for this project. A recycled water main does not currently exist in the vicinity of this project, but is planned for the near future. If Applicant would like to connect to this recycled water main when it becomes available, the cost for the connection shall be borne solely by the Applicant.



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

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

- 2.34 Other conditions: _____

F. TRAFFIC / TRANSPORTATION

- 2.35 Submit a focused traffic impact study, prepared and signed by a Traffic/Civil Engineer registered in the State of California. The study shall address, but not be limited to, the following issues as required by the City Engineer:
1. On-site and off-site circulation
 2. Traffic level of service (LOS) at 'build-out' and future years
 3. Impact at specific intersections as selected by the City Engineer

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

- 2.37 Other conditions:
1. The project frontage along Grove Avenue shall be signed "No Stopping Anytime".
 2. The project driveway shall be limited to right-turns only and comply with stopping sight distance requirements per City Standard Drawing Number 1309.
 3. The street light fixture upgrade shall follow the Traffic & Transportation Design Guidelines Section 1.4 Street Light Plans.

G. DRAINAGE / HYDROLOGY

- 2.38 A 30-inch storm drain main is available to accept flows from this project in Grove Avenue. (Ref: Storm Drain plan bar code: D11555)

- 2.39 Submit a hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California. The study shall be prepared in accordance with the San Bernardino County Hydrology Manual and City of Ontario standards and guidelines. Additional drainage facilities, including, but not limited to, improvements beyond the project frontage, may be required to be designed and constructed, by Applicant, as a result of the findings of this study.

- 2.40 An adequate drainage facility to accept additional runoff from the site does not currently exist downstream of the project. Design and construct a storm water detention facility on the project site. 100 year post-development peak flow shall be attenuated such that it does not exceed 80% of pre-development peak flows, in accordance with the approved hydrology study and improvement plans.

- 2.41 Submit a copy of a recorded private drainage easement or drainage acceptance agreement to the Engineering Department for the acceptance of any increase to volume and/or concentration of historical drainage flows onto adjacent property, prior to approval of the grading plan for the project.

- 2.42 Comply with the City of Ontario Flood Damage Prevention Ordinance (Ordinance No. 2409). The project site or a portion of the project site is within the Special Flood Hazard Area (SFHA) as indicated on the Flood Insurance Rate Map (FIRM) and is subject to flooding during a 100 year frequency storm. The site plan shall be subject to the provisions of the National Flood Insurance Program.

- 2.43 Other conditions: _____



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

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

J. SPECIAL DISTRICTS

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

K. FIBER OPTIC

- 2.49 **Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand-hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole. Generally located in Grove Avenue, see Fiber Optic Exhibit herein.**
- 2.50 **Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Information Technology Department at (909) 395-2000, regarding this requirement.**

L. Solid Waste

- 2.51 **Onsite solid waste shall be designed in accordance with the City's Solid Waste Manual location at:**
<http://www.ontarioca.gov/municipal-utilities-company/solid-waste>
- 2.52 **Other conditions:**
 1. **The applicant/developer shall construct a new 2-bin trash enclosure with a solid roof per the Refuse & Recycling Planning Manual.**



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

- 3.01 **Set new monuments in place of any monuments that have been damaged or destroyed as a result of construction of the subject project. Monuments shall be set in accordance with City of Ontario standards and to the satisfaction of the City Engineer.**
- 3.02 Complete all requirements for recycled water usage.
 - 1) Procure from the OMUC a copy of the letter of confirmation from the California Department of Public Health (CDPH) that the Engineering Report (ER) has been reviewed and the subject site is approved for the use of recycled water.
 - 2) Obtain clearance from the OMUC confirming completion of recycled water improvements and passing of shutdown tests and cross connection inspection, upon availability/usage of recycled water.
 - 3) Complete education training of on-site personnel in the use of recycled water, in accordance with the ER, upon availability/usage of recycled water.
- 3.03 The applicant/developer shall submit all final survey documents prepared by a Licensed Surveyor registered in the State of California detailing all survey monuments that have been preserved, revised, adjusted or set along with any maps, corner records or Records of Survey needed to comply with these Conditions of Approvals and the latest edition of the California Professional Land Survey Act. These documents are to be reviewed and approved by the City Survey Office.
- 3.04 NMC Projects: For developments located at an intersection of any two collector or arterial streets, the applicant/developer shall set a monument if one does not already exist at that intersection. Contact the City Survey office for information on reference benchmarks, acceptable methodology and required submittals.
- 3.05 **Confirm payment of all Development Impact Fees (DIF) to the Building Department.**
- 3.06 **Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studies and reports (i.e. hydrology, traffic, WQMP, etc.).**



EXHIBIT 'A'

**ENGINEERING DEPARTMENT
First Plan Check Submittal Checklist**

Project Number: PDEV17-027, and/or Parcel Map/Tract Map No. _____

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

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

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- 22. One (1) copy of approved Tentative Map
- 23. **One (1) copy of Preliminary Title Report (current within 30 days)**
- 24. **One (1) copy of Traverse Closure Calculations**
- 25. **One (1) set of supporting documents and maps (legible copies): referenced improvement plans (full size), referenced record final maps/parcel maps (full size, 18"x26"), Assessor's Parcel map (full size, 11"x17"), recorded documents such as deeds, lot line adjustments, easements, etc.**
- 26. Two (2) copies of Engineering Report and an electronic file (include PDF format electronic submittal) for recycled water use
- 27. **Other: Three (3) copies of Certificate of Compliance with a Record of Survey**

FIBER OPTIC EXHIBIT
PDEV17-027
930 S GROVE AVENUE

LEGEND

- PROPERTY LINE
- DATE OF SURVEY
- DATE OF SITE
- EXISTING DRIVE
- EXISTING DRIVE
- BACK OF WALK
- EXISTING GRADE
- FRESH GRADE
- TOP SURFACE
- TOP SURFACE
- FLOOR FINISH
- EDGE OF PARAPET
- EDGE OF LOOP
- TOP OF WALL
- TOP OF FOOTING
- HIGH POINT
- TOP OF CURB
- TOP OF CURB
- TOP OF RETAINING WALL
- EXTRA DEPTH FOOTING
- EXCEPT OF PIPE
- EXISTING FOC
- EXISTING WATER VALV
- EXISTING GAS METERS
- EXISTING WATER METER
- EXISTING ELECTRICAL
- EXISTING SIGN
- EXISTING COLUMN
- EXISTING SEWER ISLANDS
- ADJACENT PROPERTY
- EXISTING PARKING LIGHT
- EXISTING SHEET LIGHT
- EXISTING TELEPHONE MANHOLE
- EXISTING SEWER MANHOLE
- EXISTING SYSTEM (OPEN MANHOLE)
- EXISTING LEVEL OF PARAPET
- EXISTING CHIMNEY FENCE
- EXISTING BRIGHT SIGN LIGHT
- EXIST. CONCRETE

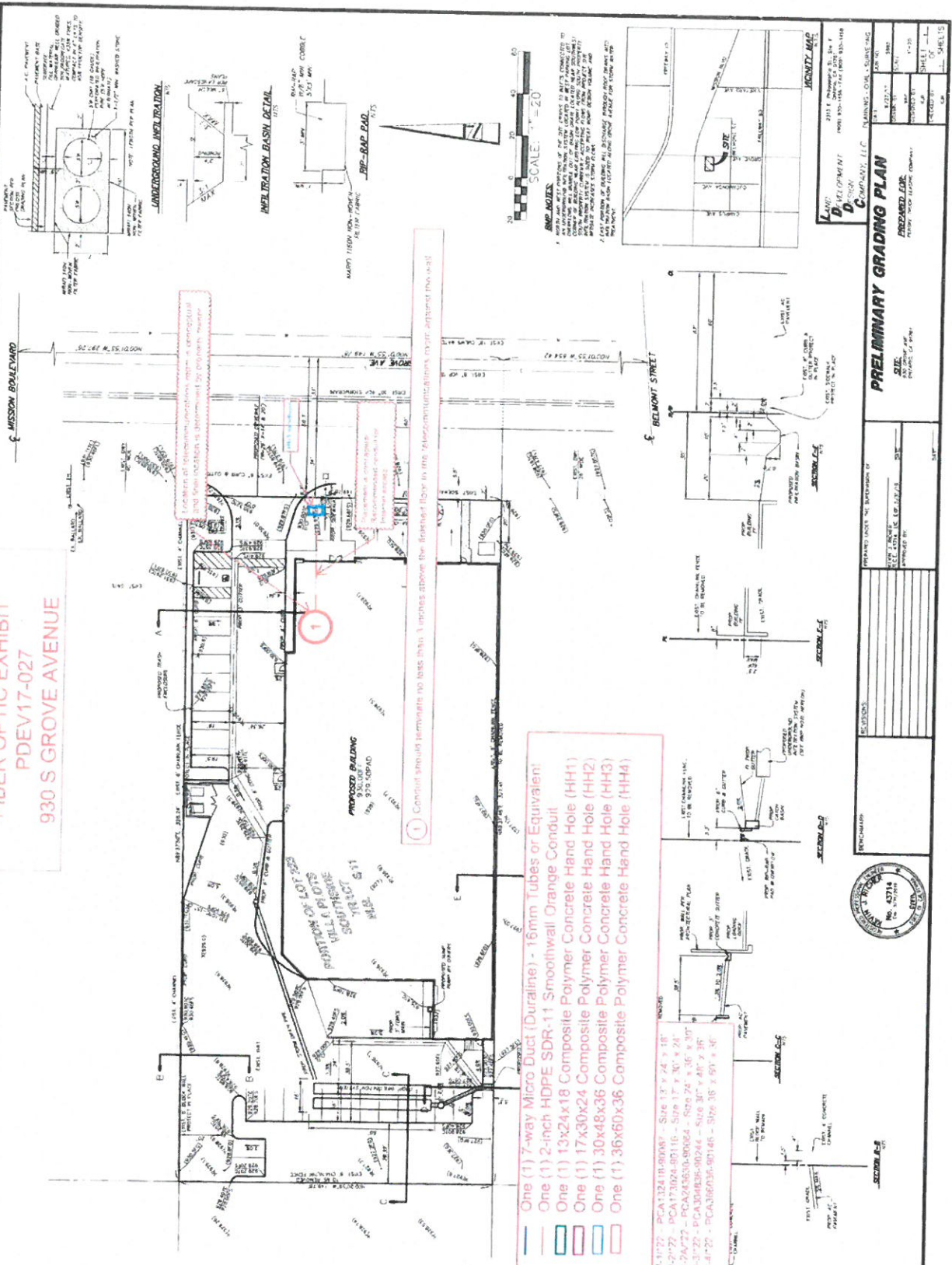
- One (1) 7-way Micro Duct (Duraline) - 16mm Tubes or Equivalent
- One (1) 2-inch HDPE SDR-11 Smoothwall Orange Conduit
- One (1) 13x24x18 Composite Polymer Concrete Hand Hole (HH1)
- One (1) 17x30x24 Composite Polymer Concrete Hand Hole (HH2)
- One (1) 30x48x36 Composite Polymer Concrete Hand Hole (HH3)
- One (1) 36x60x36 Composite Polymer Concrete Hand Hole (HH4)

HH1-1122 - PCA112418-00087 - Size 11" x 24" x 18"

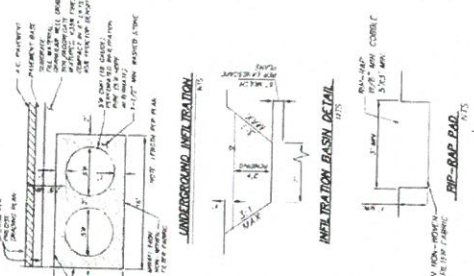
HH2-2122 - PCA173024-00116 - Size 17" x 30" x 24"

HH3-3122 - PCA304836-00244 - Size 30" x 48" x 36"

HH4-4122 - PCA366036-00145 - Size 36" x 60" x 36"



1) Conduit should penetrate no less than 3 inches above the finished floor in the basement/finished floor adjacent to the wall



DEVELOPMENT
D
C COMPANY, LLC
2315 S. WASHINGTON BLVD. # 100
PHOENIX, AZ 85041
PLANNING - CIVIL - SURVEYING

PREPARED FOR
D
C COMPANY, LLC
2315 S. WASHINGTON BLVD. # 100
PHOENIX, AZ 85041

PREPARED BY
D
C COMPANY, LLC
2315 S. WASHINGTON BLVD. # 100
PHOENIX, AZ 85041

DATE
11-11-2011

SHEET NO.
1 OF 1

SHEET'S
1 OF 1



DIGIBART
DIAL TOLL FREE
AT LEAST TWO DAYS
BEFORE YOU GO
INTERNATIONAL SERVICE CENTER - BIRMINGHAM, ALABAMA

PRELIMINARY GRADING PLAN

PREPARED UNDER THE SUPERVISION OF
D. G. GARDNER
REGISTERED PROFESSIONAL ENGINEER
No. 25714
STATE OF ARIZONA

PROJECT NO. 11-11-2011

APPROVED BY

DATE

SCALE

PROJECT NO.

DATE

SCALE

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Henry Noh
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: July 6, 2017
SUBJECT: PDEV17-027

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

Conditions of Approval

1. The address will be 928 S Grove Ave
2. Standard conditions of approval apply.

KS:lm



CITY OF ONTARIO

MEMORANDUM

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

FROM: Alexis Vaughn, Assistant Planner

DATE: September 25, 2017

SUBJECT: FILE #: PDEV17-027

Finance Acct#:

The following project has been resubmitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Friday, July 14, 2017**.

PROJECT DESCRIPTION: A Development Plan to construct a 23,570 square foot industrial building on 1.27 acres of land located at 930 South Grove Avenue, within the Business Park land use district of the Grove Avenue Specific Plan (APNs: 1049-384-09).

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

10/23/17

Landscape Planning Carolyn Bell S. Landscape Planner

Department Signature Title Date

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

PRELIMINARY PLAN CORRECTIONS	
Sign Off	
<i>Carolyn Bell</i> Carolyn Bell, Sr. Landscape Planner	10/23/17 Date

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

D.A.B. File No.: PDEV17-027 Rev 1	Case Planner: Alexis Vaughn
--------------------------------------	--------------------------------

Project Name and Location:
 Grove Industrial Building
 930 Grove Ave

Applicant/Representative:
 The Heaton Company- Ignacio Crespo, AIA, icrespo@dcengineering.net
 5100 S Eastern Ave ste 100
 Commerce, CA 90040

<input checked="" type="checkbox"/>	A Preliminary Landscape Plan (dated 9/20/17) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.
<input type="checkbox"/>	A Preliminary Landscape Plan (dated) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval.

CORRECTIONS REQUIRED

Civil Plans

- Section FF, and CC provide a level grade min. 4' wide from pedestrian paving for the basin on Grove Ave and 12' behind sidewalk where there are proposed trees. **Not corrected.**
- Show backflows on plan, and dimension a 4' set back from paving. **Not corrected.**
- Move basin on Grove back min 6' from required tree locations. **Not corrected.**
- Note for compaction to be no greater than 85% at landscape areas. All finished grades at 1 1/2" below finished surfaces. Slopes to be maximum 3:1. **Not corrected.**
- Dimension all planters to have a minimum 5' wide inside dimension with 6" curbs and 12" wide curbs, or 12" wide pavers or DG paving w edging where parking spaces are adjacent to planters. **Not corrected.**
- Show transformer in SE location to match site and landscape plan instead of NE location.
- Show ADA access route from the public sidewalk, ADA path to employee break area and ADA ramps at building and public sidewalk. **Not corrected.**
- Call out fences and walls proposed. Note replacement wall or fences where chainlink fence is being removed: sections, CC, DD, EE. **Not corrected.**

Landscape Plans

- Match civil plans showing right of way on Grove. Note Camphor trees on Grove to be 6' behind sidewalk. **Not corrected.** Camphors are the required street tree.
- Note for agronomical soil testing and include report on landscape construction plans
- Show 25% of trees as California native (Platanus racemosa, Quercus agrifolia, Quercus wislizenii, Quercus douglasii, Cercis occidentalis, etc.) in appropriate locations.
- After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Typical fees are:

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

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



CITY OF ONTARIO

MEMORANDUM

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

FROM: Alexis Vaughn, Assistant Planner / HENRY NOH

DATE: June 30, 2017

SUBJECT: FILE #: PDEV17-027 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Friday, July 14, 2017**.

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

PROJECT DESCRIPTION: A Development Plan to construct one 23,570 square feet warehouse/office building on approximately 1.27 acres of land located at 930 South Grove Avenue, within the Business Park land use district of the Grove Avenue Specific Plan (APN(s): 1049-384-09).

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

Building

Department

Signature

Title

Date

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Henry Noh
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: July 6, 2017
SUBJECT: PDEV17-027

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

Conditions of Approval

1. The address will be 928 S Grove Ave
2. Standard conditions of approval apply.

KS:lm



CITY OF ONTARIO

MEMORANDUM

TO: Hassan Haghani, Development Director
Scott Murphy, Planning Director (Copy of Memo only)
Cathy Wahlstrom, Principal Planner (Copy of memo only)
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Bob Gluck, Code Enforcement Director
Jimmy Chang, IT Department
David Simpson, Development/IT (Copy of memo only)

FROM: Alexis Vaughn, Assistant Planner / HENRY NOH

DATE: June 30, 2017

SUBJECT: FILE #: PDEV17-027 Finance Acct#:

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- Note:**
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 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
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- The plan does adequately address the departmental concerns at this time.
 - No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Department: Airport Planning Signature: [Signature] Title: Senior Planner Date: 7/11/17

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PVAR17-006 and PDEV17-027
 Address: 930 South Grove Avenue
 APN: 1049-384-09
 Existing Land Use: Vacant
 Proposed Land Use: 23, 570 SF Warehouse Industrial building
 Site Acreage: 1.27 acres Proposed Structure Height: 35 ft
 ONT-IAC Project Review: n/a
 Airport Influence Area: ONT Airport

Reviewed By: Lorena Mejia
 Contact Info: 909-395-2276
 Project Planner: Alexis Vaughn
 Date: 7/11/17
 CD No.: 2017-043
 PALU No.: n/a

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

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

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

Zone 1
 Zone 2
 Zone 3
 Zone 4
 Zone 5
 Zone 6
 Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

See Attached

Airport Planner Signature: _____

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT

CD No.: 2017-043

PALU No.: n/a

PROJECT CONDITIONS

1. Project is located within Safety Zone 2 and above ground storage of hazardous materials greater than 6,000 gallons is not allowed (ALUCP Policy S4b (Hazardous Material Storage)).
2. This project is located within Safety Zone 2 and is required to file and record an Avigation Easement with the City of Ontario prior to obtaining a Certificate of Occupancy.
3. The Land Use Intensity calculations proposed for this building have been met and are attached to this report. Future land uses that deviate from what is currently proposed must meet the policies and criteria of the ONT ALUCP.
4. New development located within any of the Ontario International Airport Safety Zones are required to have a "Property Located within Ontario International Airport Safety Zone Notification" appearing on the Property Deed and Title incorporating the following language:

(NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.) The property is presently located in a Safety Zone which limits land uses and the number of people on site. Land uses are required to meet the policies and criteria of the Ontario International Airport Land Use Compatibility Plan.
5. The maximum height limit for the project site is 60 feet and as such, any construction equipment such as cranes or any other equipment exceeding 60 feet in height will need a determination of "No Hazard" from the FAA. An FAA Form 7460-1 for any temporary objects will need to be filed and approved by the FAA prior to operating such equipment on the project site during construction.

Intensity Calculations for

PDEV17-027

PVAR17-006

CD No. 2017-043

Proposed Land Use	Land Use SF	Acreage	Safety Zone	Load Factors	Sitewide Average Calculations (Zone 2 = 60 P/AC max)	Single Acre SF Calculations (Zone 2 = 120 P/AC max)
				ALUCP Load Factor	ALUCP Load Factor	ALUCP Load Factor
Warehouse	20,863		2	1,000	21	20,863
Office	2,707		2	215	13	2,707
Totals	23,570	1.27			26	33
				Sitewide Average Calculation		
				26		
				Single Acre Intensity Calculation		
				33		
<p>Site Wide Average Calculation is for Zone 2. ONT criteria for Zone 2 allows a maximum of 60 people. The proposed project would generate a site wide average of 26 people as indicated in the calculations above.</p>						
<p>Single Acre Intensity Calculation is for Zone 2. ONT single acre criteria for Zone 2 allows a maximum of 120 people. The proposed project would generate a single acre intensity of 33 people as indicated in the above calculations.</p>						



PLANNING COMMISSION STAFF REPORT

February 27, 2018

SUBJECT: A Development Agreement (File No. PDA16-002) between the City of Ontario and CVRC Ontario Investments, LLC, for the potential development of up to 480 residential units (File No. PMTT16-004/TT 19966) on 111.10 acres of land within the Residential Single Family district of Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan, located on the southwest corner of Riverside Drive and Ontario Avenue. **Submitted by CVRC Ontario Investments, LLC. City Council action is required.**

PROPERTY OWNER: F & J DE BOER Family Properties LP

RECOMMENDED ACTION: That the Planning Commission recommend City Council adoption of an ordinance approving the Development Agreement File No. PDA 16-004 between CVRC Ontario Investments, LLC, and the City of Ontario.

PROJECT SETTING: The project site is comprised of 111.10 acres of land located at the southwest corner of Riverside Drive and Ontario Avenue within Planning Areas 2, 3, 4 and 5 (Residential Single-Family District) of the Armstrong Specific Plan, and is depicted in **Figure 1: Project Location**. The project site slopes gently from north to south and is vacant and previously used for dairy and agricultural uses.

PROJECT ANALYSIS:

[1] Background — In December 2017, the City Council approved the Armstrong Specific Plan (File No. PSP15-002) and the Environmental Impact Report (EIR). The Specific Plan established the land use designations, development standards, and design guidelines for approximately 189.9 gross acres of land, which included the potential development of 891 dwelling units.

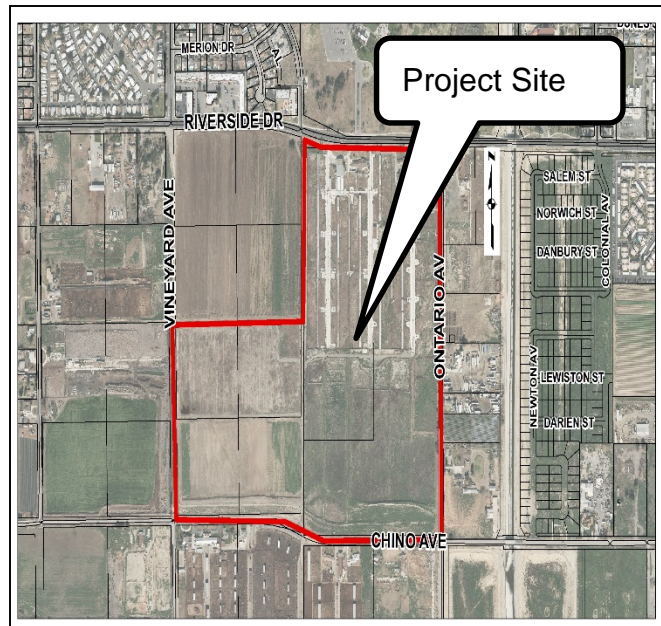


Figure 1: Project Location

Case Planner:	Rudy Zeledon Principal Planner	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB			
Submittal Date:	06/01/2016	ZA			
Hearing Deadline:	N/A	PC	02/27/2018	Recommend	
		CC	03/20/2018		Final

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

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

The proposed Development Agreement with the Owner is based upon the model development agreement that was developed in coordination with the City Attorney’s office and legal counsel for NMC Builders. This model Development Agreement is consistent with the provisions of the Construction Agreement. The LLC agreement between NMC Builders’ members requires that members of the LLC enter into Development Agreements that are consistent with the provisions of the Construction Agreement.

[2] Staff Analysis — The Development Agreement proposes to include 111.10 acres of land within Planning Area 2, 3, 4 and 5 of the Armstrong Specific Plan as shown in **Exhibit A (Armstrong Specific Plan – Land Use Map)**. The Agreement grants CVRC Ontario Investments, LLC, a vested right to develop Tentative Tract Map 19966 as long as the CVRC Ontario Investments, LLC, complies with the terms and conditions of the Armstrong Specific Plan and Environmental Impact Report.

The term of the Development Agreement is for ten years with a five year option. The main points of the agreement address funding for all new City expenses created by the project which includes;

- Development Impact Fees (DIF) for construction of public improvements (i.e. streets and bridges, police, fire, open space/parks etc.);
- Public Service Funding to ensure adequate provisions of public services (police, fire and other public services);
- The creation of a Community Facilities District (CFD) for reimbursement of public improvements and maintenance of public facilities;

- The Park/Open Space Policy Plan requirement of five acres per 1,000 projected population through park dedication and/or the payment of in-lieu fees; and
- Public infrastructure improvements required to support the development of TT19966.

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

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

[1] City Council Goals.

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

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

[3] 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.

➤ LU1-3 Adequate Capacity. We require adequate infrastructure and services for all development.

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

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.

➤ CD2-13 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.

➤ CD3-6 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.

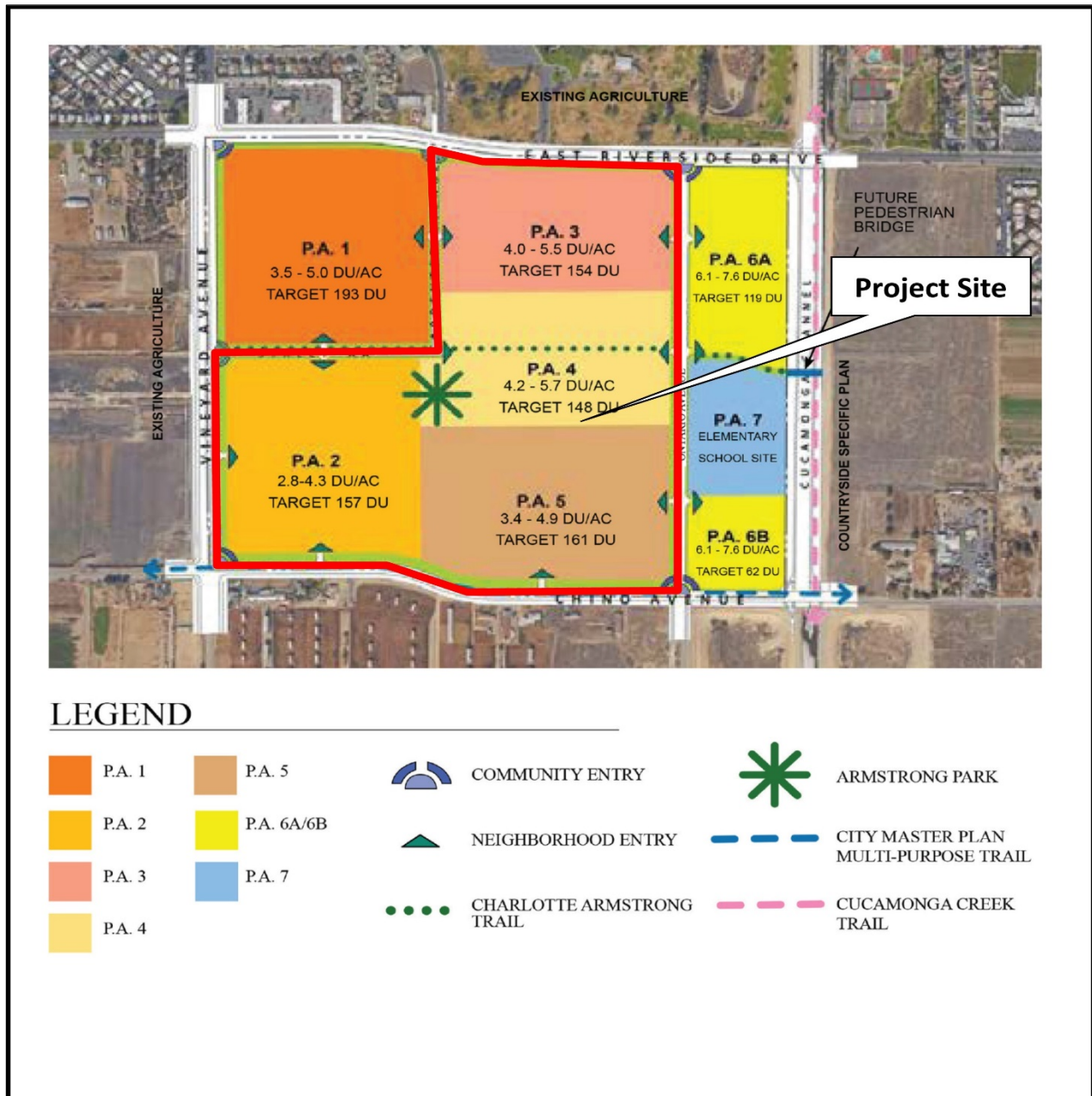
➤ CD5-2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

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.

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 DAB has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the DAB, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with File No. PSP15-002, the Armstrong Ranch Specific Plan for which an Environmental Impact Report (SCH# 2016111009) was adopted by the City Council on December 5, 2017. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are be a condition of project approval and are incorporated herein by reference.

Exhibit "A" Armstrong Specific Plan Land Use Map



LEGEND

 P.A. 1	 P.A. 5	 COMMUNITY ENTRY	 ARMSTRONG PARK
 P.A. 2	 P.A. 6A/6B	 NEIGHBORHOOD ENTRY	 CITY MASTER PLAN MULTI-PURPOSE TRAIL
 P.A. 3	 P.A. 7	 CHARLOTTE ARMSTRONG TRAIL	 CUCAMONGA CREEK TRAIL
 P.A. 4			

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE FILE NO. PDA16-002, A DEVELOPMENT AGREEMENT (FILE NO. PDA16-002) BETWEEN THE CITY OF ONTARIO AND CVRC ONTARIO INVESTMENTS, LLC, FOR THE POTENTIAL DEVELOPMENT OF UP TO 480 RESIDENTIAL UNITS (FILE NO. PMTT16-004/TT 19966) ON 111.10 ACRES OF LAND WITHIN THE RESIDENTIAL SINGLE FAMILY DISTRICT OF PLANNING AREAS 2, 3, 4 AND 5 OF THE ARMSTRONG RANCH SPECIFIC PLAN, LOCATED ON THE SOUTHWEST CORNER OF RIVERSIDE DRIVE AND ONTARIO AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 218-101-01, 218-101-02, 218-101-07, 218-101-08, 218-102-10, 218-102-11.

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

“The Legislature finds and declares that:

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

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

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

“Any city ... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property as provided in this article ...”

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

“A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property, the density of intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for discretionary actions shall not prevent development of the land for the uses and to the density of intensity of development set forth in this Agreement ...”

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

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

WHEREAS, attached to this resolution, marked Exhibit “A” and incorporated herein by this reference, is the proposed Development Agreement between the City of Ontario and CVRC Ontario Investments, LLC, for the potential development of up to 480 residential units (File No. PMTT16-004/TT 19966) on 111.10 acres of land within the Residential Single Family district of Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan, located on the southwest corner of Riverside Drive and Ontario Avenue and as legally described in the attached Development Agreement. Hereinafter in this Resolution, the Development Agreement is referred to as the “Development Agreement”; and

WHEREAS, on October 24, 2017, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution PC17-078 recommending City Council certification of the Armstrong Specific Plan EIR and Issued Resolution PC17-079 recommending approval of the Armstrong Specific Plan (File No. PSP15-002); and

WHEREAS, on November 21, 2017, the City Council of the City of Ontario issued Resolution No. 2017-140 certifying the Armstrong Specific Plan EIR (SCH# 2016111009); and

WHEREAS, on December 19, 2017, the City Council of the City of Ontario adopted Ordinance No. 3084 approving the Armstrong Specific Plan; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with File No. PSP15-002, the Armstrong Ranch Specific Plan for which an Environmental Impact Report (SCH# 2016111009) was adopted by the City Council on December 5, 2018. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are be a condition of project approval and are incorporated herein by reference; and

WHEREAS, on February 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Ontario as follows:

SECTION 1: Environmental Determination and Findings. As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the previous Armstrong Specific Plan EIR (SCH# 2016111009) and supporting documentation. Based upon the facts and information contained in the previous Armstrong Specific Plan EIR (SCH# 2016111009) and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with the Armstrong Specific Plan EIR (SCH# 2016111009), certified by the City of Ontario City Council on December 5, 2017, in conjunction with File No. PSP15-002.

(2) The previous Armstrong Specific Plan EIR (SCH# 2016111009) contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous Armstrong Specific Plan EIR (SCH# 2016111009), was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous Armstrong Specific Plan EIR (SCH# 2016111009), 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 Armstrong Specific Plan EIR (SCH# 2016111009), and all mitigation measures previously adopted with the Armstrong Specific Plan EIR (SCH# 2016111009), 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 to the Armstrong Specific Plan EIR (SCH# 2016111009) is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Armstrong Specific Plan EIR (SCH# 2016111009) that will require major revisions to the Armstrong Specific Plan EIR (SCH# 2016111009) 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 Armstrong Specific Plan EIR (SCH# 2016111009) was prepared, that will require major revisions to the Armstrong Specific Plan EIR (SCH# 2016111009) 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 Armstrong Specific Plan EIR (SCH# 2016111009) was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Armstrong Specific Plan EIR (SCH# 2016111009); or

(b) Significant effects previously examined will be substantially more severe than shown in the Armstrong Specific Plan EIR (SCH# 2016111009); 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 Armstrong Specific Plan EIR (SCH# 2016111009) would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. *Housing Element Consistency.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the Planning Commission finds that based 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 recommending body for the Project, the DAB has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the DAB, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 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 111.10 acres of land located at the southwest corner of Riverside Drive and Ontario Avenue, within the within the Residential Single Family district of Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan, and is presently vacant; and

b. WHEREAS, the properties to the north of the Project site is within the LDR-5 (Low Density Residential and the OS-R Open Space Recreational zoning districts and are developed with Residential and Park land uses. The properties to the east are within the Single Family Residential Planning Areas 6a, 6b and 7 of the Armstrong Ranch Specific Plan and are developed with residential and agricultural land uses. The property to the south are within the SP (AG) zoning district and is developed with a flood control basin and dairy/agricultural land uses. The property to the west is within the SP (AG) zoning district and is developed with dairy/agricultural land uses; and

c. The Development Agreement establishes parameters for the development of Tentative Tract Map 19966 within the Residential Single Family district of Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan for the potential development of 480 residential units. The Development Agreement also grants CVRC Ontario Investments, LLC, the right to develop, the ability to quantify the fees; and establish the terms and conditions that apply to those projects. These terms and conditions are consistent with The Ontario Plan Policy Plan (General Plan), design guidelines and development standards for the Armstrong Specific Plan; and

d. The Development Agreement focuses on Tentative Tract Map 19966 that proposes to subdivide to subdivide 111.10 acres of land into 480 numbered lots for single family residential and open space purposes and 92 lettered lots for public streets, neighborhood edges, paseos, parks and parkways; and

e. The Development Agreement will provide for the development of up to 480 single family units as established for Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan; and

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

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

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

i. This Development Agreement will not be materially injurious or detrimental to the adjacent properties and will have a significant impact on the environment or the surrounding properties. The environmental impacts of this project previously reviewed in conjunction with File No. PSP15-002, the Armstrong Ranch Specific Plan for which an Environmental Impact Report (SCH# 2016111009) was adopted by the City Council on December 5, 2017. This Application introduces no new significant environmental impacts. This application introduces no new significant environmental impacts; and

j. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.

SECTION 6: *Planning Commission Action.* Based upon the findings and conclusions set forth in paragraphs 1, 2, 3 and 4 above, the Planning Commission hereby RECOMMENDS APPROVAL of the Development Agreement to the City Council subject to each and every condition set forth in the Armstrong Specific Plan and EIR, incorporated by this reference.

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

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

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of February 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy, AICP
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on February 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:
File No. PDA16-002
Development Agreement

(Development Agreement to follow this page)

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

City of Ontario
303 East "B" Street
Ontario California, California 91764
Attn: City Clerk

Exempt from Fees Per Gov. Code § 6301

Space above this line for Recorder's Use Only

DEVELOPMENT AGREEMENT

By and Between

City of Ontario, a California municipal corporation,

And

CVRC Ontario Investments LLC, a Delaware limited liability company,

_____, 2018

San Bernardino County, California

DEVELOPMENT AGREEMENT NO. PDA16-002

This Development Agreement (hereinafter "Agreement") is entered into effective as of the ____ day of _____, 2018 by and among the City of Ontario, a California municipal corporation (hereinafter "CITY"), and CVRC Ontario Investments, LLC, a Delaware limited liability company (hereinafter collectively, "OWNER"):

RECITALS

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

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

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

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

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

WHEREAS, all of the procedures of the California Environmental Quality Act have been met with respect to the Project and the Agreement through the preparation and consideration of the Armstrong Ranch Specific Plan Final Environmental Impact Report (State Clearinghouse No. 2016111009 (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 Armstrong Ranch 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 have 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 have 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, CVRC Ontario Investments LLC as "OWNER" represents that, upon its exercise of its option to acquire the Property, it will become the OWNER of the fee simple title to the Property and currently has the right to acquire fee simple title to the Property from the current owner(s) thereof.

WHEREAS, CVRC Ontario Investments LLC, has obtained, or shall obtain the consent of the current owner or owners of the Property to enter into and execute this Development Agreement prior to executing this Development Agreement with the City; and

WHEREAS, the 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 City of Ontario and NMC Builders LLC have previously entered into the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve the Easterly Portion of the New Model Colony in August 2012 (the "Construction Agreement Amendment") and such agreement requires that the City reserve water capacity exclusively for members of NMC Builders LLC ("Members").

WHEREAS, Certificates of Net Water Availability made available through the construction of the Phase 1 water system Improvements are provided to Members only and the provisions of the Construction Agreement Amendment require that the City shall not issue building permits or certificates of occupancy for the area of development within the New Model Colony served by the water system improvements funded by NMC Builders LLC, except to the bearer of a Certificate of Net MDD Water Availability.

WHEREAS, OWNER acknowledges that OWNER shall be required to become a Member of NMC Builders LLC and the Property is characterized as a Phase 2 Property under the provisions of the Amendment to the Construction Agreement between the City and NMC Builders (the "Phase 2 Water Amendment) and OWNER shall be required to participate in the funding of the Phase 2 Water Improvements in order to receive the required Certificate of Phase 2 Net Water Availability; and

WHEREAS, the Property is defined in the "Phase 2 Water Amendment" as a "Phase 2 Water Property" and, as such, shall be required to provide funding for CITY's

future construction of the “Phase 2 Water Improvements” which will result in the availability of additional Net MDD Water Availability required for the development.

WHEREAS, OWNER is made aware of the South Archibald Trichloroethylene (TCE) Plume Disclosure Letter (Exhibit “I”). 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 “Carpenter Sewershed Contribution” means the payment by OWNER to CITY of OWNER’s required contribution pursuant to the Amendment to the Amended and Restated Construction Agreement between NMC Builders and CITY, for the costs to the CITY of allowing additional sewer flows into the Eastern Trunk Sewer in-lieu of OWNER’s requirement construct the sewer infrastructure required to direct the sewer flows from the Project to the Western Trunk Sewer pursuant to the Construction Agreement Amendment.

1.1.4 “Construction Agreement Amendment” means that First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony entered into between the CITY and NMC Builders LLC as of the 21st day of August 2012 and all amendments thereto.

1.1.5 “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.

1.1.6 "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 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.

1.1.8 "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.

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

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

1.1.11 “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.

1.1.12 “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.

1.1.13 “General Plan” means the General Plan adopted on January 27, 2010.

1.1.14 “Improvement” or “Improvements” means those public improvements required to support the development of the Project as described in the Tract Map conditions for Tract Nos. 19966-1, 19966-2, 19966-3 and 19966 and as further described in Exhibit “F” (the “Infrastructure Improvements Exhibits”).

1.1.15 “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.

1.1.16 “Model Units” means a maximum of six (6) units in each Phase constructed by OWNER prior to the construction of any Production units for the respective phase and not offered for sale and occupancy prior to the issuance of building permits for any of the Production Units for the respective phase.

1.1.17 “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.

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

1.1.19 “Phase 2 Water Amendment” means the amendment to the Construction Agreement between the City of Ontario and NMC Builders LLC dated September 19, 2017.

1.1.20 “Phase 2 Water EDUs” means the number of equivalent dwelling units or non-residential square footage assigned to a current or future Member upon payment to City of the Phase 2 Water Participation Fee for the Project and evidenced by the issuance by CITY of a Certificate of Phase 2 Net MDD Availability in the form attached as Exhibit G.

1.1.21 “Phase 2 Water Improvements” means those improvements set forth in Amended Exhibit C-1-R, of the Phase 2 Water Amendment.

1.1.22 “Phase 2 Water Participation Fee” means the fee paid to City upon City approval of the first Development Entitlement for a Project, to fund the Project’s respective share of the projected costs of the design and construction of the Phase 2 Water Improvements by City. The Phase 2 Water Participation Fee shall be the calculated amount of the Regional Water DIF for the Project based upon the number of units, and land use category for residential units or the number of square feet, and land use category for non-residential square footage of the Project.

1.1.23 “Phase 1A Improvements” means the public infrastructure and improvements that shall be designed, constructed and completed by OWNER prior to, and as a condition precedent to, CITY’s issuance of the first building permit for the Production Units in Phase 1A and as shown in Exhibit F- Phase 1A Improvements.

1.1.24 “Phase 1B Improvements” means the public infrastructure and improvements that shall be designed, constructed and completed by OWNER prior to, and as a condition precedent to, CITY’s issuance of the first building permit for the Production Units in Phase 1B.

1.1.25 “Phase 1A Units” means the first one hundred twenty-five (125) units for which the CITY issues building permits to OWNER and shall include up to six (6) Model Units.

1.1.26 “Phase 1B Units” means the next one hundred fourteen (114) units for which the CITY issues building permits to OWNER and shall include up to six (6) Model Units.

1.1.27 “Phase 2 Improvements” means the public infrastructure and improvements that shall be designed, constructed and completed by OWNER prior to, and as a condition precedent to, CITY’s issuance of the first building permit for Production Units in Phase 2 and as shown in Exhibit F – Phase 2 Improvements”

1.1.28 “Phase 2 Units” means the next one hundred twenty-eight (128) units for which the CITY issues building permits to OWNER after the issuance of building permits for the Phase 1A and Phase 1B Units and including up to six (6) additional Model Units.

1.1.29 “Phase 3 Improvements” means the public infrastructure and improvements that shall be designed, constructed and completed by OWNER prior to, and as a condition precedent to, CITY’s issuance of the first building permit for Production Units in Phase 3 and as shown in Exhibit F –Phase 3 Improvements”

1.1.30 “Phase 3 Units” means the next one hundred thirteen (113) units for which the CITY issues building permits to OWNER after the issuance of the building permits for the Phase 1A and Phase 1B Units and the Phase 2 Units and including up to six (6) additional Model Units.

1.1.31 “Production Units” means all units constructed for sale and occupancy by OWNER and excludes a maximum of twenty-four (24) Model Units constructed by OWNER for promotion of sales.

1.1.32 “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.

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

1.1.34 “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.

1.1.35 “Specific Plan” means that certain specific plan adopted by the City Council, and entitled, “Armstrong Ranch Specific Plan.”

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

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

1.1.38 “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 Amendment. 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 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” — Conceptual Phasing Plan

Exhibit “F” — Infrastructure Improvements Exhibits

Exhibit “F-Phase 1A” - Phase 1A Improvements Exhibit

Exhibit “F-Phase 1B” - Phase 1B Improvements Exhibit

Exhibit “F- Phase 2” - Phase 2 Improvements Exhibit

Exhibit “F – Phase 3” – Phase 3 Improvements Exhibit

Exhibit “G” – Form of Certificate of Net MDD to be issued by CITY

Exhibit “H” – Form of Certificate of DIF Credit to be issued by CITY

Exhibit “I” - Form of Disclosure letter

2. GENERAL PROVISIONS.

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

2.2 Ownership of Property. OWNER represents and covenants that will become the OWNER of the fee simple title to the Property and has the right to acquire fee simple title to the Property 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 shall have obtained building permits for at least sixty percent (60%) 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. After OWNER completes the purchase of the Property, 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 I) as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq.

(b) Concurrent with any such sale, transfer or assignment, or within fifteen (15) business days thereafter, OWNER shall notify CITY's City Manager, in writing, of such sale, transfer or assignment and shall provide CITY with: (1) an executed agreement, in a form reasonably acceptable to CITY, by the purchaser, transferee or assignee and providing therein that the purchaser, transferee or assignee expressly and unconditionally assumes all the duties and obligations of OWNER under this Agreement with respect to the portion of the Property so sold, transferred or assigned; and (2) the payment of the applicable processing charge to cover the CITY's review and consideration of such sale, transfer or assignment.

(c) Any sale, transfer or assignment not made in strict compliance with the foregoing conditions shall constitute a default by OWNER under this Agreement. Notwithstanding the failure of any purchaser, transferee or assignee to execute the agreement required by Paragraph (b) of this Subsection 2.4.1, the burdens of this Agreement shall be binding upon such purchaser, transferee or assignee, but the benefits

of this Agreement shall not inure to such purchaser, transferee or assignee until and unless such agreement is executed. The City Manager shall have the authority to review, consider and either approve, conditionally approve, or deny any proposed sale, transfer or assignment that is not made in compliance with this section 2.4.

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

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

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

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

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

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

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

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

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

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

2.4.5 Termination of Agreement With Respect to Individual Lots Upon Sale to Public and Completion of Construction. The provisions of Subsection 2.4.1 shall not apply to the sale or lease (for a period longer than one year) of any lot which has been finally subdivided and is individually (and not in "bulk") sold or leased to a member of the public or other ultimate user. Notwithstanding any other provisions of this Agreement, this Agreement shall terminate with respect to any lot and such lot shall be released and no

longer be subject to this Agreement without the execution or recordation of any further document upon satisfaction of both of the following conditions:

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

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

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

2.5.1 Amendment To Reflect Consistency With Future Amendments to the Construction Agreement Amendment. To the extent any future amendment to the Construction Agreement Amendment 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.

(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 California, California 91764

with a copy to:

John Brown, City Attorney
Best Best & Krieger
2855 East Guasti Road, Suite 400
Ontario CA 91761

If to OWNER:

CVRC Ontario Investments, LLC
c/o City Ventures

3121 Michelson Drive, Suite 150
Irvine, CA 92612
Attn: Mike White
Email: mike@cityventures.com
Phone: (949) 258-7538

with a copy to:

John P. Yeager
O'Neil LLP
19900 MacArthur Blvd., Suite 1050
Irvine, CA 92612
Email: jyeager@oneil-llp.com
Phone: (949) 798-0722

(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 Conceptual Phasing Plan. Development of the Property is contingent on the phasing of infrastructure improvements. Attached hereto as Exhibit "E" is a phasing plan which is based on the OWNER's established phasing for the completion of needed infrastructure improvements and the availability of improvements and services to serve the Property.

3.4.1 Attached hereto as the Exhibits "F-1A", "F-1B", "F-2", and "F-3" are a description of the infrastructure improvements needed for the development of the Property, inclusive of the Phase 1A, Phase 1B, Phase 2 and Phase 3 Improvements ("the Infrastructure Improvement Exhibits").

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 six (6) Model Units in each phase. City may issue a maximum of six (6) building permits for Model Units in each phase for a total number of Model Units of twenty-four (24). The plan to be submitted by OWNER for CITY approval prior to the issuance of building permits for Model Units in each phase shall describe the utilities and other infrastructure necessary to provide sufficient fire protection and other public health and safety requirements for the Model Units.

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,

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

3.6 Reservations of Authority.

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

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

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

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

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

3.7 Public 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 design and construction of Storm Drain facilities to serve the Property as described in the attached the Exhibits F-1A, F-1B, F-2 and F-3. OWNER shall be responsible for the design and construction, at OWNER's sole cost and expense, of the necessary extension of master planned Storm Drain facilities.

3.7.2 OWNER agrees that development of the Project shall require the design and construction of street improvements, at OWNER's sole cost and expense, on Riverside Drive, Vineyard Avenue, Carpenter Avenue, Hellman Avenue and Chino Avenue including the design and construction to widen the bridge on Riverside Drive as further described in the attached Exhibit F-1A.

3.7.3 OWNER agrees that development of the Property shall require the design and construction of the extension of permanent master planned water and recycled water utility infrastructure, at OWNER's sole cost and expense, as described in Exhibits F-1A, F-1B, F-2 and F-3 consisting generally of the construction of the extension of permanent master planned water and recycled water utility infrastructure to serve the Property. OWNER agrees that no building permits shall be issued by CITY for Production Units for the Property prior to completion of the Phase 1A and Phase 1B water and recycled water Improvements as described in Exhibit F – Phase 1A and Exhibit F- Phase 1B.

3.7.4 OWNER agrees that NMC Builders shall be responsible for funding a portion of the design and construction of an additional extension of master planned recycled water infrastructure in Riverside and Haven Avenues to be constructed by CITY. These master planned recycled water Improvements shall also serve the Project. OWNER shall deposit, or shall have deposited, with NMC Builders an amount equal to the OWNER's capital contribution for the design and construction of the NMC Builders portion of the recycled water improvements in Riverside and Haven Avenues known as the "Phase 2 Recycled Water Improvements." If OWNER has not previously deposited such amount with NMC Builders, then CITY shall be entitled to withhold issuance of any further building permits for the Project unless and until OWNER deposits the amount of OWNER's capital contribution with NMC Builders for the design and construction of the NMC Builders portion of the Phase 2 Recycled Water System Improvements.

3.7.5 OWNER agrees that development of the Property shall require the design and construction of extension of permanent master planned sewer infrastructure at OWNER's sole cost and expense, as described in the attached Exhibits F-1A, F-1B, F-2 and F-3 consisting generally of the construction of the extension of sewer infrastructure to serve the Property.

3.7.6 OWNER agrees that development of the Property shall require the design and construction of the extension of permanent master planned fiber optic communications infrastructure, at OWNER's sole cost and expense, as described in the attached Exhibits F-1A, F-1B, F-2 and F-3 consisting generally of the construction of the extension of fiber optic communications infrastructure to serve the Property.

3.7.7 Timely Construction of Public Improvements. The phasing of the infrastructure construction within the Property shall be as approved by the CITY. OWNER shall be responsible for the timely design, construction and completion of all public infrastructure required for each of the four (4) Phases of the Project as shown on the attached Infrastructure Improvement Exhibits for each Phase of the Project. OWNER shall also be responsible for compliance with any and all other tract map conditions. Unless otherwise specified in a Subdivision Agreement/Tract Map conditions, all other

required improvements and all other conditions or requirements of Tract Map 19966-1 and Tract Map 19966-2 shall be completed and operational prior to, and as a condition precedent to, CITY's granting of a building permit for any Phase 1A and Phase 1B Production Units. Additionally, unless otherwise specified in a Subdivision Agreement/Tract Map conditions, all other required improvements and all other conditions for each "B" Tract Map shall be completed and operational prior to, and as a condition precedent to, OWNER requesting and CITY's granting of a building permit for Production Units within each such "B" Tract Map.

3.7.8 CITY and OWNER agree that OWNER shall construct and complete all public infrastructure required for Phase 1A and Phase 1B of the Project as shown on Exhibit F-Phase 1A and Exhibit F-Phase 1B, prior to, and as a condition precedent to, CITY's issuance of the first building permit for Production Units for the Property.

3.7.9 CITY and OWNER agree that OWNER shall design, construct and complete all public infrastructure for Phase 2 as shown in Exhibit F-Phase 2 prior to, and as a condition precedent to, CITY's issuance of a building permit for any Production Units in the Phase 2 area of the Property. Unless otherwise specified in a Subdivision Agreement/Tract Map conditions, all other required improvements and all other conditions or requirements of each Tract Map in the Phase 2 area shall be completed and operational prior to, and as a condition precedent to, OWNER requesting and CITY's granting of a building permit for Production Units within any such "B" Tract Map.

3.7.10 CITY and OWNER agree that OWNER shall design, construct and complete all public infrastructure for Phase 3 as shown in Exhibit F-Phase 3 prior to, and as a condition precedent to, CITY's issuance of any building permits for the Phase 3 area of the Property. Unless otherwise specified in a Subdivision Agreement/Tract Map conditions, all other required improvements and all other conditions for each Tract Map in the Phase 3 area shall be completed and operational prior to, and as a condition precedent to, OWNER requesting and CITY's granting of a building permit for Production Units within any such "B" Tract Map.

3.7.11 CITY and OWNER agree that OWNER shall pay to CITY, OWNER's fair share of the costs to design and construct the Pedestrian Bridge across the Cucamonga Creek Channel as shown on Exhibit F-1A, prior to, and as a condition precedent to, OWNER requesting and CITY's granting of permits for the Phase 1A and Phase 1B Production Units. OWNER's fair share of the costs to design and construct the Pedestrian Bridge shall be thirty-three percent (33%) of the estimated costs to design and construct the Pedestrian Bridge. The estimated costs shall be determined by the City Engineer and CITY shall notify OWNER of the estimated costs at the time OWNER requests that CITY grant building permits for Phase 1A and 1B Production Units.

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

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

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

4. PUBLIC BENEFITS.

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

4.2 Development Impact Fees.

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

4.2.1.1 Payment of Development Impact Fee in the Regional Water Category. In lieu of the payment of the Development Impact Fee in the Regional Water Category, OWNER shall be required to pay a Phase 2 Water Participation

Fee as defined as described Section 4.7.3. The timing of such payment shall be as required in Section 4.7.3. CITY agrees that the payment of the Phase 2 Water Participation fee by OWNER shall be in-lieu of any further payment of Development Impact Fee in the Regional Water Category.

4.2.2 Time of Payment. The Development Impact Fees required pursuant to Subsection 4.2.1 shall be paid to CITY prior to the issuance of building permit for each applicable residential or other unit, except for the Open Space and Habitat Acquisition Development Impact fee, which shall be paid by OWNER to CITY prior to the issuance of a grading permit. 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 (OntarioPlan) Goal PR1, Policy PR1-5 (achievement of a park standard of 5 acres of parkland per 1,000 residents) OWNER shall provide improved parks, developed in accordance with the CITY'S park standards in an amount equal to two (2) acres per 1,000 of projected population without credit, reimbursement, offset or consideration from CITY. CITY and OWNER agree that approximately 5.50 net acres within the Property shall be improved as open space park areas and shall be transferred to a homeowners' association and the homeowners' association shall be responsible for all maintenance of all developed open space park areas. OWNER shall also pay the full Development Impact Fee for the Parkland Acquisition and Development Fee category (Quimby Act fees) for the Project.

4.3 Responsibility for Construction of Public Improvements.

4.3.1 Timely Construction of Public Infrastructure. The phasing of the areawide infrastructure construction within the 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 in the attached Infrastructure Improvement Exhibits ("Exhibit F-Phase 1A", "Exhibit F- Phase 1B", "Exhibit F- Phase 2" and "Exhibit F- Phase 3") and any and all 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.19966-1, 19966-2, 19966-3 and 19966.

4.3.2 Construction of DIF Program Infrastructure (Construction Agreement Amendment). 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 Amendment, CITY agrees that CITY shall issue DIF Credit in accordance with the provisions of the Construction Agreement Amendment 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 Amendment 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 Amendment, CITY agrees that CITY shall issue DIF Credit and DIF Reimbursement in accordance with the provisions of a separate Fee Credit Agreement between CITY and OWNER. 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. OWNER may also be eligible to receive reimbursement from DIF collected by CITY and paid by other development that benefits from OWNER's construction of DIF Program Infrastructure. Any such DIF Reimbursement shall be subject to a Fee Credit Agreement between CITY and OWNER. CITY and OWNER agree that the Fee Credit Agreement between CITY and OWNER shall comply with CITY's adopted policies applicable to such agreements.

4.4 Affordable Housing Requirement.

4.4.1 Affordable Housing- Number of Units. OWNER shall provide a minimum number of affordable housing units, equivalent to 10% of the OWNER's total approved residential units within the Project, that are affordable to very low, low and moderate income households. Such requirement for affordable housing shall be met through one, or a combination of one or more, of the options provided in the following Sections 4.4.2.1 through 4.4.2.3. For the purposes of this Section, any term not defined in this Agreement shall be as defined by California Community Redevelopment Law (California Health and Safety Code Section 33000 et seq.).

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

4.4.2.1 New Construction. If OWNER elects to fully or partially satisfy the affordable housing requirement by the construction of new residential units, it shall construct and restrict the affordability of residential dwelling units within its Project or, at OWNER's option and with the approval of the City, within another project elsewhere within the City. The affordable units constructed shall be intermingled with other units as part of the Project, and shall be built to the same construction, design and aesthetic standards, as well as number of rooms, as other units constructed as part of that OWNER's Project. In addition, the percentage ratio of affordable units offered for sale versus those offered for rent shall equal the percentage ratio of other units offered for sale versus for rent within OWNER's Project. Such construction shall be completed no later than the date that is five (5) years following the issuance of the first building permit for OWNER's Project; provided however that to the extent OWNER has not constructed the required percentage of units, based on the number of building permits for non-restricted units, OWNER shall, prior to the issuance of such building permits, provide security

(in the form and substance approved by the City Manager and City Attorney) to City in order to ensure the faithful completion of such required percentage of construction of affordable units. If OWNER elects the option of constructing new affordable units, a detailed Affordable Housing Agreement specifying terms for the allowable monthly housing costs or rents (as applicable) and maintenance and occupancy standards shall be prepared, executed and recorded against such units as a condition to the issuance of a building permit. The Affordable Housing Agreement shall hold a recorded priority position senior to any other non-statutory lien or encumbrance affecting the unit.

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

4.4.2.3 In-Lieu Fee. If OWNER has not fully complied with the requirements of Section 4.4.1 by providing the minimum number of affordable units through the construction of new affordable units or by the substantial rehabilitation of existing units, 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 Forty-Three Cents (\$2.43) per square foot of residential development within OWNER’s Project or, if pre-paid as set forth below, Two Dollars Thirteen Cents (\$2.13) per square foot of residential development within OWNER’s Project. If OWNER has partially complied with the requirements of Section 4.4.1 by construction or rehabilitation of less than the minimum number of units, then the Affordability In-lieu Fee shall be recalculated and reduced in consideration of the number and type of affordable units provided. The Affordability In-Lieu Fee shall be paid by OWNER to City no later than prior to the issuance of

each building permit within OWNER's Project based on the square footage of the residential unit for which such building permit is sought; provided however that OWNER may, at OWNER's election, pre-pay such Affordability In-Lieu Fee by paying such Affordability In-Lieu Fee within thirty (30) days following the earliest discretionary approval by the City for OWNER's Project, including, but not limited to, any general plan amendment, specific plan adoption, development agreement, tentative map approval, variance, conditional use permit, or resolution of intention to form any public financing mechanism. The Two Dollars, Forty-Three Cents (\$2.43) and the Two Dollars Thirteen Cents (\$2.13) per square foot amounts shall automatically be increased annually, commencing on July 1, 2018, and automatically each July 1 thereafter. Such adjustment shall be based on the percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year. The pre-paid Affordability In-Lieu Fee shall be calculated based on the maximum floor area ratio (FAR) permitted within the General Plan and any applicable FAR contained within the 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), shall satisfy its new school obligations. The new school obligations for the Mountain View School District in the New Model Colony 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 New Model Colony 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 4.5.1.

4.6 Public Services Funding Fee.

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

4.6.2 Public Services Funding Fee Amount. OWNER shall pay a Public Services Funding fee in the total amount of One Thousand Nine Hundred and Seven dollars (\$1,907.00) per residential dwelling unit. The Public Services Funding Fee shall be paid in one (1) installment within one hundred eighty (180) calendar days after the effective date of this Development Agreement or in two (2) installments, at OWNER's option, as follows:

4.6.2.1 First Installment (Residential uses). The First Installment of the Public Services Funding Fee shall be Nine Hundred Fifty-Three dollars and fifty cents (\$953.50) per residential dwelling unit. The First Installment shall be based upon the "**Maximum Development Density**" of the Project, as defined in Section 3.7.2.3 of the Construction Agreement Amendment. The First Installment shall be due

and payable 30 days after the effective date of this Development Agreement. If OWNER does not complete the purchase of the Property, OWNER shall request and CITY shall refund to OWNER the amount of the First Installment paid by OWNER.

4.6.2.2 Second Installment (Residential Uses). The Second Installment of the Public Services Funding Fee shall be Nine Hundred Fifty-Three dollars and fifty cents (\$953.50) per residential unit. The Second Installment shall be paid at the time of the issuance of each building permit for the Project. The amount of the Second Installment shall increase automatically by percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year on January 1st of each year, beginning on January 1, 2018. OWNER may exercise the option to pay the Second Installment amount for all residential units, a portion of the residential units, or for the remainder of the residential units within OWNER's Project on or before each December 31st, before the Second Installment amount is automatically increased.

4.6.2.3 Single Installment (Non-residential Uses). A single installment payment of the Public Services Funding Fee shall be required in the amount of Fifty-Seven Cents (\$.57) per square foot of non-residential buildings. The single installment for non-residential uses shall be due and payable prior to the issuance of the building permit for a non-residential building. The amount of the Single Installment for non-residential uses shall automatically increase by percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year on January 1st of each year, beginning on January 1, 2018. OWNER may exercise the option to pay any single installment amounts for the remainder of the non-residential square footage within the Project on or before December 31st, before the Single Installment amount is automatically increased.

4.7 Net MDD/Water Availability Equivalents.

4.7.1 Assigned Net MDD/Water Availability Equivalents. The City has agreed with NMC Builders to reserve exclusively for Members of NMC Builders, including OWNER, Net MDD made available through the construction of water system improvements funded by NMC Builders and/or OWNER. OWNER acknowledges that the provisions of the Construction Agreement Amendment require that the City shall not issue building permits or certificates of occupancy for the area of development within the New Model Colony served by the water system improvements funded by NMC Builders, except to the bearer of a Certificate of Net MDD Water Availability.

4.7.2 CITY issuance of Water Availability Equivalents. Within 30 days after the effectiveness of this Development Agreement OWNER shall pay to City the applicable Phase 2 Water Participation Fee. The Phase 2 Water Participation Fee shall be the calculated based on the amount of the projected Regional Water DIF, the Maximum Development Density and the approved land use category for such Project. The

calculated amount of the Phase 2 Water Participation Fee shall be paid to City within 30 days after the effectiveness of this Development Agreement or, at OWNER's option, the Phase 2 Water Participation Fee may be paid to City in two (2) installments. The first installment shall be fifty percent (50%) of the total Phase 2 Water Participation Fee and such first installment shall be due and payable to City within 30 days after the effective date of this Development Agreement. The second installment shall be the remaining amount of the Phase 2 Water Participation Fee and such second installment shall be due and payable to City within one (1) year after the payment of the first installment, or prior to, and as a condition precedent to the recording of any final tract map for the Project, whichever occurs first. Upon OWNER's complete payment to CITY of the Phase 2 Water Participation Fee CITY shall issue a Certificate of Water Availability Equivalents in the form attached hereto as Exhibit G. Such Water Availability Equivalents Certificate shall be issued by CITY within thirty (30) days of the receipt of such required payment. CITY and OWNER agree that the amount of Water Availability Equivalents issued to OWNER shall be based on the maximum projected need for Water Availability Equivalents required for the Property based upon water demand factors and assumptions listed in Exhibit C-2R of the Phase 2 Water Amendment, "Water Demand Equivalents by Land Use" for each land use category. Additionally, within thirty (30) days of CITY's receipt of OWNER complete payment as required under Section 4.7.3, CITY shall issue a certificate of DIF Credit against OWNER's DIF obligations in the regional water DIF Category. The amount of the DIF Credit issued by CITY shall be equivalent to OWNER's payment to CITY of the Phase 2 Water Participation Fee. The form of the Certificate of DIF Credit shall be as described in Exhibit H, attached hereto and incorporated herein.

4.7.2.1 The Phase 2 Water Participation Fee may be paid by OWNER, any subsequent owner of the Property (or any portion thereof), or any combination of the foregoing, in accordance with Section 4.7.2. OWNER, on behalf of itself and any and all subsequent owner(s) of the Property (or any portion thereof), agrees and acknowledges that, should the OWNER or any subsequent owner of the Property (or any portion thereof) request, demand or seek any administrative or judicial relief seeking a return of any portion of the Phase 2 Water Participation Fee (individually or collectively, a "Refund Request"), then CITY shall refund to OWNER, the Phase 2 Water Participation Fee previously paid, and the Development Agreement and any and all land use entitlements (including, but not limited to the Development Agreement and Tentative Tract Map Nos. 19966-1, 19966-2, 19966-3 and 19966) shall be automatically deemed null and void and of no further force or effect, without further action on the part of any party, and without any liability on the part of the CITY, its officials, officers or employees. Without limiting the nature of the foregoing, in the event of a Refund Request and CITY's payment of the requested refund, OWNER and any and all subsequent owner(s) of the Property (or any portion thereof) will be deemed to have automatically consented to a termination of the Development Agreement as well as a reversion of Tract Map 18937 to acreage pursuant to the Subdivision Map Act (California Government Code section 66499.16(b)(1)). Additionally, all related Certificates of Net MDD Availability and all Certificates of DIF Credit issued to OWNER in recognition of OWNER's payment of the Phase 2 Water Participation Fee shall be null and void and of no value.

4.7.3 Use of Net MDD Water Availability. OWNER shall provide evidence of sufficient Water Availability Equivalents (or portions thereof) prior to and as a condition precedent to approval of any final Parcel Map for the Property. The amount of Water Availability Equivalents required for the approval of a final Parcel 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.

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

4.9 Storm Water Capacity Availability.

4.9.1 OWNER and CITY agree that OWNER is not eligible to utilize the regional storm water treatment facilities to meet the requirements of the NPDES permit and the requirements of Section 3.8 of the Construction Agreement Amendment shall not apply to the Property. OWNER shall provide on-site storm water treatment facilities to meet the requirements of the NPDES permit.

4.10 Carpenter Sewershed Contribution. OWNER shall pay to CITY the amount of Four Hundred Fifty Thousand Dollars (\$450,000.00) prior to, and as a condition precedent to OWNER’s request to CITY for issuance of the first building permit for a Production Unit for Phase 1A of the Project. Upon receipt of the OWNER’s Carpenter Sewershed Contribution, CITY shall issue a certificate of DIF Credit in the Local Adjacent DIF category to OWNER in the amount of OWNER’s Carpenter Sewershed Contribution.

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

4.12 Compliance with Public Benefits Requirements.

4.12.1 Failure to Provide Public Benefits. In the event OWNER fails or refuses to comply with any condition referenced in Section 4.1 through 4.11, 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 Amendment. Notwithstanding such reimbursements, OWNER shall remain entitled to DIF Credits as provided for in Article 3 of the Construction Agreement Amendment and/or as provided for in a separate Fee Credit Agreement between CITY and OWNER. OWNER agrees that, prior to the recordation of any B Map, the property subject to such B Map shall be included in a CFD to finance City services through annual special taxes that will initially be \$1,442.00 per Single Family Detached Dwelling Unit, \$1,250.00 per Multiple-Family Dwelling Unit, \$1,048.00 per Gated Apartment Community Dwelling Unit, and \$.27 per square foot for Non-Residential buildings. These amounts shall be subject to an automatic increase at a rate not to exceed four (4%) percent per year. CITY shall be the sole and exclusive lead agency in the formation of any CFD, assessment district or other public financing mechanism within the Property; provided however, that the proceeds of any such CFD, assessment district, or financing mechanism may be used, subject to restrictions that may be imposed by applicable law, for the purposes of acquiring, constructing or maintaining public facilities to be owned or operated by other public agencies, including, without limitation those facilities owned or operated by a school district. In addition to the rights of the CITY pursuant to section 5.2 hereof, CITY shall have the right, but not the obligation, to condition the formation of any CFD, assessment district or other public financing mechanism within the Property on the OWNER mitigating all Project-related impacts to the applicable school district(s) as required by such school district(s). Written evidence by such school district(s) may be required by the CITY as the condition to the formation of any CFD, assessment district or other public financing mechanism within the Property, or any steps preliminary thereto, including, without limitation, the adoption of any resolution of intention to form such CFD, assessment district or other public financing mechanism within the Property. It is not the intent of the parties hereto, by this provision, to prohibit or otherwise limit the City's ability to take any and all necessary steps requisite to the formation of the CFD to finance City services through annual special taxes as set forth in this Section 5.1. Formation of any CFD, assessment district or other public financing mechanism within the Property, shall be subject to CITY's ability to make all findings required by applicable law and complying with all applicable legal procedures and requirements including, without limitation, CITY's public financing district policies as such policies may be amended from time to time. Notwithstanding the foregoing, it is acknowledged and agreed by the parties that nothing contained in this Agreement shall be construed as requiring CITY or the City Council to form any such district or to issue and sell bonds.

6. REVIEW FOR COMPLIANCE.

6.1 Periodic and Special Reviews.

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

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

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

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

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

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

6.1.6 Procedure Upon Findings.

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

(b) If the Planning Commission finds and determines on the basis of substantial evidence that the OWNER has not complied in good faith with the terms and

conditions of this Agreement during the period under review, the Planning Commission may recommend to the City Council to modify or terminate this Agreement.

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

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

(a) The time and place of the hearing;

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

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

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

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

7. [RESERVED]

8. DEFAULT AND REMEDIES.

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

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

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

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

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

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

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

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

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

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

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

9. THIRD PARTY LITIGATION.

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

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

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

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

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

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

10. MORTGAGEE PROTECTION.

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

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

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

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

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

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

11. MISCELLANEOUS PROVISIONS.

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

11.2 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the parties, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence of any

such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11.17 Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall

promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement. The City Manager may delegate his powers and duties under this Agreement to an Assistant City Manager or other management level employee of the CITY.

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

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

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

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

warrants and represents that he or she/they has/have the authority to bind OWNER to the performance of its obligations hereunder.

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

[SIGNATURES CONTAINED ON FOLLOWING PAGE]

**SIGNATURE PAGE
TO DEVELOPMENT AGREEMENT**

"OWNER"

CVRC Ontario Investments, LLC,
a Delaware limited liability company

By: CV Communities, LLC,
a Delaware limited liability company
Managing Member

By: _____
Name: _____
Title: _____

By: DB Ontario Land Investment, LLC,
a Delaware limited liability company
Managing Member

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

By: _____
Name: _____
Title: _____

"CITY"

CITY OF ONTARIO

By: _____
Scott Ochoa
City Manager

Date: _____

ATTEST:

City Clerk, Ontario

APPROVED AS TO FORM:

BEST, BEST & KREIGER LLP

City Attorney

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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)
) ss.
 COUNTY OF SAN BERNARDINO)

On _____, 2018
 before me, _____,
 personally appeared _____,

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

WITNESS my hand and official seal.

 Signature of Notary Public

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- Individual
- Corporate Officer

 Title(s)

- Partner(s)
 - Limited
 - General

- Attorney-In-Fact
- Trustee(s)
- Guardian/Conservator
- Other: _____

Signer is representing:
 Name Of Person(s) Or Entity(ies)

DESCRIPTION OF ATTACHED DOCUMENT

 Title or Type of Document

 Number Of Pages

 Date Of Document

 Signer(s) Other Than Named Above

EXHIBIT "A"
TO DEVELOPMENT AGREEMENT

Legal Description of Property

Real Property in the City of Ontario, County of San Bernardino, State of California, described as follows:

PARCEL 8: (APN: 0218-101-01, 02, 07 AND 08)

LOTS 23, 24, 25 AND 26, SECTION 10, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO MAP OF SUBDIVISION OF PART OF RANCHO SANTA ANA DEL CHINO, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 6, PAGE 15, OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA.

PARCEL 9: (APN: 0218-102-10 AND 11)

LOTS 1, 2, 3, 4, 5, 6, 7 AND 8 IN BLOCK 2 OF MOIST BELT TRACT, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 12, PAGE 45 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

**EXHIBIT "B"
TO DEVELOPMENT AGREEMENT**

Map showing Property and its location

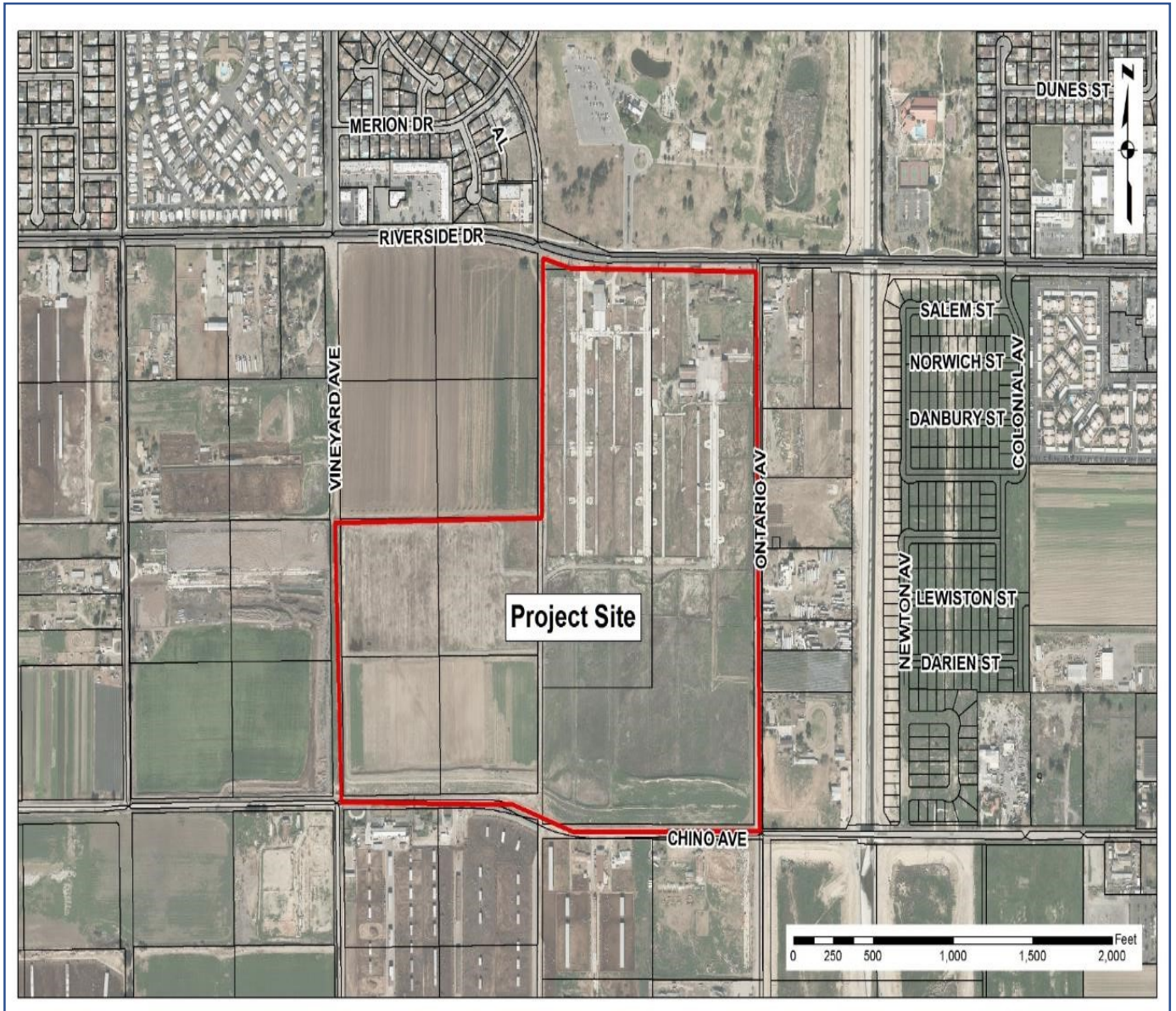


EXHIBIT "C"
TO DEVELOPMENT AGREEMENT

Existing Development Approvals

On October 24, 2017, the Planning Commission:

- a) Issued Resolution No. PC17-078 recommending City Council adopt and certify the Armstrong Specific Plan Environmental Impact Report;
- b) Issued Resolution No. PC17-079 recommending City Council approval of the Armstrong Specific Plan (File No. PSP15-002).

On December 5, 2017, the City Council:

- a) Issued Resolution No. 2017- 140 certifying the Armstrong Specific Plan Environmental Impact Report;
- c) Issued Ordinance No. 3084 approving the Armstrong Specific Plan (File No. PSP15-002).

On February 27, 2018, the Planning Commission:

- a) Issued Resolution No. PC18-*** recommending City Council approval of the Development Agreement (File No. PDA16-002);
- b) Issued Resolution No. PC18-*** approving Tentative Tract Map 19966 (File No. PMTT16-004).

EXHIBIT "D"
TO DEVELOPMENT AGREEMENT

Existing Land Use Regulations

These documents are listed for reference only:

1. Armstrong Specific Plan Environmental Impact Report, Resolution No. 2017-140
2. Armstrong Specific Plan (PSP15-002), Ordinance No. 3084
3. Tentative Tract Map No. 19966, Resolution No. PC18-***
4. City of Ontario Municipal Code
 - a. Six – Sanitation & Health
 - b. Seven – Public Works
 - c. Eight – Building Regulations
 - d. Nine – Development Code
 - e. Ten – Parks & Recreation

EXHIBIT "E" TO DEVELOPMENT AGREEMENT

Phasing Plan

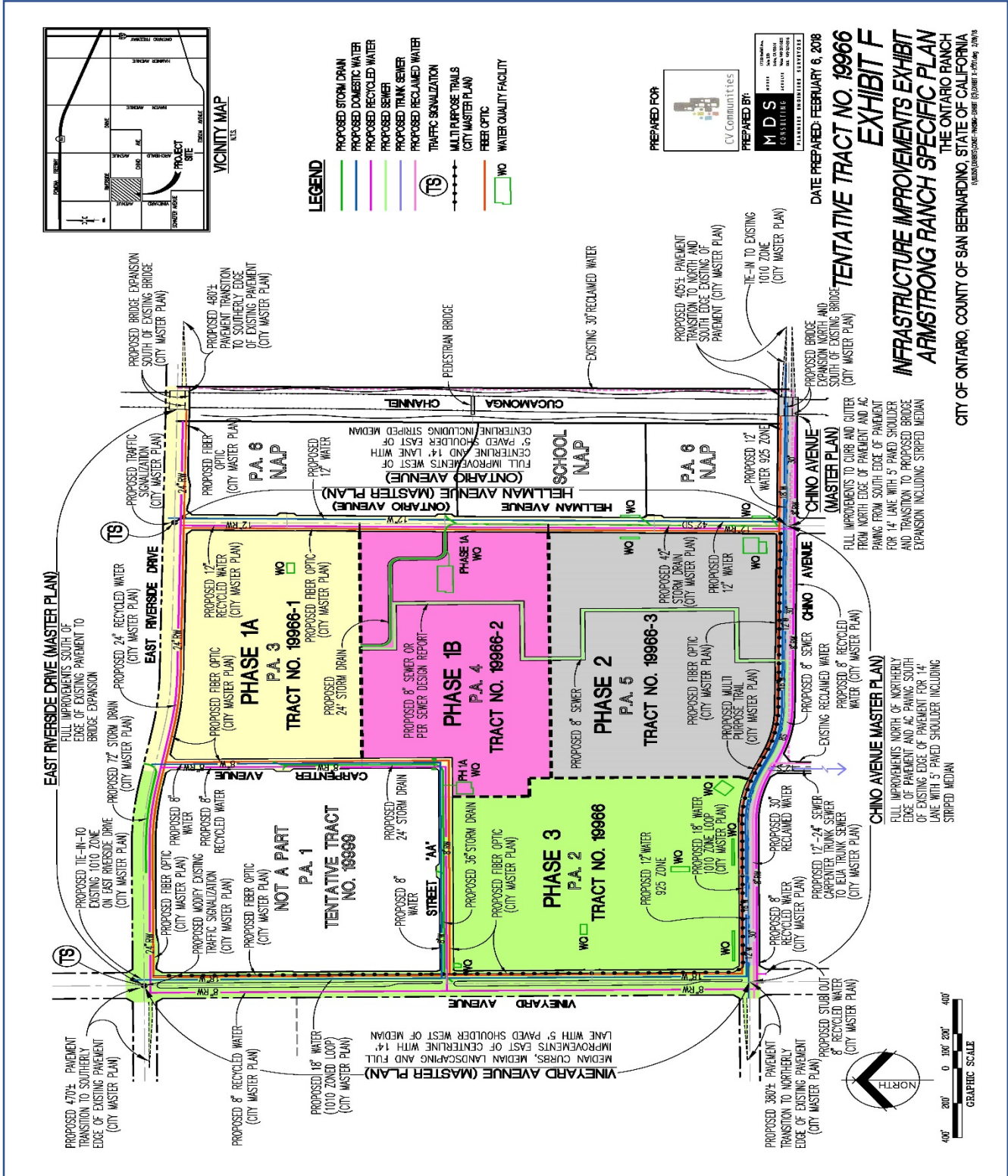


EXHIBIT "F" Continued Required Infrastructure Improvements - Phase 1A

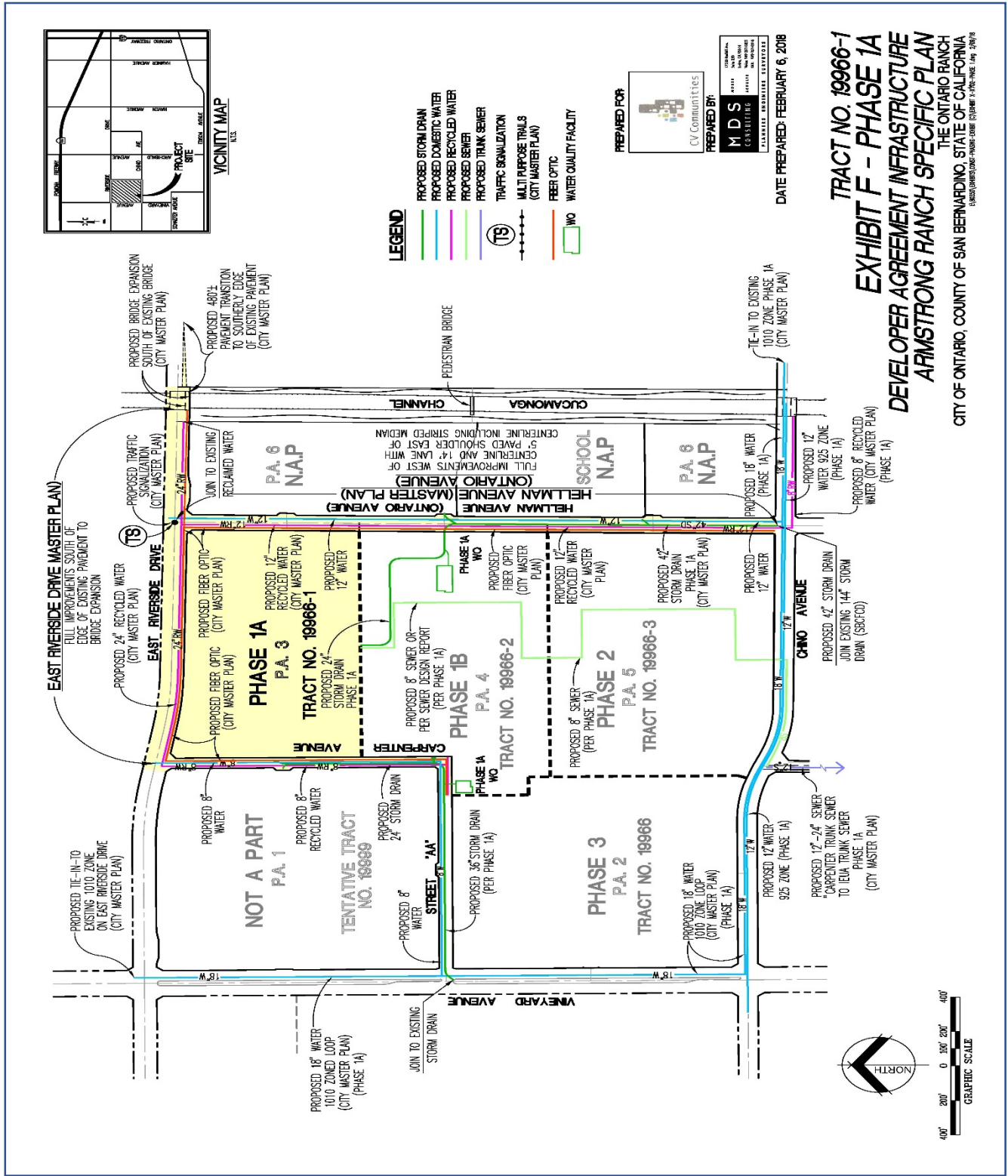


EXHIBIT "F" Continued

Required Infrastructure Improvements - Phase 1B

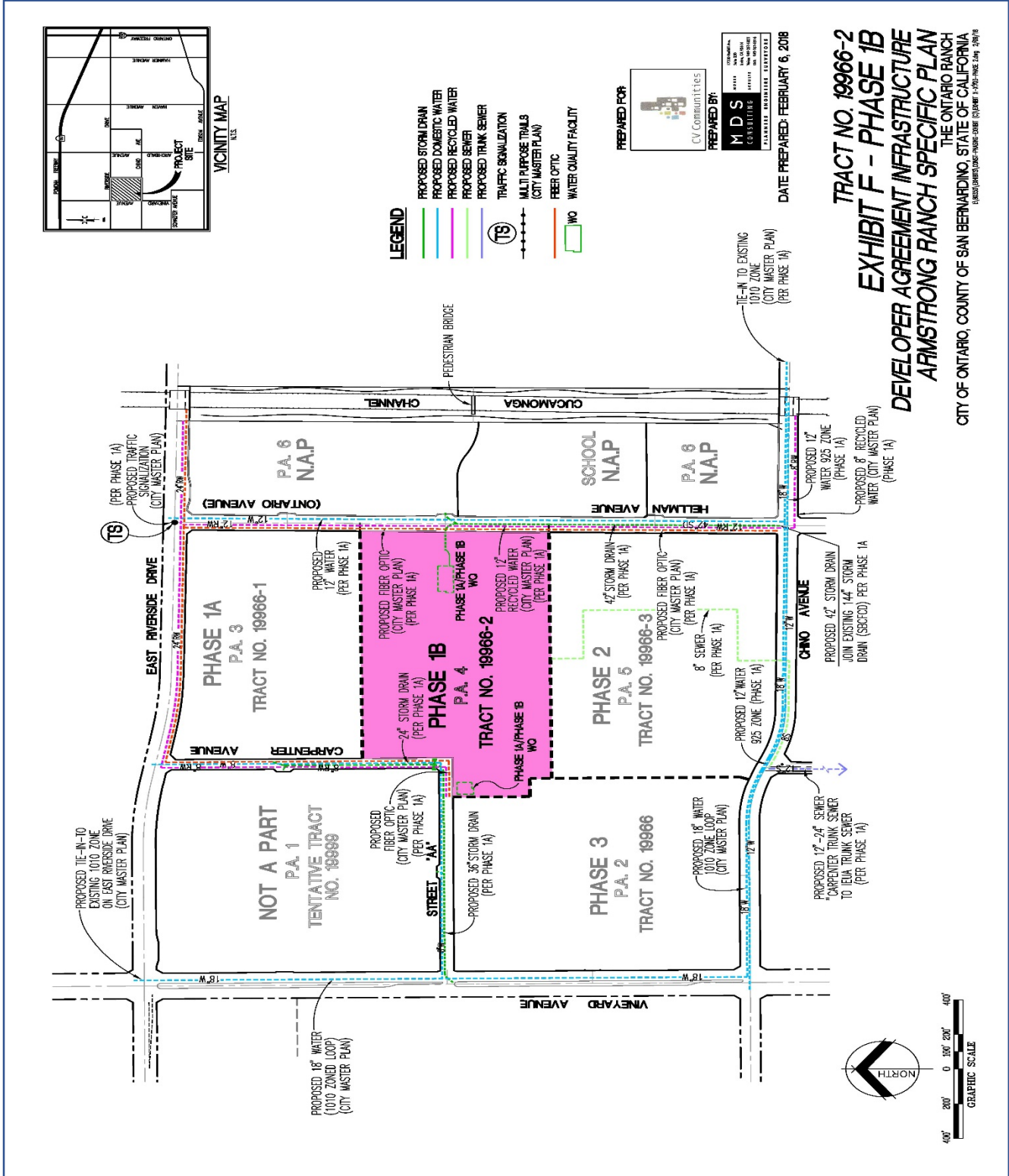
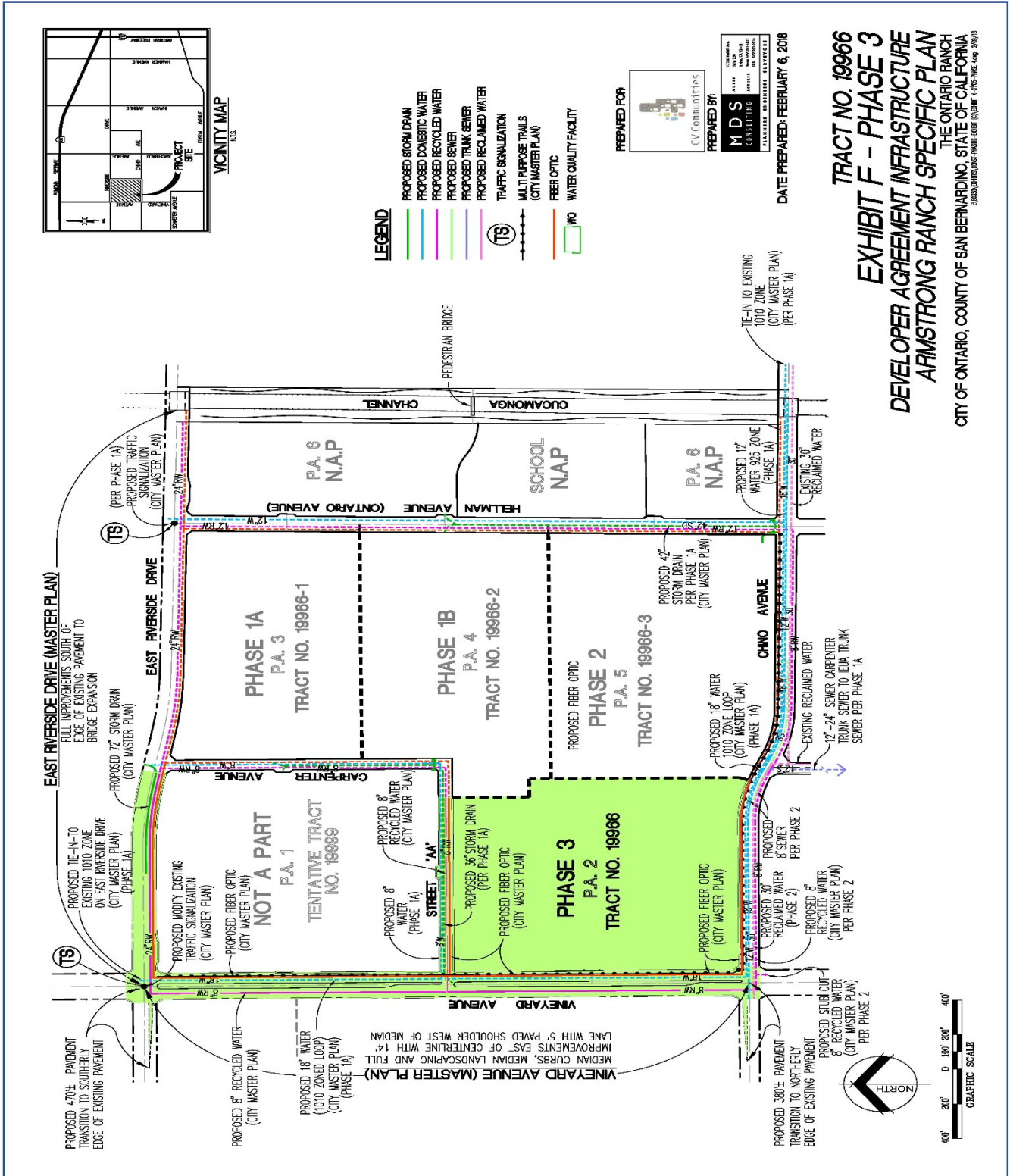


EXHIBIT "F" Continued

Required Infrastructure Improvements - Phase 3



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EXHIBIT "G"

FORM OF CERTIFICATE OF PHASE 2 NET MDD WATER AVAILABILITY

Pursuant to Section 7 of that certain Amendment to the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to serve an Easterly Portion of the New Model Colony between the City of Ontario, a California municipal corporation, and NMC Builders, LLC, a California limited liability corporation, hereinafter called "Developer", the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called "Amendment", the City of Ontario hereby certifies based on receipt of payment of the Phase 2 Water Participation Fee and Development Entitlement of Member's Project, that Member is entitled to the following Phase 2 Net MDD Water Availability.

Residential Phase 2 Net MDD Water Availability _____ Units

Non-Residential Phase 2 Net MDD Water Availability _____ Square Feet

Scott Ochoa, City Manager

Dated: _____

EXHIBIT "H"

FORM OF CERTIFICATE OF REGIONAL WATER DIF CREDIT

Pursuant to Section 7 of that certain Amendment to the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to serve an Easterly Portion of the New Model Colony between the City of Ontario, a California municipal corporation, and NMC Builders, LLC, a California limited liability corporation, hereinafter called "Developer", the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called "Amendment", the City of Ontario hereby certifies that the Member of Developer is entitled to the following amount of Regional Water DIF Credits:

Amount of Regional Water DIF Credit: \$_____

Scott Ochoa, City Manager

Dated:_____



**PLANNING COMMISSION
STAFF REPORT**
February 27, 2018

SUBJECT: A Tentative Tract Map (File No. PMTT16-004/TT 19966) to subdivide 111.10 acres of land into 480 numbered lots and 92 lettered lots within the Residential Single Family District of Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan, located on the southwest corner of Riverside Drive and Ontario Avenue. APNs: 218-101-01, 218-101-02, 218-101-07, 218-101-08, 218-102-10, 218-102-11); **submitted by CVRC Ontario Investments, LLC.**

PROPERTY OWNER: F & J De Boer Family Properties LP & De Boer, Fred Trust

RECOMMENDED ACTION: That the Planning Commission approve File No. PMTT16-004 (TT 19966), pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval contained in the attached departmental reports.

PROJECT SETTING: The project site is comprised of 111.10 acres of land located at southwest corner of Riverside Drive and Ontario Avenue, within the Residential Single Family District of Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan, and is depicted in **Figure 1: Project Location**, below. The project site is bounded by Riverside Drive to the north, Chino Avenue to the south, Ontario Avenue to the east, and Vineyard Avenue to the west. The project site has historically been used for agricultural purposes, primarily for dairy and field crop farming. The northern portion of the project site is presently developed with unoccupied residential homes and ancillary farming and dairy buildings. The natural vegetation and soil conditions that once occurred throughout the project area have been significantly altered through agricultural uses, leaving little to no native vegetation. In addition, the project area is relatively flat sloping to the



Figure 1: Project Location

Case Planner:	Lorena Mejia	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	2/21/18	Approve	Recommend
Submittal Date:	January 27, 2016	ZA			
Hearing Deadline:		PC	2/27/2018		Final
		CC			

south towards Chino Avenue at a slope of 0.8% to 2.0%.

PROJECT ANALYSIS:

[1] Background — The Armstrong Ranch Specific Plan and Environmental Impact Report (EIR) were approved by the City Council on December 5, 2017, and November 21, 2017, respectively. The Armstrong Ranch Specific Plan establishes the land use designations, development standards, and design guidelines for 170.6 acres, which includes the potential development of 891 dwelling units and an Elementary School (see **Figure 2: Armstrong Ranch Specific Plan - Land Use Plan**).

On February 21, 2017, the Development Advisory Board reviewed the subject application and recommended that the Planning Commission approve the proposed project, subject to the departmental conditions of approval included with this report. The proposed project's pertinent site and development statistics are listed in the Technical Appendix of this report.

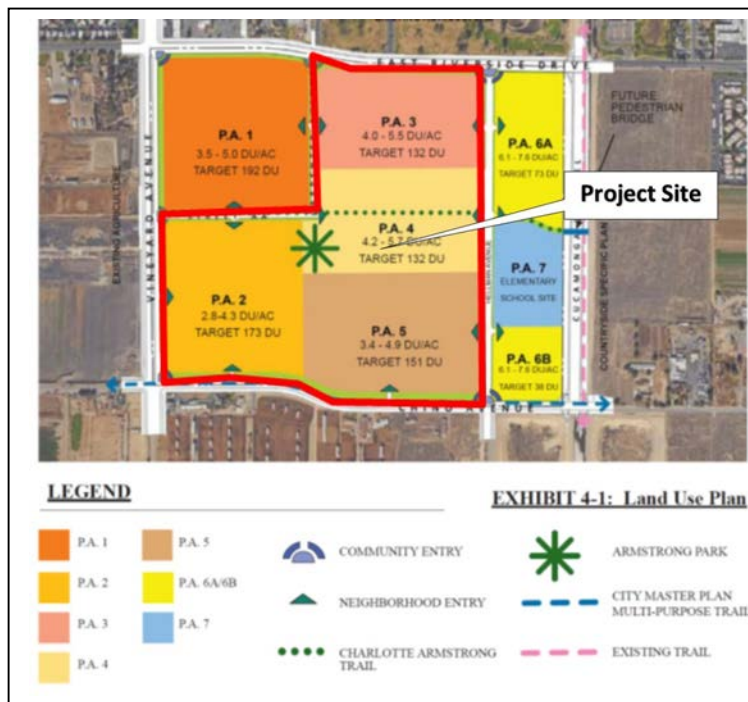


Figure 2: Armstrong Ranch Specific Plan

[2] Tentative Tract Map Subdivision — The proposed Tentative Tract Map (File No. PMTT16-004/TT 19966) will subdivide 111.10 acres of land into 480 numbered lots for single family residential and open space purposes and 92 lettered lots for public streets, neighborhood edges, paseos, parks and parkways. The project site encompasses Residential Single Family Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan and is described below (see **Exhibit A: Tentative Tract Map 19966**):

- **Planning Area 2 (65' x 105' SFD lots)** – Planning Area 2 is located on the southwest portion of the Armstrong Ranch Specific Plan and contains 113 lots and the density is 3.63 du/ac. Planning Area 2 meets the 65' x 105' Single Family Development requirements with lot sizes ranging from 6,825 to 14,008 square feet;

- **Planning Area 3 (50' x 90' SFD lots)** – Planning Area 3 is located within the northern portion of the Armstrong Ranch Specific Plan and has a total of 124 lots and the density is 5.26 du/ac. Planning Area 3 meets the 50' x 90' Single Family Development requirements with lot sizes ranging from 4,500 to 14,662 square feet;
- **Planning Area 4 (55' x 95' SFD lots)** – Planning Area 4 is located within the center of the Armstrong Ranch Specific Plan and includes 114 lots at a density of 4.61 du/ac. Planning Area 4 meets the 55' x 95' Single Family Development requirements with lot sizes ranging from 5,225 to 11,307 square feet; and
- **Planning Area 5 (60' x 100' SFD lots)** – Planning Area 5 is located along southern portion of the Armstrong Ranch Specific Plan and contains 128 lots and the density is 4.04 du/ac. Planning Area 4 meets the 60' x 100' Single Family Development requirements with lot sizes ranging from 6,000 to 13,650 square feet.

[3] Site Access/Circulation — The project site will have access from Vineyard Avenue and Hellman Avenue (formerly Ontario Avenue), that run north/south, and Riverside Drive and Chino Avenue, which run east/west. The Tentative Tract Map will construct and improve the following streets:

- The southern portion of Riverside Drive, between Carpenter Avenue to Cucamonga Creek Bridge, will be widened and improved along the tract frontage to accommodate a 23-foot wide neighborhood edge, 5-foot wide sidewalk, a 7-foot wide landscaped parkway and 5-foot wide Class II Bike lane;
- Carpenter Avenue between Riverside Drive and Street “AA” will be fully constructed on the east side. The street improvements include a 5-foot wide sidewalk and 7-foot wide landscaped parkway on the east side of the street, a 36-foot wide street and curb and gutter improvements along the west side. The western portion of right-of-way improvements shall be completed with the future development of Planning Area 1.
- Street “AA” will be fully constructed on the south side between Vineyard Avenue and Carpenter Avenue. The street improvements include a 5-foot wide sidewalk and 7-foot wide landscaped parkway on the south side of the street, a 36-foot wide street and curb and gutter improvements along the north side. The northern portion of right-of-way improvements (parkway and sidewalk) shall be completed with the future development of Planning Area 1.
- Vineyard Avenue will be fully constructed on the east side between Street “AA” to Chino Avenue. The street improvements include a 25-foot wide neighborhood edge with an 8-foot multi-purpose trail, a 5-foot wide sidewalk and 15-foot wide

landscaped parkway. The street will include two northbound lanes, a 28-foot wide median and a single southbound lane, totaling 82 feet, which will extend from Chino Avenue to Riverside Drive. The western portion of the right-of-way improvements shall be completed as part of future development.

- Chino Avenue will be fully constructed on the north side between Vineyard Avenue and the Cucamonga Creek Channel Bridge. The street improvements include an 18-foot wide neighborhood edge with an 8-foot multi-purpose trail, a 5-foot wide sidewalk and 7-foot wide landscaped parkway. The street will include two westbound lanes and a single eastbound lane totaling 51 feet. The southern portion of the right-of-way improvements shall be completed as part of future development.
- Hellman Avenue (formerly Ontario Avenue) will be fully constructed on the west side between Riverside Drive and Chino Avenue. The street improvements include an 18-foot wide neighborhood edge with an 8-foot multi-purpose trail, a 5-foot wide sidewalk, a 7-foot wide landscaped parkway, 5-foot wide Class II Bike lane and curb and gutter improvements along the east side. The eastern portion of the right-of-way improvements shall be completed as part of future development.

The Tentative Tract Map will also construct the interior streets that will provide access to the future single-family residential development. The tract map is consistent with TOP Policy CD2-2 that promotes the importance of neighborhood connectivity through local street patterns, paseos and neighborhood edges as a way to unify neighborhoods.

[4] Open Space — The Tentative Tract Map will facilitate the construction of a neighborhood park, sidewalks, parkways, and open space areas within the tract. TOP Policy PR1-1 requires new developments to provide a minimum of 2 acres of Private Park per 1,000 residents. The proposed project is required to provide 3.6 acres parkland to meet the minimum TOP private park requirement. To satisfy the park requirement, the applicant is constructing a 2.06 acre neighborhood park that is centrally located within the tract and 9 pocket parks totaling 3.3 acres that range in size from a ¼ acre to a ½ an acre. The project exceeds the minimum requirement by 1.76 acres and is providing a total of 5.36 acres of parkland.

The pedestrian circulation system provides connectivity to the parks, residential neighborhoods within the project site and adjacent communities. The Tentative Tract Map will provide 8-foot multi-purpose trails along Chino and Vineyard Avenues, a total of four paseo connections into the development three located along Chino Avenue and one located along Riverside Drive and 5-foot sidewalks with a combination of 7 or 12-foot landscaped parkways that will separate vehicular traffic from pedestrians.

[5] CC&R's — As a Condition of Approval, staff will require that CC&R's be prepared and recorded with the final map. The CC&R's will outline the maintenance responsibilities

for the open space areas, recreation amenities, drive aisles, utilities and upkeep of the entire site to ensure the on-going maintenance of the common areas and facilities.

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
- Focus Resources in Ontario's Commercial and Residential Neighborhoods
- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
 - Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities
 - 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.

- 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.

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.

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.

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

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

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

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

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

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with File No. PSP15-002, the Armstrong Ranch Specific Plan, for which an Environmental Impact Report (State Clearing House No. 2016111009) was certified by the City Council on November 21, 2017. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference.

CONDITIONS OF APPROVAL: See attached department reports.

TECHNICAL APPENDIX:

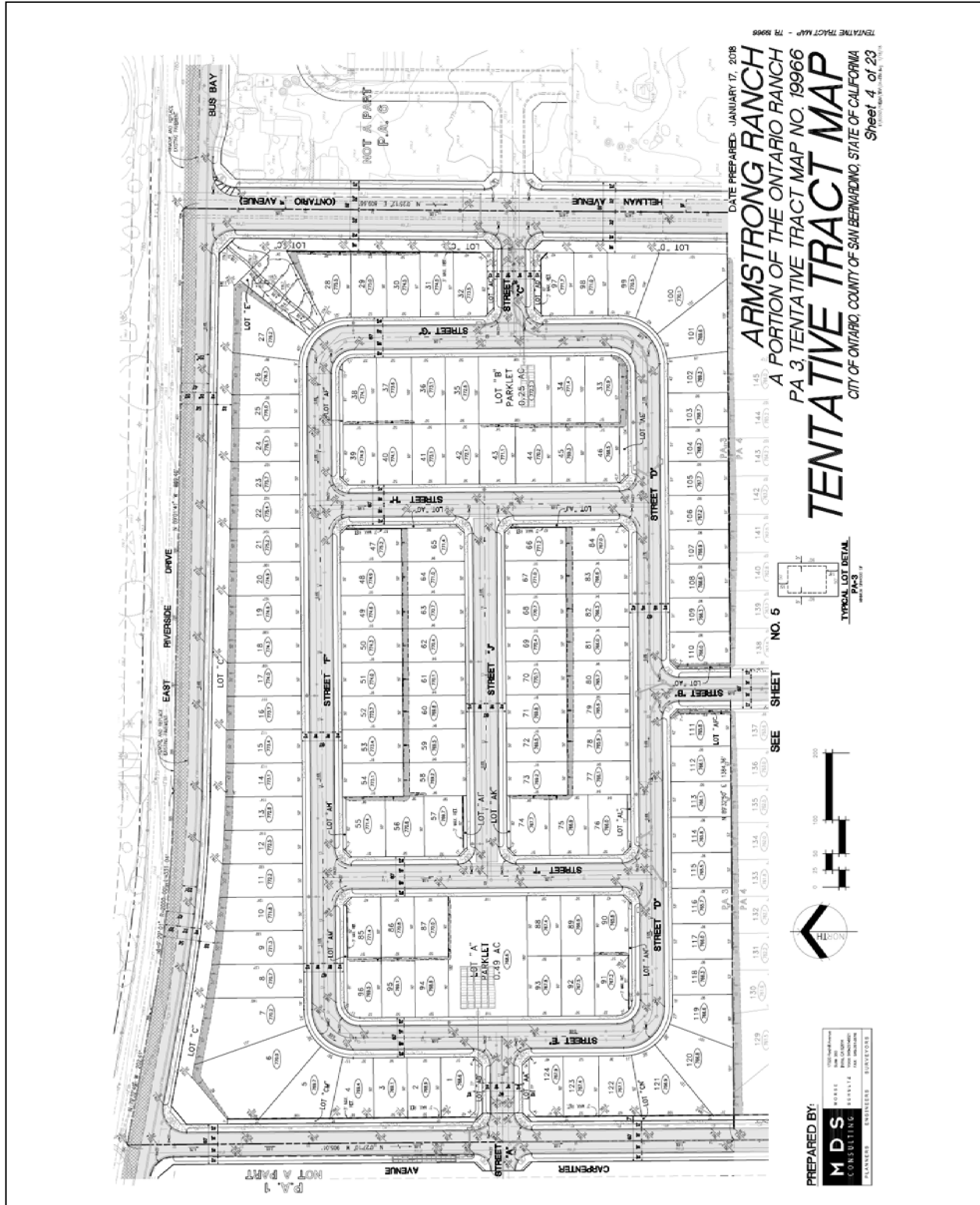
Surrounding Zoning and Land Use:

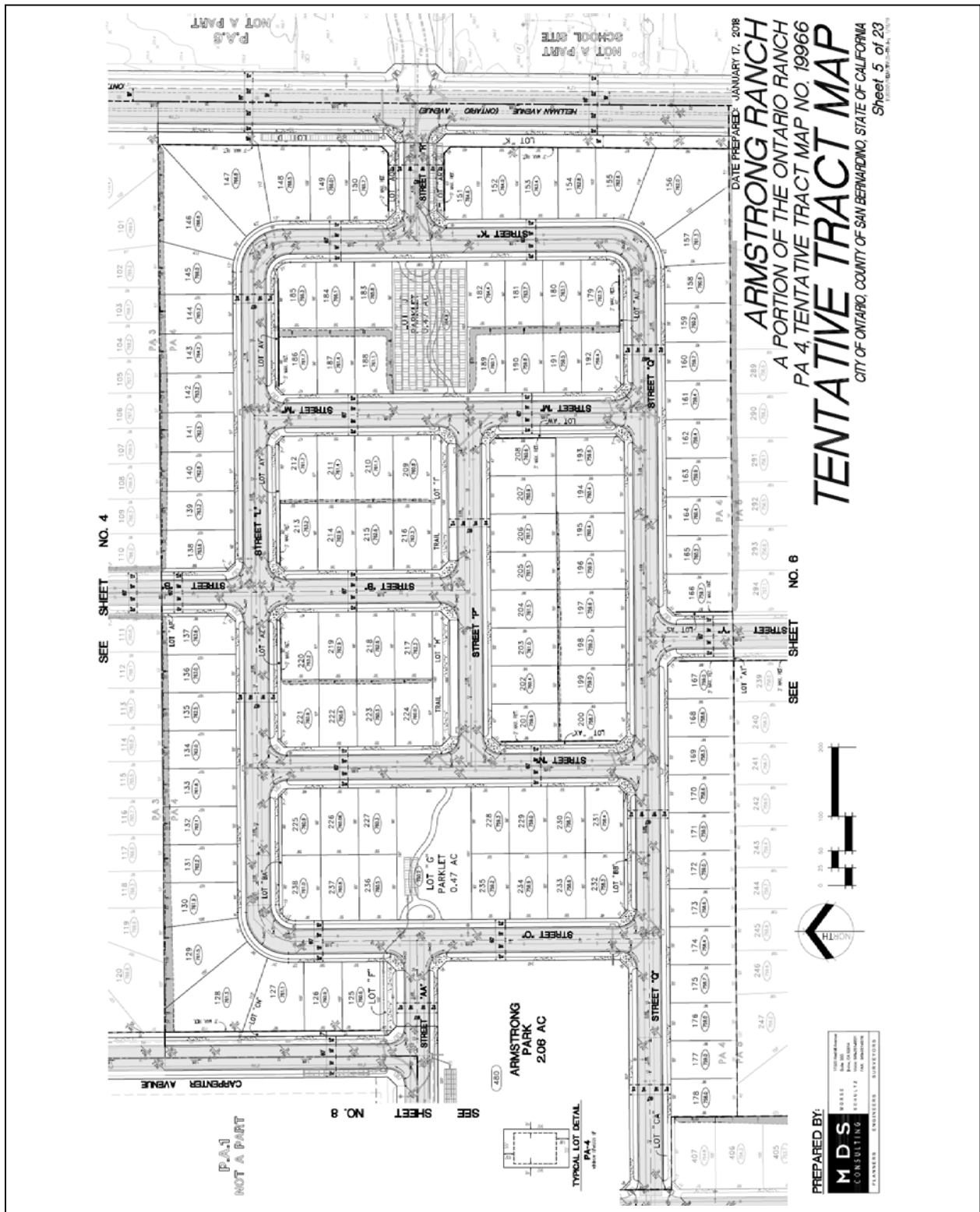
	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	<i>Vacant/Dairy Agricultural</i>	<i>LDR - Low Density Residential</i>	<i>Armstrong Ranch Specific Plan</i>	<i>Single Family Residential Planning Areas 2, 3, 4 and 5</i>
<i>North</i>	<i>Park and Agricultural</i>	<i>OS-R Open Space Recreational and LDR - Low Density Residential</i>	<i>OS-R Open Space Recreational and Armstrong Ranch Specific Plan</i>	<i>Single Family Residential Planning Area 1</i>
<i>South</i>	<i>Vacant/Dairy Agricultural/Flood Control Basin</i>	<i>LDR – Low Density Residential and OS-NR Open Space Non-Recreational</i>	<i>SP/AG – Specific Plan/Agricultural Overlay</i>	<i>N/A</i>
<i>East</i>	<i>Vacant/Dairy Agricultural</i>	<i>LDR - Low Density Residential</i>	<i>Armstrong Ranch Specific Plan</i>	<i>Single Family Residential Planning Areas 6a, 6b and 7</i>
<i>West</i>	<i>Vacant/Dairy Agricultural</i>	<i>LDR – Low Density Residential and NC – Neighborhood Commercial</i>	<i>SP/AG – Specific Plan/Agricultural Overlay</i>	<i>N/A</i>

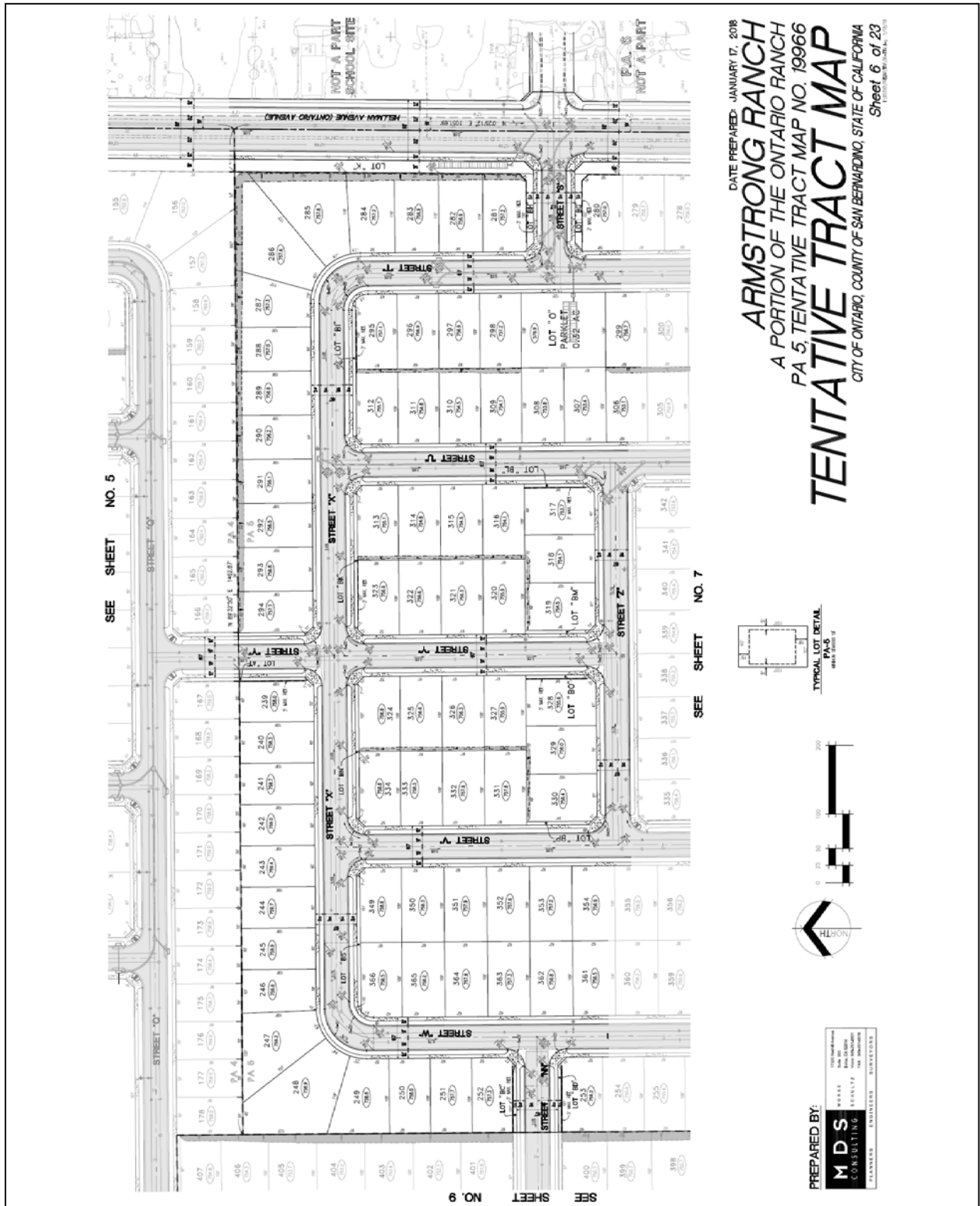
Tentative Tract Summary:

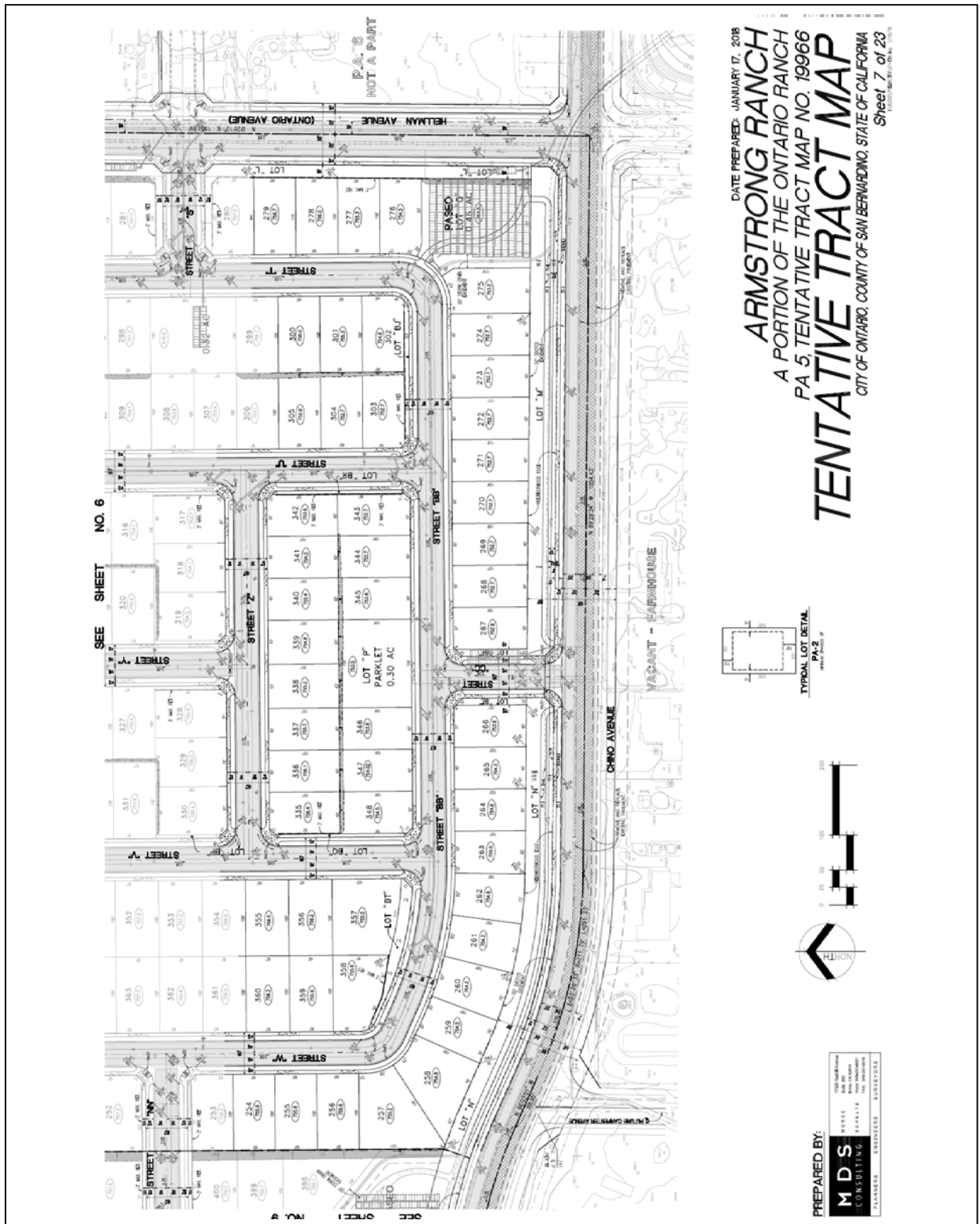
<i>Item</i>	<i>TT19966</i>
<i>Total Area (AC)</i>	<i>111.10</i>
<i>PA 2 Min. Lot Size (Sq. Ft.)</i>	<i>6,825</i>
<i>PA 2 Max. Lot Size (Sq. Ft.)</i>	<i>14,008</i>
<i>PA 2 Avg. Lot Size (Sq. Ft.)</i>	<i>7,424</i>
<i>PA 3 Min. Lot Size (Sq. Ft.)</i>	<i>4,500</i>
<i>PA 3 Max. Lot Size (Sq. Ft.)</i>	<i>14,662</i>
<i>PA 3 Avg. Lot Size (Sq. Ft.)</i>	<i>5,201</i>
<i>PA 4 Min. Lot Size (Sq. Ft.)</i>	<i>5,225</i>
<i>PA 4 Max. Lot Size (Sq. Ft.)</i>	<i>11,307</i>
<i>PA 4 Avg. Lot Size (Sq. Ft.)</i>	<i>5,769</i>
<i>PA 5 Min. Lot Size (Sq. Ft.)</i>	<i>6,000</i>
<i>PA 5 Max. Lot Size (Sq. Ft.)</i>	<i>13,650</i>
<i>PA 5 Avg. Lot Size (Sq. Ft.)</i>	<i>6,878</i>
<i>No. of Numbered Lots/Units</i>	<i>480</i>
<i>No. of Lettered Lots</i>	<i>92</i>
<i>Density (du/net ac)</i>	<i>4.31</i>

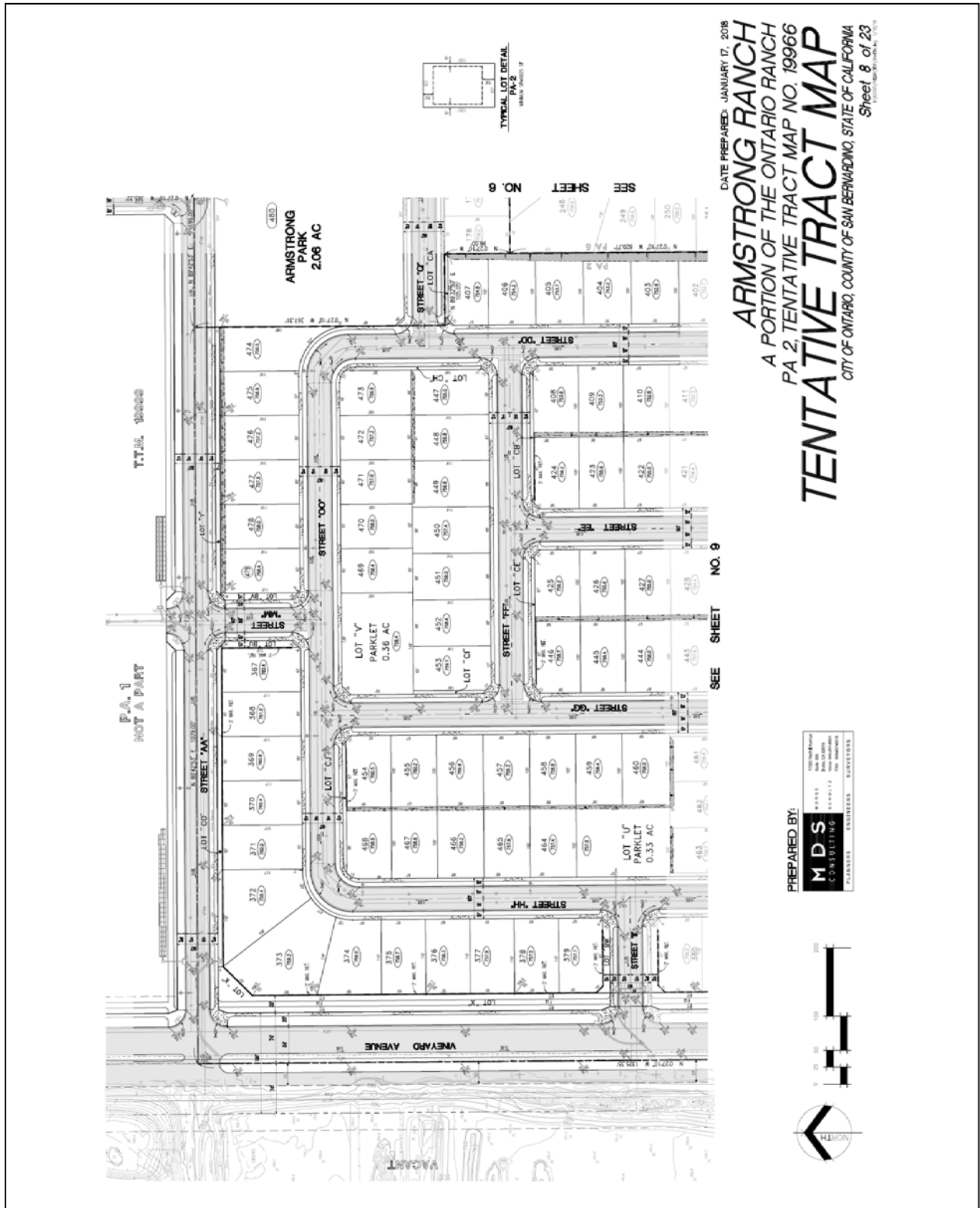
Exhibit A: Tentative Tract Map 19966











RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PMTT16-004 (TT 19966), A TENTATIVE TRACT MAP TO SUBDIVIDE 111.10 ACRES OF LAND INTO 480 NUMBERED LOTS AND 92 LETTERED LOTS WITHIN THE RESIDENTIAL SINGLE FAMILY DISTRICT OF PLANNING AREAS 2, 3, 4 AND 5 OF THE ARMSTRONG RANCH SPECIFIC PLAN, LOCATED ON THE SOUTHWEST CORNER OF RIVERSIDE DRIVE AND ONTARIO AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 218-101-01, 218-101-02, 218-101-07, 218-101-08, 218-102-10, 218-102-11.

WHEREAS, CVRC Ontario Investments, LLC ("Applicant") has filed an Application for the approval of a Tentative Tract Map, File No. PMTT16-004, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 111.10 acres of land generally located southwest corner of Riverside Drive and Ontario Avenue, within the Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan, and is presently developed with unoccupied residential homes and ancillary farming and dairy buildings; and

WHEREAS, the properties to the north of the Project site is within the LDR-5 (Low Density Residential and the OS-R Open Space Recreational zoning districts and are developed with Residential and Park land uses. The properties to the east are within the Single Family Residential Planning Areas 6a, 6b and 7 of the Armstrong Ranch Specific Plan and are developed with residential and agricultural land uses. The property to the south are within the SP (AG) zoning district and is developed with a flood control basin and dairy/agricultural land uses. The property to the west is within the SP (AG) zoning district and is developed with dairy/agricultural land uses; and

WHEREAS, the proposed Tentative Tract Map will subdivide 111.10 acres of land into 480 numbered lots for single family residential and open space purposes and 92 lettered lots for public streets, neighborhood edges, paseos, parks and parkways; and

WHEREAS, the project site encompasses Residential Single Family Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan; and

WHEREAS, Planning Area 2 is located on the southwest portion of the Armstrong Ranch Specific Plan and there are a total 113 lots and the density is 3.63 du/ac. Planning Area 2 meets the 65' x 105' Single Family Development requirements with lot sizes ranging from 6,825 to 14,008 square feet; and

WHEREAS, Planning Area 3 is located within the northern portion of the Armstrong Ranch Specific Plan and there are a total 124 lots and the density is 5.26 du/ac. Planning

Area 3 meets the 50' x 90' Single Family Development requirements with lot sizes ranging from 4,500 to 14,662 square feet; and

WHEREAS, Planning Area 4 is located within the center of the Armstrong Ranch Specific Plan and there are a total 114 lots and the density is 4.61 du/ac. Planning Area 4 meets the 55' x 95' Single Family Development requirements with lot sizes ranging from 5,225 to 11,307 square feet; and

WHEREAS, Planning Area 5 is located along southern portion of the Armstrong Ranch Specific Plan and there are a total 128 lots and the density is 4.04 du/ac. Planning Area 4 meets the 60' x 100' Single Family Development requirements with lot sizes ranging from 6,000 to 13,650 square feet; and

WHEREAS, the project site will have access from Vineyard Avenue and Hellman Avenue (formerly Ontario Avenue), that run north/south and Riverside Drive and Chino Avenue which run east/west; and

WHEREAS, the Tentative Tract Map will construct exterior boundary and interior streets that will provide access to the future single-family residential development; and

WHEREAS, the Tentative Tract Map will facilitate the construction of a neighborhood park, sidewalks, parkways, and open space areas within the tract. TOP Policy PR1-1 requires new developments to provide a minimum of 2 acres of Private Park per 1,000 residents. The proposed project is required to provide 3.6 acres parkland to meet the minimum TOP private park requirement. The project includes a 2.06 acre neighborhood park that is centrally located within the tract and 9 pocket parks totaling 3.3 acres that range in size from a ¼ acre to a ½ an acre. The project exceeds the minimum parkland requirement and is providing a total of 5.36 acres of parkland; and

WHEREAS, as a Condition of Approval, staff will require that CC&R's be prepared and recorded with the final map. The CC&R's will outline the maintenance responsibilities for the open space areas, recreation amenities, drive aisles, utilities and upkeep of the entire site to ensure the on-going maintenance of the common areas and facilities; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with File No. PSP15-002, the Armstrong Ranch Specific Plan for which an Environmental Impact Report (State Clearing House No. 2016111009) was certified by the City Council on November 21, 2017, and this Application introduces no new significant environmental impacts; and

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

WHEREAS, the Application is a project pursuant to CEQA (Public Resources Code Section 21000 et seq.), and an initial study has been prepared to determine possible environmental impacts; and

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

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

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

WHEREAS, on February 21, 2018, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB18-006, recommending the Planning Commission approve the Application; and

WHEREAS, on February 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1: Environmental Determination and Findings. As the decision-making body for the Project, the Planning Commission has reviewed and considered the information contained in the previous 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 reviewed in conjunction with the Armstrong Ranch Specific Plan Environmental Impact Report, previously certified by the City of Ontario City Council on November 21, 2017, in conjunction with File No. PSP15-002.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) ***The proposed Tentative Tract/Parcel Map is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable area and specific plans, and planned unit developments.*** The proposed Tentative Tract/Parcel Map is located within the Low Density Residential land use district of the Policy Plan Land Use Map, and the Residential Single Family District of Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan. The proposed subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing “a spectrum of housing types and price ranges that match the jobs in the City, and that make it possible for people to live and work in Ontario and maintain a quality of life” (Goal LU1). Furthermore, the project will promote the City’s policy to “incorporate a variety of land uses and building types that contribute to a complete community where residents at all stages of life, employers, workers, and visitors, have a wide spectrum of choices of where they can live, work, shop, and recreate within Ontario” (Policy LU1-6 *Complete Community*).

(2) ***The design or improvement of the proposed Tentative Tract/Parcel Map is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable specific plans and planned unit developments.*** The proposed Tentative Tract/Parcel Map is located within the Low Density Residential land use district of the Policy Plan Land Use Map, and the Residential Single Family District of Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan. The proposed design or improvement of the subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing “[a] high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct” (Goal CD2). Furthermore, the project will promote the City’s policy to “create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;

- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the “outdoor living room”), as appropriate; and
- Landscaped parkways, with sidewalks separated from the curb.” (Policy CD2-2 *Neighborhood Design*).

(3) ***The site is physically suitable for the type of development proposed.*** The project site meets the minimum lot area and dimensions of the Residential Single Family District of Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan, and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.

(4) ***The site is physically suitable for the density/intensity of development proposed.*** The project site is proposed for residential development at a density of 4.3 DUs/acre. The project site meets the minimum lot area and dimensions of the Residential Single Family District of Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan, and is physically suitable for this proposed density / intensity of development.

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

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

(7) ***The design of the subdivision, or the type of improvements thereon, will not conflict with easements acquired by the public at large for access through,***

or use of property within, the proposed subdivision. The proposed subdivision has provided for all necessary public easements and dedications for access through, or use of property within, the proposed subdivision. Furthermore, all such public easements and dedications have been designed pursuant to: (a) the requirements of the Policy Plan component of The Ontario Plan and applicable area plans; (b) applicable specific plans or planned unit developments; (c) applicable provisions of the City of Ontario Development Code; (d) applicable master plans and design guidelines of the City; and (e) applicable Standard Drawings of the City

SECTION 6: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

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

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

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of February 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy, AICP
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on February 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PMTT16-004 (TTM 19966)
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



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

*Planning Department
Land Development Division
Conditions of Approval*

Meeting Date: February 21, 2018

File No: PMTT16-004 (TTM 19966)

Related Files: N/A

Project Description: A Tentative Tract Map (File No. PMTT16-004/TTM 19966) to subdivide 111.10 acres of land into 480 numbered lots and 92 lettered lots within the Residential Single Family District of Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan, located on the southwest corner of Riverside Drive and Ontario Avenue. APNs: 218-101-01, 218-101-02, 218-101-07, 218-101-08, 218-102-10, 218-102-11); **submitted by CVRC Ontario Investments, LLC.**

Prepared By: Lorena Mejia, Senior Planner
Phone: 909.395.2276 (direct)
Email: lmejia@ontarioca.gov

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

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

1.1 Time Limits.

(a) Tentative Parcel/Tract Map approval shall become null and void 2 years following the effective date of application approval, unless the final parcel/tract map has been recorded, or a time extension has been approved by the Planning Commission pursuant to Development Code Section 2.02.025 (Time Limits and Extensions). This Permit does not supersede any individual time limits specified herein for performance of specific conditions or improvements.

1.2 Subdivision Map.

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

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

(c) Pursuant to California Government Section 66474.9, the subdivider agrees that it will defend, indemnify, and hold harmless the City of Ontario or its agents, officers and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set

aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer of this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. The City of Ontario shall promptly notify the subdivider of any such claim, action or proceeding and the City of Ontario shall cooperate fully in the defense.

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

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

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

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

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

1.5 Parking, Circulation and Access.

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

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

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

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

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

1.8 Covenants, Conditions and Restrictions (CC&Rs)/Mutual Access and Maintenance Agreements.

(a) CC&Rs shall be prepared for the Project and shall be recorded prior to the issuance of a building permit.

(b) The CC&Rs shall be in a form and contain provisions satisfactory to the City. The articles of incorporation for the property owners association and the CC&Rs shall be reviewed and approved by the City.

(c) CC&Rs shall ensure reciprocal parking and access between parcels.

(d) CC&Rs shall ensure reciprocal parking and access between parcels, and common maintenance of:

- (i) Landscaping and irrigation systems within common areas;
- (ii) Landscaping and irrigation systems within parkways adjacent to the project site, including that portion of any public highway right-of-way between the property line or right-of-way boundary line and the curb line and also the area enclosed within the curb lines of a median divider (Ontario Municipal Code Section 7-3.03), pursuant to Ontario Municipal Code Section 5-22-02;
- (iii) Shared parking facilities and access drives; and
- (iv) Utility and drainage easements.

(e) CC&Rs shall include authorization for the City's local law enforcement officers to enforce City and State traffic and penal codes within the project area.

(f) The CC&Rs shall grant the City of Ontario the right of enforcement of the CC&R provisions.

(g) A specific methodology/procedure shall be established within the CC&Rs for enforcement of its provisions by the City of Ontario, if adequate maintenance of the development does not occur, such as, but not limited to, provisions that would grant the City the right of access to correct maintenance issues and assess the property owners association for all costs incurred.

1.9 Disclosure Statements.

(a) A copy of the Public Report from the Department of Real Estate, prepared for the subdivision pursuant to Business and Professions Code Section 11000 et seq., shall be provided to each prospective buyer of the residential units and shall include a statement to the effect that:

(i) This tract is subject to noise from the Ontario International Airport and may be more severely impacted in the future.

(ii) Some of the property adjacent to this tract is zoned for agricultural uses and there could be fly, odor, or related problems due to the proximity of animals.

(iii) The area south of Riverside Drive lies within the San Bernardino County Agricultural Preserve. Dairies currently existing in that area are likely to remain for the foreseeable future.

1.10 Environmental Review.

(a) The environmental impacts of this project were previously reviewed in conjunction with File No. PSP15-002, the Armstrong Ranch Specific Plan for which an Environmental Impact Report (State Clearing House No. 2016111009) was adopted by the City Council on December 5, 2018. This application introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. The previously adopted mitigation measures shall be a condition of project approval, and are incorporated herein by this reference.

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

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

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

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

1.12 Additional Fees.

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

1.13 Additional Requirements.

(a) All applicable conditions of approval of Development Agreement (File No. PDA 16-002) shall apply to this tract.

(b) All applicable conditions of approval of The Armstrong Ranch Specific Plan shall apply to this tract.

(c) Numbered Lot 480 (Armstrong Park) shall be changed be changed to lettered lot "CP" and added to the ownership maintenance matrix and lettered lot summary table to be owned and maintained by the HOA.

(d) Off-Site Subdivision Signs

(i) The City Council has authorized the Baldy View Chapter of the Building Industry Association to manage a standardized off-site directional sign program on a non-profit basis. The program uses uniform sign structures and individual identification and directional signs for residential development. No other off-site signing is authorized. (For additional information, contact the Baldy View Chapter BIA at (909) 945-1884.

(e) The applicant shall contact the Ontario Post Office to determine the size and location of mailboxes for this project. The location of the mailboxes shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.

(f) The applicant (Developer) shall be responsible for providing fiber to each home per City requirements and standards.

(g) Dairy Separation Requirement for Residential Development

(i) The following separation requirements from existing dairies/feed lots shall apply to new residential development or structures used for public assembly purposes from existing dairies/feed lots.

(ii) A minimum 100' 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-foot 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.



**ENGINEERING DEPARTMENT
CONDITIONS OF APPROVAL**

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

<input type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> OTHER	<input type="checkbox"/> PARCEL MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES	<input checked="" type="checkbox"/> TRACT MAP
PROJECT FILE NO. <u>PMTT16-004/TM-19966</u> (4-Phase Map) (TM-19966-1, TM-19966-2, TM-19966-3, TM-19966)		
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: ___/___/___		

CITY PROJECT ENGINEER & PHONE NO: Miguel Sotomayor (909) 395-2108 *MS*

CITY PROJECT PLANNER & PHONE NO: Lorena Mejia (909) 395-2276

DAB MEETING DATE: February 21, 2018

PROJECT NAME / DESCRIPTION: TM-19966, a Tentative Tract Map to subdivide 124.08 acres of land into 479 lots within the Armstrong Ranch Specific Plan

LOCATION: East of Vineyard Avenue, south of Riverside Drive, west of Cucamonga Channel and north of Chino Avenue

APPLICANT: CV Communities LLC

REVIEWED BY: *[Signature]* 2/14/18
 Bryan Lirley, P.E. Date
 Principal Engineer

APPROVED BY: *[Signature]* 2-14-18
 Khoi Do, P.E. Date
 Assistant City Engineer



THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2010-021) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE CHECKED. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO FINAL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT.

1. PRIOR TO FINAL MAP APPROVAL, APPLICANT SHALL:

Check When Complete

- 1.01
- A. Prior to TM-19966-1 recordation, dedicate to the City of Ontario, the right-of-way in fee simple, described below:**
1. Riverside Drive to the half ultimate right-of-way width of 54 feet (full ultimate ROW width is 108 feet) from CL (Carpenter Avenue to Cucamonga Channel).
 2. Hellman Avenue to the half ultimate right-of-way of 44 feet (full ultimate ROW width is 88 feet) from CL (Riverside Drive to Chino Avenue).
 3. Carpenter Avenue to the half ultimate right-of-way of 30 feet (full ultimate ROW width is 60 feet) from CL (Riverside Drive to Street "AA").
 4. Street "AA" to the half ultimate right-of-way of 30 feet (full ultimate ROW width is 60 feet) from CL (Carpenter Avenue to westerly limits of TM-19966-2).
 5. "A" through "J" Streets to the full ultimate right-of-way width of 60 feet.
 6. Lettered Lot "C" along the south side of Riverside Drive to achieve an overall Neighborhood edge of 23 feet behind right-of-way.
 7. Lettered Lot "C", "D", "K" and "L" along the west side of Hellman Avenue to achieve an overall Neighborhood edge of 18 feet behind right-of-way (Riverside Drive to Chino Avenue).
 8. Property line corner cut-back at all street intersections within the tract boundaries.
- B. Prior to TM-19966-2 recordation, dedicate to the City of Ontario, the right-of-way in fee simple, described below:**
1. Street "AA" to the full ultimate right-of-way width of 60 feet (Carpenter Avenue to Street "O")
 2. "B", "K" through "R" and "Y" Streets to the full ultimate right-of-way width of 60 feet
 3. Property line corner cut-back at all street intersections within the tract boundaries.
- C. Prior to TM-19966-3 recordation, dedicate to the City of Ontario, the right-of-way in fee simple, described below:**
1. Chino Avenue to the half ultimate right-of-way of 44 feet (full ultimate ROW width is 88 feet) from CL (Vineyard Avenue to Cucamonga Channel).
 2. "S" through "Z", "BB", "CC" and "NN" Streets to the full ultimate right-of-way width of 60 feet.
 3. Lettered Lot "M", "N", and "W" along the north side of Chino Avenue to achieve an overall Neighborhood edge of 39 feet behind right-of-way (Vineyard Avenue to Hellman Avenue).
 4. Property line corner cut-back at all street intersections within the tract boundaries.
 5. The necessary additional right-of-way beyond the tract limits to construct the half



street width pavement including curb and gutter on Chino Avenue from Hellman Avenue to the Cucamonga Channel.

D. Prior to TM-19966 recordation, dedicate to the City of Ontario, the right-of-way in fee simple, described below:

1. Vineyard Avenue to the half ultimate right-of-way of 74 feet (full ultimate ROW width is 148 feet) from CL (Chino Avenue to Riverside Drive).
2. Street "AA" to the half ultimate right-of-way of 30 feet (full ultimate ROW width is 60 feet) from CL along tract frontage.
3. "Q", "DD" through "OO" Streets to the full ultimate right-of-way width of 60 feet.
4. Lettered Lot "W", and "X" along the east side of Vineyard Avenue to achieve an overall Neighborhood edge of 25 feet behind right-of-way.
5. Property line corner cut-back at all street intersections within the tract boundaries.
6. The necessary additional right-of-way beyond the tract limits to construct the full street width pavement including curb and gutter on Street "AA". Including additional right-of-way beyond the tract limits to construct the half street width pavement including curb and gutter on Vineyard Avenue from Street "AA" to Riverside Drive and Riverside Drive from Vineyard Avenue to Carpenter Avenue.

1.02 Dedicate to the City of Ontario, the following easement(s):

- a. Prior to TM-19966-3 recordation - 20 foot wide Public Utility Easement (PUE) across Lot "Q" for storm drain purposes.
- b. Prior to TM-19966 recordation - 20 foot wide Public Utility Easement (PUE) across Lot "R" for sewer purposes.
- c. Prior to TM-19966 recordation - 20 foot wide Public Utility Easement (PUE) across Lot "R" for storm drain purposes.

1.03 Restrict vehicular access to the site as follows:

- a. Access to subdivision shall only be granted at those locations shown in the approved Tentative Map and the Armstrong Ranch Specific Plan or otherwise approved by the City Engineer.

1.04 Vacate the following street(s) and/or easement(s):

- a. The excess right-of-way on Riverside Drive along the north westerly tract boundary for TM-19966-1. The applicant/developer shall bear all expenses associated with vacating the above mentioned right-of-way.

1.05 Submit a copy of a recorded private reciprocal use agreement or easement. The agreement or easement shall ensure, at a minimum, common ingress and egress and joint maintenance of all common access areas and drive aisles.

1.06 Provide (original document) Covenants, Conditions and Restrictions (CC&Rs) as applicable to the project and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&Rs shall provide for, but not be limited to, common ingress and egress, joint maintenance responsibility for all common access improvements, common facilities, parking areas, utilities, median and landscaping improvements and drive approaches, in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project. The CC&Rs shall also address the maintenance and repair responsibility for public improvements/utilities (sewer, water, storm drain, recycled water, etc.) located within open



space/easements. In the event of any maintenance or repair of these facilities, the City shall only restore disturbed areas to current City Standards.

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

- 1.08 File an application for Reapportionment of Assessment, together with payment of a reapportionment processing fee, for each existing assessment district listed below. Contact the Management Services Department at (909) 395-2124 regarding this requirement.
 - (1) _____
 - (2) _____

- 1.09 Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.

- 1.10 Provide a monument bond (i.e. cash deposit) in an amount calculated by the City's approved cost estimate spreadsheet (available for download on the City's website: www.ci.ontario.ca.us) or as specified in writing by the applicant's Registered Engineer or Licensed Land Surveyor of Record and approved by the City Engineer, whichever is greater.

- 1.11 Provide a preliminary title report current to within 30 days.

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

- 1.13 New Model Colony (NMC) Developments:
 - 1) Provide evidence of final cancellation of Williamson Act contracts associated with this tract, prior to approval of any final subdivision map. Cancellation of contracts shall have been approved by the City Council.
 - 2) Provide evidence of sufficient storm water capacity availability equivalents (Certificate of Storm Water Treatment Equivalents).
 - 3) Provide evidence of sufficient water availability equivalents (Certificate of Net MDD Availability).

- 1.14 Other conditions:
 - a. The final map shall comply with the approved Armstrong Specific Plan, the Development Agreement and the conditions of approval for this tentative tract map.
 - b. All lettered lots "Y", "AA" through "AZ", "BA-BZ" and "CA" through CO" along Carpenter Avenue, Street "AA" and tract entry streets shall be maintained by the HOA per Armstrong Specific Plan.
 - c. The dedications shown on the final maps shall comply with the approved Armstrong



Ranch Specific Plan.

- d. **The developer shall obtain all off-site right-of-ways/easements necessary to construct the required public improvements identified in Section 2 of these conditions of approval.**
- e. **The applicant/developer shall dedicate all right-of-ways/easements necessary to construct the required sewer improvements to serve the Armstrong Ranch Specific Plan Planning Area 1 (to the northwest of this Tract) and Planning Areas 6A, 6B and 7 (to the east of this tract) to sewer through this tracts improvements. The required area shall be dedicated during phase 1 of this project.**
- f. **Conditions of approval 1.06 to 1.14 shall apply to each phase (TM-19966-1, TM-19966-2, TM-19966-3 and TM-19966)**

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

A. GENERAL

(Permits includes Grading, Building, Demolition and Encroachment)

- 2.01 **Record Tract Map No. 19966-1, 19966-2, 19966-3 and 19966 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.**
- 2.02 **Submit a duplicate photo mylar of the recorded maps to the City Engineer's office.**
- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario per _____
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of _____
- 2.05 Apply for a: Certificate of Compliance with a Record of Survey; Lot Line Adjustment
 Make a Dedication of Easement.
- 2.06 Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.
- 2.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.
- 2.08 **Submit a soils/geology report.**
- 2.09 **Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies:**
 - State of California Department of Transportation (Caltrans)
 - San Bernardino County Road Department (SBCRD)
 - San Bernardino County Flood Control District (SBCFCD)**



- Federal Emergency Management Agency (FEMA)
- Cucamonga Valley Water District (CVWD) for sewer/water service
- United States Army Corps of Engineers (USACE)
- California Department of Fish & Game
- Inland Empire Utilities Agency (IEUA)
- Other: _____

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

- 2.12 **New Model Colony (NMC) Developments:**
 - 1) **Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.**
 - 2) **Make a formal request to the City of Ontario Engineering Department for the proposed temporary use of an existing agricultural water well for purposes other than agriculture, such as grading, dust control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.**
 - 3) **Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall.**
- 2.13 Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at _____% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.
- 2.14 **The applicant/developer shall submit all necessary survey documents prepared by a Licensed Surveyor registered in the State of California detailing all existing survey monuments in and around the project site. These documents are to be reviewed and approved by the City Survey Office.**
- 2.15 **Pay all Development Impact Fees (DIF) to the Building Department.**
- 2.16 **Other conditions:**
 - a. **The applicant/developer shall pay their fair share of the cost to design and construct the pedestrian bridge across the Cucamonga Channel shown on the Armstrong Ranch Specific Plan. The fair share shall be 33% of the estimated costs to design and construct the pedestrian bridge.**



B. PUBLIC IMPROVEMENTS

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

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

Improvement	Riverside Drive	Hellman Avenue	Chino Avenue	Vineyard Avenue
Curb and Gutter	<input checked="" type="checkbox"/> New; 42 ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 32 ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 32 ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 54 ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input checked="" type="checkbox"/> New; 40 ft. from C/L <input checked="" type="checkbox"/> Remove existing AC pavement to C/L	<input checked="" type="checkbox"/> New; 30 ft. west of C/L and 19 ft. east of C/L <input checked="" type="checkbox"/> Remove existing AC pavement	<input checked="" type="checkbox"/> New; 30 ft. north of C/L and 19 ft. south of C/L <input checked="" type="checkbox"/> Remove existing AC pavement	<input checked="" type="checkbox"/> New; 38 ft. east of median and 19 ft. west of median. <input type="checkbox"/> Widen _____ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Sidewalk	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation) 23 ft. neighborhood edge and 7' parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation) 18 ft. neighborhood edge and 7' parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation) 39 ft. neighborhood edge and 7' parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation) 25 ft. neighborhood edge and 15' parkway
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace



Fire Hydrant	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input checked="" type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input checked="" type="checkbox"/> New; Bus Pad <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New; Turn-out <input type="checkbox"/> Modify existing
Storm Drain (see Sec. 2G)	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral
Fiber Optics (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input checked="" type="checkbox"/> Underground <input checked="" type="checkbox"/> Relocate	<input checked="" type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input checked="" type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	_____	_____	_____
Other Improvements ^(c)	Widen south side of Riverside Drive bridge over Cucamonga Channel	_____	8 ft. Multi-purpose Trail Widen north & south sides of existing Chino Avenue bridge over Cucamonga Channel	_____



Improvement	Carpenter Avenue	Street "AA"	Internal Lettered Streets	Street
Curb and Gutter	<input checked="" type="checkbox"/> New; 18ft. from C/L (Both Sides) <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 18ft. from C/L (Both Sides) <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 18ft. from C/L (Both Sides) <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input checked="" type="checkbox"/> New; 16 ft from C/L (Both Sides) <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input checked="" type="checkbox"/> New; 16 ft from C/L (Both Sides) <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input checked="" type="checkbox"/> New; 16 ft from C/L (Both Sides) <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> New <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace <input type="checkbox"/> replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace <input type="checkbox"/> replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace <input type="checkbox"/> replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace <input type="checkbox"/> replace
Sidewalk	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Fire Hydrant	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral



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

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

- a. Prior to release of the first building permit within each phase, improvements within that phase, including all improvements for the previous phases, shall be substantially completed to the satisfaction of the City Engineer.
- b. The applicant/developer shall construct all required improvements and public utilities beyond the tract boundaries to serve the tract and shall obtain additional right-of ways/easements for these improvements.
- c. The applicant/developer shall design and widen the south side of the existing Riverside Drive bridge over the Cucamonga Creek Channel; as well as both sides of the existing Chino Avenue bridge over the Cucamonga Creek Channel.

2.18 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s): _____



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

C. SEWER

- 2.23 A _____ inch sewer main is available for connection by this project in _____ (Ref: Sewer plan bar code: _____)
- 2.24 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.25 Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.
- 2.26 **Other conditions:**

General (all phases):

- a. **Prior to Final Map and Improvement Plan Approval, an Amendment to the 2012 Sewer Master Plan must be processed and formally approved by the City to amend the alignment, tributary area, and sizing of the Carpenter Trunk Sewer and Western Trunk Sewer to reflect the Alternative Alignment for the Carpenter Trunk Sewer from the Armstrong Ranch Specific Plan.**
- b. **Prior to any approval of the Sewer Improvement Plans for this Tract Map, a sewer design report shall be prepared using Section 4 Design Criteria and Subarea Master Plan (SAMP) requirements of the Sewer Master Plan and approved by the City to assure the sewer improvements are designed, sized and constructed in a manner that meets the following requirements: the entire Armstrong Specific Plan area shall sewer to the Carpenter Trunk Sewer; this tracts sewer improvements shall be designed and constructed to allow Armstrong Ranch Specific Plan Planning Area 1 (to the northwest of this Tract) and Planning Areas 6A, 6B and 7 (to the east of this tract) to sewer through this tracts improvements. All tract sewer main sizes and alignments are subject to the findings of this sewer hydraulic analysis study, as approved by the City.**
- c. **The applicant/developer shall design and construct sewer main improvements in the interior tract streets as shown on the tentative tract map and per ~~The Avenue~~ **Armstrong Ranch** Specific Plan and DA Exhibits.**
- d. **Phase 2 Property in the Carpenter Sewer shed Addition: Pursuant to Section 8.4 of the Construction Agreement Amendment for the Easterly Portion of the New Model Colony dated September 19, 2017, the Developer shall submit a payment as required by the Development Agreement for this tract map.**

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- e. **The Master Plan Carpenter Trunk Sewer, as amended, shall be designed with final pipe sizes determined by an approved sewer design report shall be prepared using Section 4**



Design Criteria and Subarea Master Plan (SAMP) requirements of the Sewer Master Plan. Install: a 24-inch sewer main in Moon Place connecting to the Eastern Trunk sewer and running north to Remington Avenue; a 24-inch sewer main in Remington Avenue from Moon Place to Carpenter Avenue; a 24-inch main in Carpenter Avenue from Remington Avenue to Merrill Avenue; a 21-inch sewer main in Carpenter Avenue from Merrill Avenue to Edison Avenue; a 15-inch sewer main in Carpenter Avenue from Edison Avenue to Schaefer Avenue; and a 12-inch sewer main in Schaefer Avenue to Chino Avenue.

D. WATER

- 2.27 A _____ inch water main is available for connection by this project in _____ (Ref: Water plan bar code: _____)
- 2.28 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.29 Other conditions:

General (all phases):

- a. Prior to any approval of the Potable Water Improvement Plans for this Tract Map, a Fire Water Flow Test shall be requested by the applicant/developer and prepared by the City for each phased Tract Map. The results of the study shall determine the final phasing and sizing of the potable water facilities.
- b. The applicant/developer shall design and construct water main improvements in the interior tract streets as shown on the tentative tract map and per **The Avenue Armstrong Ranch** Specific Plan and DA Exhibits.

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- c. The applicant/developer shall design and construct the Master Plan Phase-1 18-inch 1010 Pressure Zone potable water main loop: in Chino Avenue from the existing 18-inch 1010 PZ main at Cucamonga Channel west to Vineyard Avenue; in Vineyard Avenue from Chino Avenue to the existing 1010 PZ 12-inch main in Riverside Drive.
- d. The applicant/developer shall design and construct the Master Plan 12-inch 925PZ potable water main in Chino Avenue from the existing 12-inch 925 PZ main at Cucamonga Channel to Vineyard Avenue.
- e. The applicant/developer shall design and construct the Master Plan 12-inch 1010 PZ potable water main in Hellman Avenue connecting from 18-inch 1010PZ main in Chino Avenue to connect to the existing 1010PZ 10-inch potable water main in Riverside Avenue.
- f. The applicant/developer shall design and construct the 8-inch 1010PZ potable water main in Street 'AA' connecting from 18-inch 1010PZ main in Vineyard to connect to 8-inch 1010PZ potable water main in Carpenter Avenue.
- g. The applicant/developer shall design and construct the 8-inch 1010PZ potable water main in Carpenter Avenue connecting from 8-inch 1010PZ main in Street 'AA' to connect to existing 1010PZ 10-inch potable water main in Riverside Drive.



E. RECYCLED WATER

- 2.30 A _____ inch recycled water main is available for connection by this project in _____. (Ref: Recycled Water plan bar code: _____)
- 2.31 Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.
- 2.32 Design and construct an on-site recycled water ready system for this project. A recycled water main does not currently exist in the vicinity of this project, but is planned for the near future. Applicant shall be responsible for construction of a connection to the recycled water main for approved uses, when the main becomes available. The cost for connection to the main shall be borne solely by Applicant.
- 2.33 **Submit two (2) hard copies and one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water, to the OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval.**

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

- 2.34 **Other conditions:**

General (all phases):

- a. **This Tract Map shall comply with City Ordinance 2689 and make use of recycled water for all approved uses, including but not limited to landscaping irrigation for HOA maintained areas and parks. Appropriately sized public and private mains shall be install throughout the tract to meet this requirement, as approved by the City.**
- b. **The applicant/developer shall design and construct recycled water main improvements in the interior tract streets as shown on the tentative tract map and per ~~The Avenue~~ **Armstrong Ranch** Specific Plan and DA Exhibits.**

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- c. **The applicant/developer shall design and construct the Master Plan 24-inch 1050PZ recycled water main in Riverside Drive from existing 30-inch 1050PZ recycled water main near the Cucamonga Channel to Carpenter Avenue.**
- d. **The applicant/developer shall design and construct the Master Plan 12-inch 1050PZ recycled water main in Hellman Avenue from 24-inch 1050PZ recycled water main in Riverside Drive to 8-inch 1050PZ recycled water main in Chino Avenue.**
- e. **The applicant/developer shall design and construct the Master Plan 8-inch 1050PZ recycled water main in Chino Avenue connecting from existing 8-inch 1050PZ recycled water main near the Cucamonga Channel and connecting to 12-inch 1050PZ recycled water main in Hellman Avenue.**
- f. **The applicant/developer shall design and construct the 8-inch 1050PZ recycled water main in Carpenter Avenue connecting from 24-inch 1050PZ main in Riverside Drive to Street "AA".**
- g. **The applicant/developer shall design and construct the 8-inch 1050PZ recycled water main in Street 'AA' connecting from 8-inch 1050PZ main in Carpenter Avenue to west of TM-19966-2.**

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- h. **The applicant/developer shall design and construct the Master Plan 8-inch 1050PZ Recycled Water main in Chino Avenue connecting from phase-1, 12-inch 1050PZ Recycled Water main in Hellman Avenue to Vineyard Avenue.**



- i. The applicant/developer shall design and construct the Master Plan 30-inch 930PZ recycled water main in Chino Avenue connecting from existing IEUA 30-inch 930PZ Recycled Water main near Carpenter Avenue to Vineyard Avenue past the extent of street improvements; including the Master Plan 8-inch 930PZ recycled water main in Vineyard Avenue from 30-inch 930PZ recycled water main in Vineyard Avenue south on Chino Avenue past extent of street improvements. (This condition will apply if recycled water mains are within the paving limits of this project)

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- j. The applicant/developer shall design and construct the Master Plan 8-inch 1050PZ recycled water main in Vineyard Avenue connecting from phase-3, 8-inch 1050PZ recycled water main in Chino Avenue to proposed 24-inch 1050PZ recycled water main in Riverside Drive.
- k. The applicant/developer shall design and construct the Master Plan 24-inch 1050PZ recycled water main in Riverside Drive connecting from phase-1, 8-inch 1050PZ recycled water main Carpenter Avenue to 8-inch 1050PZ in Vineyard Avenue.
- l. The applicant/developer shall design and construct the 8-inch 1050PZ recycled water main in Street 'AA' connecting from phase-1, 8-inch 1050PZ recycled water main west of TM-19966-2 to 8-inch 1050PZ recycled water main in Vineyard Avenue.

F. TRAFFIC / TRANSPORTATION

- 2.35 Submit a focused traffic impact study, prepared and signed by a Traffic/Civil Engineer registered in the State of California. The study shall address, but not be limited to, the following issues as required by the City Engineer:
 - 1. On-site and off-site circulation
 - 2. Traffic level of service (LOS) at 'build-out' and future years
 - 3. Impact at specific intersections as selected by the City Engineer
- 2.36 New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.
- 2.37 Other conditions:

General (all phases):

- a. The applicant/developer shall be responsible to perform all mitigation measures and operational improvements that are identified in the Traffic Impact Analysis.

Based upon the approved EIR, dated December 2017, the following off-site mitigation measures have been identified, for which the applicant/developer shall pay a fair-share:

- Euclid Avenue and Riverside Drive - Add 3rd northbound and 3rd southbound lane.
- Archibald Avenue and Riverside Drive - Provide dual left-turn pockets on all approaches.
- Haven Avenue and Riverside Drive - Provide for the following lane configurations:
 - Southbound: 1 right, 1 through, 2 left;
 - Northbound: 1 left, 1 through, 1 through/left;
 - Eastbound: add 1 through lane; and
 - Westbound: add right-turn lane.

The applicant/developer shall be responsible to submit a cost estimate for the aforementioned improvements.



The following fair-share percentages, based upon the project's traffic contribution at each intersection as determined by the TIA, shall then be applied to the estimated costs in order to determine the total fair-share amount:

Intersection	Fair Share
Riverside Drive and Euclid Avenue	19.4%
Riverside Drive and Archibald Avenue	19.9%
Riverside Drive and Haven Avenue	8.1%

Because the above fair-share percentages are associated with the entire Specific Plan rather than the Tract, the Project's fair-share responsibility is proportionally reduced as follows:

(Number of dwelling units TT 19966) / (Number of dwelling units Armstrong Ranch SP)

In-lieu of constructing improvements, the applicant/developer shall be responsible to pay fair-share, as determined based on above methodology.

- b. Everywhere a future transit stop is identified, pedestrian paseos shall be provided to directly connect in-tract sidewalk system with transit stop.
- c. The applicant/developer shall be responsible to design and construct the appropriate pavement transitions between new street widening and existing roadway sections.
- d. The applicant/developer shall be responsible to design and construct traffic signal interconnect, LED-type street-lighting, and signing and striping, wherever street improvements are required. Interconnect shall include conduit, pull-boxes, fiber, and pull rope. Supplemental communications devices, e.g. radios, etc., may be required to transmit data where new interconnect is not contiguous to existing traffic signal network.
- e. Vineyard Avenue, Chino Avenue, Riverside Drive shall be posted "No Stopping Anytime". Hellman Avenue shall be posted "No Parking Anytime".
- f. During the development and construction of the tract, at least two points of access shall be maintained at all times.
- g. The applicant/developer's engineer-of-record shall meet with City Engineering staff prior to starting traffic signal, signing and striping and/or street lighting design to discuss items such as signal phasing, striping layout and tie-ins to existing or future street light circuits.

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- h. The applicant/developer shall be responsible to design and construct a new traffic signal at Hellman Avenue and Riverside Drive. The new traffic signal shall include, video detection, CCTV, interconnect cable and conduit, emergency vehicle preemption systems, and bicycle detection to the satisfaction of the City Engineer. All new signal equipment shall be installed at its ultimate location, unless precluded by right-of-way limitations.

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- i. The applicant/developer shall be responsible to pay DIF in order to contribute its fair-share for the design and construction of future traffic signals at:
 - Chino Avenue at Vineyard Avenue
 - Chino Avenue at Hellman Ave



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- j. The applicant/developer shall be responsible to modify the traffic signal at Vineyard Avenue and Riverside Drive, in order to accommodate required street improvements. The traffic signal shall include a new controller cabinet assembly, new controller, video detection (vehicle and bicycle), CCTV, interconnect cable and conduit, and emergency vehicle preemption systems, in accordance with the City’s Traffic and Transportation Guidelines and to the satisfaction of the City Engineer. All new signal equipment shall be installed at its ultimate location, unless precluded by right-of-way limitations.

In conjunction with the signal modification, the southbound approach of said intersection shall be restriped to provide for: 2 left turns, 1 through lane (with de-facto right turn lane)

- k. The applicant/developer shall be responsible to pay DIF in order to contribute its fair-share for the design and construction of future traffic signals at:
 - Vineyard Avenue at Street AA.
- l. Tract entry streets at Vineyard Avenue, with the exception of Street AA (approximately half-way between Chino Avenue and Riverside Drive,) shall be limited to right-turn access only.
- m. The applicant/developer shall be responsible to design and construct a new traffic signal at Carpenter Avenue and Riverside Drive. The new traffic signal shall include, video detection, CCTV, interconnect cable and conduit, emergency vehicle preemption systems, and bicycle detection to the satisfaction of the City Engineer. All new signal equipment shall be installed at its ultimate location, unless precluded by right-of-way limitations.

G. DRAINAGE / HYDROLOGY

- 2.38 A 144 and 120 inch San Bernardino County Flood Control District storm drain mains are available to accept flows from this project in Chino Avenue and Vineyard Avenue respectively.
- 2.39 Submit a hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California. The study shall be prepared in accordance with the San Bernardino County Hydrology Manual and City of Ontario standards and guidelines. Additional drainage facilities, including, but not limited to, improvements beyond the project frontage, may be required to be designed and constructed, by Applicant, as a result of the findings of this study.
- 2.40 An adequate drainage facility to accept additional runoff from the site does not currently exist downstream of the project. Design and construct a storm water detention facility on the project site. 100 year post-development peak flow shall be attenuated such that it does not exceed 80% of pre-development peak flows, in accordance with the approved hydrology study and improvement plans.
- 2.41 Submit a copy of a recorded private drainage easement or drainage acceptance agreement to the Engineering Department for the acceptance of any increase to volume and/or concentration of historical drainage flows onto adjacent property, prior to approval of the grading plan for the project.
- 2.42 Comply with the City of Ontario Flood Damage Prevention Ordinance (Ordinance No. 2409). The project site or a portion of the project site is within the Special Flood Hazard Area (SFHA) as indicated on the Flood Insurance Rate Map (FIRM) and is subject to flooding during a 100 year frequency storm. The site plan shall be subject to the provisions of the National Flood Insurance Program.
- 2.43 Other conditions:

General (all phases):

- a. The applicant/developer shall obtain the required permits and approvals from the San Bernardino County Flood Control District for connection to the storm drain on Vineyard Avenue, Chino Avenue and Riverside Drive.



- b. **The applicant/developer shall design and construct storm drain system improvements in the interior tract streets and ultimately connect to the San Bernardino County Flood Control District storm drain per City Standards and Armstrong Ranch Specific Plan.**

TM-19966-1:

- c. **The applicant/developer shall design and construct storm drain improvements on Hellman Avenue, Carpenter Avenue and Street "AA" including connection to the San Bernardino County Flood Control District storm drain on Vineyard Avenue and Chino Avenue per the Master Plan of Drainage, Armstrong Ranch Specific Plan and DA Exhibits.**

TM-19966:

- d. **The applicant/developer shall design and construct storm drain improvements on Riverside Drive including connection to the San Bernardino County Flood Control District storm drain on Riverside Drive per the Master Plan of Drainage, Armstrong Ranch Specific Plan and DA**

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

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

J. SPECIAL DISTRICTS

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



K. FIBER OPTIC

- 2.49 Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole.
- 2.50 Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Information Technology Department at (909) 395-2000, regarding this requirement.

L. Solid Waste

- 2.51 Onsite solid waste shall be designed in accordance with the City's Solid Waste Manual location at:
<http://www.ontarioca.gov/municipal-utilities-company/solid-waste>
- 2.52 Other conditions:
 - a. CC&R's/HOA shall define areas whereby tenants place their waste cans for pickup by service vehicles. Said policy shall be reviewed/approved by the Solid Waste Department.



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

- 3.01 Set new monuments in place of any monuments that have been damaged or destroyed as a result of construction of the subject project. Monuments shall be set in accordance with City of Ontario standards and to the satisfaction of the City Engineer.
- 3.02 Complete all requirements for recycled water usage.
 - 1) Procure from the OMUC a copy of the letter of confirmation from the California Department of Public Health (CDPH) that the Engineering Report (ER) has been reviewed and the subject site is approved for the use of recycled water.
 - 2) Obtain clearance from the OMUC confirming completion of recycled water improvements and passing of shutdown tests and cross connection inspection, upon availability/usage of recycled water.
 - 3) Complete education training of on-site personnel in the use of recycled water, in accordance with the ER, upon availability/usage of recycled water.
- 3.03 The applicant/developer shall submit all final survey documents prepared by a Licensed Surveyor registered in the State of California detailing all survey monuments that have been preserved, revised, adjusted or set along with any maps, corner records or Records of Survey needed to comply with these Conditions of Approvals and the latest edition of the California Professional Land Survey Act. These documents are to be reviewed and approved by the City Survey Office.
- 3.04 NMC Projects: For developments located at an intersection of any two collector or arterial streets, the applicant/developer shall set a monument if one does not already exist at that intersection. Contact the City Survey office for information on reference benchmarks, acceptable methodology and required submittals.
- 3.05 Confirm payment of all Development Impact Fees (DIF) to the Building Department.
- 3.06 Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studie and reports (i.e. hydrology, traffic, WQMP, etc.).



EXHIBIT 'A'

**ENGINEERING DEPARTMENT
First Plan Check Submittal Checklist**

Project Number: Tract Map No. 19966-1, 19966-2, 19966-3 and 19966

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

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



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

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PMTT16-004

Address: SEC of Vineyard Ave & Riverside Drive

APN: 0218-101-01, 02, 07 & 08; 0218-102-10 & 11

Existing Land Use: Vacant/Dairy Agricultural land uses

Proposed Land Use: Residential Subdivision 480 lots for single family units (Armstrong Ranch SP)

Site Acreage: 124.08 Proposed Structure Height: n/a

ONT-IAC Project Review: N/A

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Lorena Mejia

Date: 3/3/2016

CD No.: 2016-007

PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="radio"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: <u>200 ft +</u>	
<input type="radio"/> Zone 5			

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

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

Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

Airport Planner Signature: _____

Lorena Mejia

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT

CD No.: 2016-007
PALU No.: n/a

PROJECT CONDITIONS

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the Airport Land Use Compatibility Plan (ALUCP) for ONT. The applicant is required to meet the Real Estate Transaction Disclosure in accordance with California Codes (Business and Professions Code Section 11010-11024). New residential subdivisions within an Airport Influence Area are required to file an application for a Public Report consisting of a Notice of Intention (NOI) and a completed questionnaire with the Department of Real Estate and include the following language within the NOI:

NOTICE OF AIRPORT IN VICINITY

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



CITY OF ONTARIO

MEMORANDUM

TO: Lorena Mejia, Associate Planner
Planning Department

FROM: Adam A. Panos, Fire Protection Analyst
Fire Department

DATE: March 10, 2016

SUBJECT: A Tentative Tract Map (TT 19966) to subdivide approximately 124.08 acres of land into 480 lots, generally located east of Vineyard Avenue, south of Riverside Drive, west of the Cucamonga Channel, and north of Chino Avenue, within the Armstrong Ranch Specific Plan. (APNs: 0218-101-01, 02, 07 & 08; and 0218-102-10 & 11).

-
- The plan **does** adequately address Fire Department requirements at this time.
- No comments.
 - Standard Conditions of Approval apply, as stated below.
- The plan **does NOT** adequately address Fire Department requirements.
- The comments contained in the attached report must be met prior to scheduling for Development Advisory Board.

SITE AND BUILDING FEATURES:

- A. 2013 CBC Type of Construction: N/A
- B. Type of Roof Materials: N/A
- C. Ground Floor Area(s): N/A
- D. Number of Stories: N/A
- E. Total Square Footage: N/A
- F. 2013 CBC Occupancy Classification(s): N/A

CONDITIONS OF APPROVAL:

1.0 GENERAL

- 1.1 The following are the Ontario Fire Department ("Fire Department") requirements for this development project, based on the current edition of the California Fire Code (CFC), and the current versions of the Fire Prevention Standards ("Standards.") It is recommended that the applicant or developer transmit a copy of these requirements to the on-site contractor(s) and that all questions or concerns be directed to the Bureau of Fire Prevention, at (909) 395-2029. For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ci.ontario.ca.us, click on "Fire Department" and then on "Standards and Forms."
- 1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

2.0 FIRE DEPARTMENT ACCESS

- 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty (20) ft. wide. See Standard #B-004.
- 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25') inside and forty-five feet (45') outside turning radius per Standard #B-005.
- 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150') in length shall have an approved turn-around per Standard #B-002.
- 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.
- 2.5 "No Parking-Fire Lane" signs and /or red painted curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.
- 2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See Standards #B-003, B-004 and H-001.

3.0 WATER SUPPLY

- 3.1 The required fire flow per Fire Department standards, based on the 2013 California Fire Code, Appendix B, is _____ gallons per minute (g.p.m.) for _____ hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.

- 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- 3.3 Buildings that exceed 100,000 square feet in floor area shall provide an onsite looped fire protection water line around the building(s.) The loops shall be required to have two or more points of connection from a public circulating water main.
- 3.4 The public water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

4.0 FIRE PROTECTION SYSTEMS

- 4.1 On-site private fire hydrants are required per Standard #D-005, and identified in accordance with Standard #D-002. Installation and locations(s) are subject to the approval of the Fire Department. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- 4.2 Underground fire mains which cross property lines shall be provided with CC & R, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of fire department plan check. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard ____ . All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- 4.4 Fire Department Connections (FDC) shall be located on the address side of the building within one hundred fifty feet (150') of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and fire department connections per Standard #D-007. Raised curbs adjacent to Fire Department connection(s) shall be painted red, five feet either side, per City standards.
- 4.5 A fire alarm system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 72. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- 4.6 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.
- 4.7 A fixed fire extinguishing system is required for the protection of hood, duct, plenum and cooking surfaces. This system must comply with National Fire Protection Association (NFPA)

Standards 17A and 96. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.

- 4.8 Hose valves with two and one half inch (2 ½”) connections will be required on the roof, in locations acceptable to the Fire Department. These hose valves shall be take their water supply from the automatic fire sprinkler systems, and shall be included in the design submitted for these systems. Identification shall be provided for all hose valves per Standard #D-004.
- 4.9 Due to inaccessible rail spur areas, two and one half inch 2-1/2” fire hose connections shall be provided in these areas. These hose valves shall be take their water supply from the automatic fire sprinkler systems, and shall be included in the design submitted for these systems. Identification shall be provided for all hose valves per Standard #D-004.

5.0 BUILDING CONSTRUCTION FEATURES

- 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1.3280 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- 5.4 Multiple unit building complexes shall have building directories provided at the main entrances. The directories shall be designed to the requirements of the Fire Department, see Section 9-1.3280 of the Ontario Municipal Code and Standard #H-003.
- 5.5 All residential chimneys shall be equipped with an approved spark arrester meeting the requirements of the California Building Code.
- 5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.
- 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.
- 5.8 The building shall be provided with a Public Safety 800 MHZ radio amplification system per the Ontario Municipal Code Section 4-11.09 (n) and the CFC. The design and installation shall be approved by the Fire Department.

6.0 OTHER SPECIAL USES

- 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.
- 6.2 Any High Piled Storage, or storage of combustible materials greater than twelve (12') feet in height for ordinary (Class I-IV) commodities or storage greater than six feet (6') in height of high hazard (Group A plastics, rubber tires, flammable liquids, etc.) shall be approved by the Fire Department, and adequate fire protection features shall be required. If High Piled Storage is proposed, a Fire Department High Piled Storage Worksheet shall be completed and detailed racking plans or floor plans submitted prior to occupancy of the building.
- 6.3 Underground fuel tanks, their associated piping and dispensers shall be reviewed, approved, and permitted by Ontario Building Department, Ontario Fire Department, and San Bernardino County Fire Department Hazardous Materials Division. In fueling facilities, an exterior emergency pump shut-off switch shall be provided.

7.0 OTHER PROJECT SPECIFIC CONDITIONS

- 7.1 NONE

<END.>

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Lorena Mejia
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: February 2, 2016
SUBJECT: PMTT16-004

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

Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lm



CITY OF ONTARIO

MEMORANDUM

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

FROM: Lorena Mejia,

DATE: January 29, 2016

SUBJECT: FILE #: PMTT16-004 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Friday, February 12, 2016**.

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

PROJECT DESCRIPTION: A request for Tentative Tract Map approval to subdivide approximately 124.08 acres of land into 480 lots, generally located east of Vineyard Avenue, south of Riverside Drive, west of the Cucamonga Channel, and north of Chino Avenue, within the Armstrong Ranch Specific Plan. (APN(s): 0218-101-01, 02, 07 & 08; 0218-102-10 & 11.

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

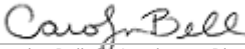
POLICE
Department

DOUGLAS SOREL
Signature

MGMT ANALYST
Title

2/2/16
Date

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

CONDITIONS OF APPROVAL	
Sign Off	
 Carolyn Bell, Sr. Landscape Planner	6/10/16 Date

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

D.A.B. File No.: PMTT16-004 Rev 1	Related Files:	Case Planner: Lorena Mejia
--------------------------------------	----------------	-------------------------------

Project Name and Location: Armstrong Ranch SP, subdivide 124 Acres into 480 lots TT19966
--

Applicant/Representative: MDS Consulting 17320 Redhill Ave Ste. 350 Irvine, CA 92614

<input checked="" type="checkbox"/>	A Tentative Tract Map (dated 5/4/16) has been approved with the consideration that the following conditions below be met upon submittal of the Development Plans
<input type="checkbox"/>	A Tentative Tract Map (dated) has not been approved. Applicable conditions are checked below. Corrections are required for DAB approval.

CONDITIONS OF APPROVAL (APPLICABLE ITEMS ARE CHECKED)

- Sht 7 and Sht 9, Lot S revise paseo path to connect to multipurpose trail min 30' before corner to allow for corner landscaping – Sht 7 NW corner Hellman and Chino and sht 9 Chino and Vineyard. Use a wider radius for a better walkway connection.
- Show on-site storm water infiltration devices or basins.
- Show Vineyard Ave street section with a multi-purpose trail on the west side only; 5' sidewalk, 5' planter area, then an 8' multi-purpose trail.



PLANNING COMMISSION STAFF REPORT

February 27, 2018

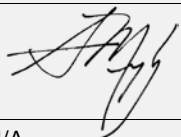
SUBJECT: A Development Agreement Amendment (Second Amendment – File No PDA05-001) between the City of Ontario and Edenglen Ontario, to clarify and update the timing of the construction of public infrastructure, the development impact fee provisions, and the extension of the term of the agreement to serve Tract Map No’s 17392, 17558, 17559, 17560, 17561, 17562, 17563, 17564, 18789, 18790, 18791, and 17564, generally located north of Chino Avenue, south of Riverside Drive, east of Mill Creek Avenue, and west of the SCE utility corridor, within Planning Areas 1 through 8 of the Edenglen Specific Plan (APN: 0218-171-15; 0218-921-07, 08, 16, 19, 22, and 30; 0218-931-01 through 25; 218-931-75 through 89; 0218-932-01 through 21; 0218-933-01 through 17; 0218-934-01 through 24; 0218-935-01- through 04; 0218-935-12 through 19; 0218-935-22 through 38; 0218-941-01 through 39; 0218-941-55 through 93; 0218-951-01 through 70; 0218-952-19 through 82; 0218-954-01 through 42; 0218-955-01 through 42; 0218-956-01 through 58; 0218-961-07 through 88) **submitted by Edenglen Ontario, LLC. City Council action is required.**

PROPERTY OWNER: Various

RECOMMENDED ACTION: That the Planning Commission recommend the City Council adopt an ordinance approving the Third Amendment to the Development Agreement (File No. PDA05-001) between Edenglen Ontario, LLC, and the City of Ontario.

PROJECT SETTING: The project site is comprised of approximately 61.1 acres of land generally located north of Chino Avenue, south of Riverside Drive, east of Mill Creek Avenue, and west of the SCE utility corridor and is depicted in **Figure 1: Project Location**, below.

Edenglen was the first community to begin construction in Ontario Ranch. Construction of the residential portion of the Edenglen Community began in 2007 and has proceeded to the present, having weathered the “Great Recession.” To date, 430 units have been constructed within six different product types, ranging from 4,000 square foot, single-family detached units to 10-unit attached condominium buildings.

Case Planner:	Scott Murphy, Asst Dev Director	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	N/A	N/A	N/A
Submittal Date:		ZA			
Hearing Deadline:	N/A	PC	02/27/2018		Recommend
		CC			Final

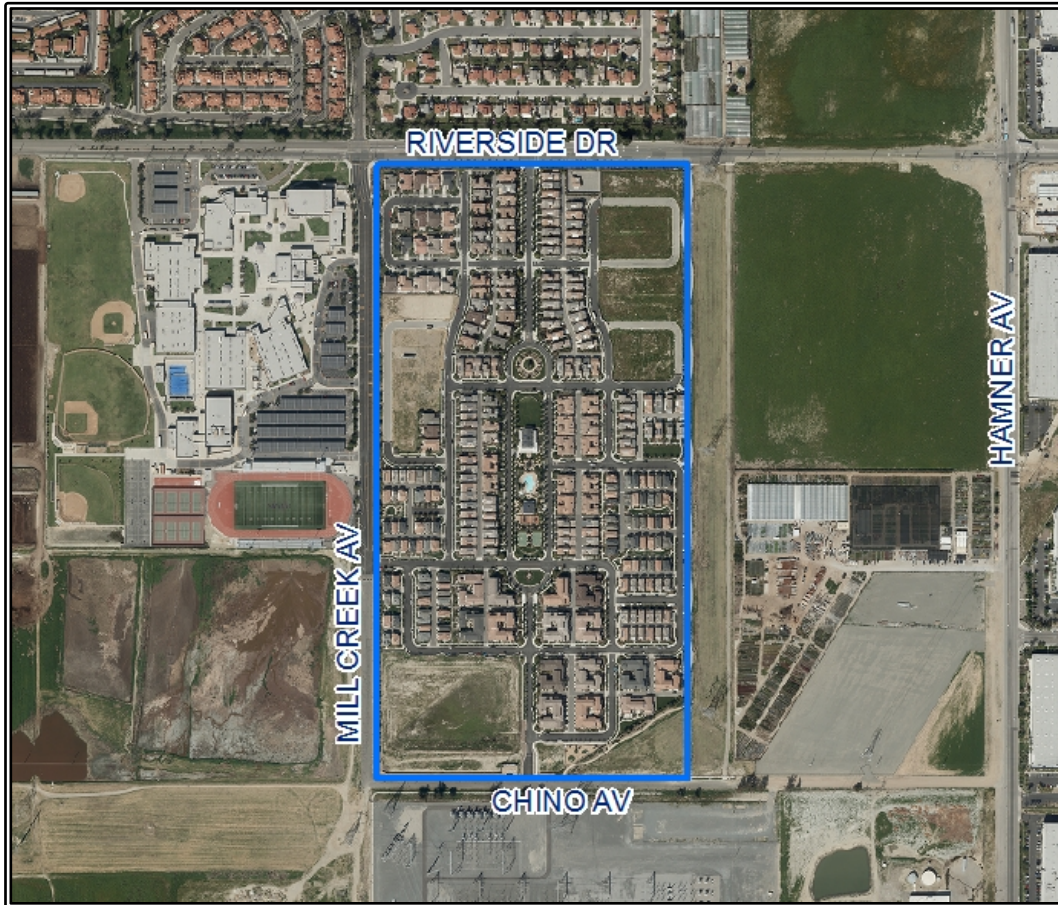


Figure 1: Project Location

PROJECT ANALYSIS:

[1] Background — In October 2005, the City Council approved the Edenglen Specific Plan and the Environmental Impact Report (EIR). The Specific Plan established the land use designations, development standards, and design guidelines for approximately 159 gross acres of land, which included the potential development of 584 single-family units 217,520 square feet of commercial space, and 550,000 square feet of business park/light industrial space. Subsequently, the City Council approved a Development Agreement, File No. PDA05-001, between the City of Ontario and Brookfield Edenglen, LLC to develop to 61.1 acres of land within Planning Areas 1 through 8, the residential component, of the Edenglen Specific Plan.

State law and Section 2.5 of the existing Development Agreement provide the amendments may be made to the Development Agreement, upon the mutual agreement of the parties, using the same process and procedures as for the consideration and approval of the original Development Agreement.

Over the past 12 years, the City and the Applicant have entered to various agreements including:

- The Agreement For Temporary Water Service From and Abandonment of Agricultural Well, dated September 27, 2006;
- The Supplemental Memorandum of Agreement dated February 20, 2007;
- The Second Supplemental Memorandum of Agreement dated November 14, 2007;
- The Third Supplemental Memorandum of Agreement dated January 17th, 2008;
- The Amended and Restated Fourth Supplemental Memorandum of Agreement dated, June 7, 2010; and
- The First Amendment to the Development Agreement by and between the City of Ontario and Edenglen Ontario LLC, dated January 1, 2011 (collectively, the Development Agreement).

These agreements were done, in large part, to provide flexibility for the on-going construction of the Edenglen Community during the difficult times of the recession. Many developers/builders stopped construction of residential projects and “closed up shop.” Brookfield was able to continue build and sell homes.

[2] Staff Analysis — The Second Amendment continues to apply to the same area as the original Development Agreement and proposes to clarify and update the timing of the construction of public infrastructure, the development impact fee provisions, and the extension of the term of the agreement to serve Tract Map No’s 17392, 17558, 17559, 17560, 17561, 17562, 17563, 17564, 18789, 18790, 18791, and 17564. Key points of the Second Amendment are as follows:

- (A) The term of the Development Agreement will be extended for an additional five (5) year period.
- (B) The DIF Credit and Reimbursement provisions in the existing Development Agreement will be restated and replaced by a separate DIF Credit and Reimbursement Agreement.
- (C) The Second Development Agreement Amendment will require that the remaining street improvements on Mill Creek Avenue and Chino Avenue immediately adjacent to the Edenglen Project are to be completed within a reasonable period of time.
- (D) Except for the amount to be retained in the escrow account under number 3 above, the remaining funds in the escrow account established for the funding of the Mill Creek Avenue and Chino Avenue improvements will be distributed back to Edenglen Ontario upon completion and execution of the proposed Second Development Agreement Amendment.

- (E) The City will not issue any DIF Credit for the improvements constructed by Brookfield for improvements in Mill Creek and Chino Avenues in the Storm Drain and Sewer DIF categories until the improvements are completed and connected to permanent master-planned sewer and storm drain systems.
- (F) Prior to requesting building permits for any units beyond a total of four hundred eighty-five (485) units, Brookfield will complete the design and construction of permanent master planned sewer and storm drain improvements in Mill Creek Avenue to serve the Edenglen Project,.
- (G) If prior to Brookfield requesting building permits for any units beyond a total of four hundred eighty-five (485) units, the City determines that master planned sewer improvements are available in Mill Creek Avenue at or near the intersection of Mill Creek Avenue and Ontario Ranch Road, then City will notify Brookfield of such available connections. Within ninety (90) days following such notice, Brookfield will initiate the design and construction of permanent master planned sewer improvements from the Edenglen Project to a point of connection located at the intersection of Mill Creek Avenue and Ontario Ranch Road.
- (H) If prior to Brookfield requesting building permits for any units beyond a total of four hundred eighty-five (485) units, the City determines that master planned storm drain improvements are available in Mill Creek Avenue at or near the intersection of Mill Creek Avenue and Ontario Ranch Road, then City will notify Brookfield of such available connections and Brookfield will initiate the design and construction of permanent master planned storm drain improvements from the Edenglen Project to a point of connection located at the intersection of Mill Creek Avenue and Ontario Ranch Road.
- (I) The City may require Brookfield to provide new or restated bonds to ensure the construction of the Mill Creek Avenue sewer and storm drain improvements in accordance with the provisions of the proposed Second Amendment and this letter.
- (J) If Brookfield does not initiate the design and construction, and/or does not complete the design and construction, of either the sewer and storm drain improvements in Mill Creek Avenue within the eighteen (18) month period, Brookfield will concur with, and cooperate with, all City actions to compel the surety company that has issued the completion bonds for the sewer and storm drain improvements to initiate and/or complete the construction of the sewer and storm drain improvements. Additionally, Brookfield agrees that the current bonds issued by the surety company will be retained and maintained by

Brookfield until the completion of the sewer and storm drain improvements by Brookfield or the surety company.

- (K) The City will design and construct the extension of the Recycled Water line in Riverside Drive to a point adjacent to the Edenglen Project. Once the City has completed the construction of the extension of the Recycled Water line in Riverside Drive, Brookfield will connect the recycled water system within the Edenglen Project to the permanent master planned Recycled Water line in Riverside Drive and abandon further use of the agricultural water provided under the Well Use Agreement.
- (L) Upon completion and execution of a Second Amendment to the Development Agreement and the DIF Credit and Reimbursement Agreement, the City will issue reimbursements from DIF fees previously paid and not refunded when sufficient DIF Credit is provided to the City and in compliance with the separate DIF Credit and Reimbursement Agreement and City policies.
- (M) The completion of the neighborhood edge landscaping behind sidewalk along Chino Avenue, from Mill Creek Avenue to Edenglen Avenue may be deferred until Brookfield files an application for modification of the Tract Map for Tract 17392 to retain the utility power lines along the north side of Chino Ave or until Brookfield relocates the utility poles and underground the distribution facilities.
- (N) Brookfield will continue to reimburse the City for all maintenance requirements and retain the performance bond for Sewer pump station until the Project is connected to permanent master planned sewer facilities in Mill Creek Avenue.

The main points of the original agreement addressing Development Impact Fees (DIF); public service funding; Community Facilities District (CFD) for maintenance of public facilities; park/open space requirements; affordable housing fees; and, school facilities requirements remain in force.

Staff finds that the Second Amendment 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 for the Third Amendment to the Planning Commission. If the Commission finds the Second Amendment 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 Ontario Ranch

[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.

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

[3] 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.
 - LU1-3 Adequate Capacity. We require adequate infrastructure and services for all development.

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

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.

➤ CD2-13 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.

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

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

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

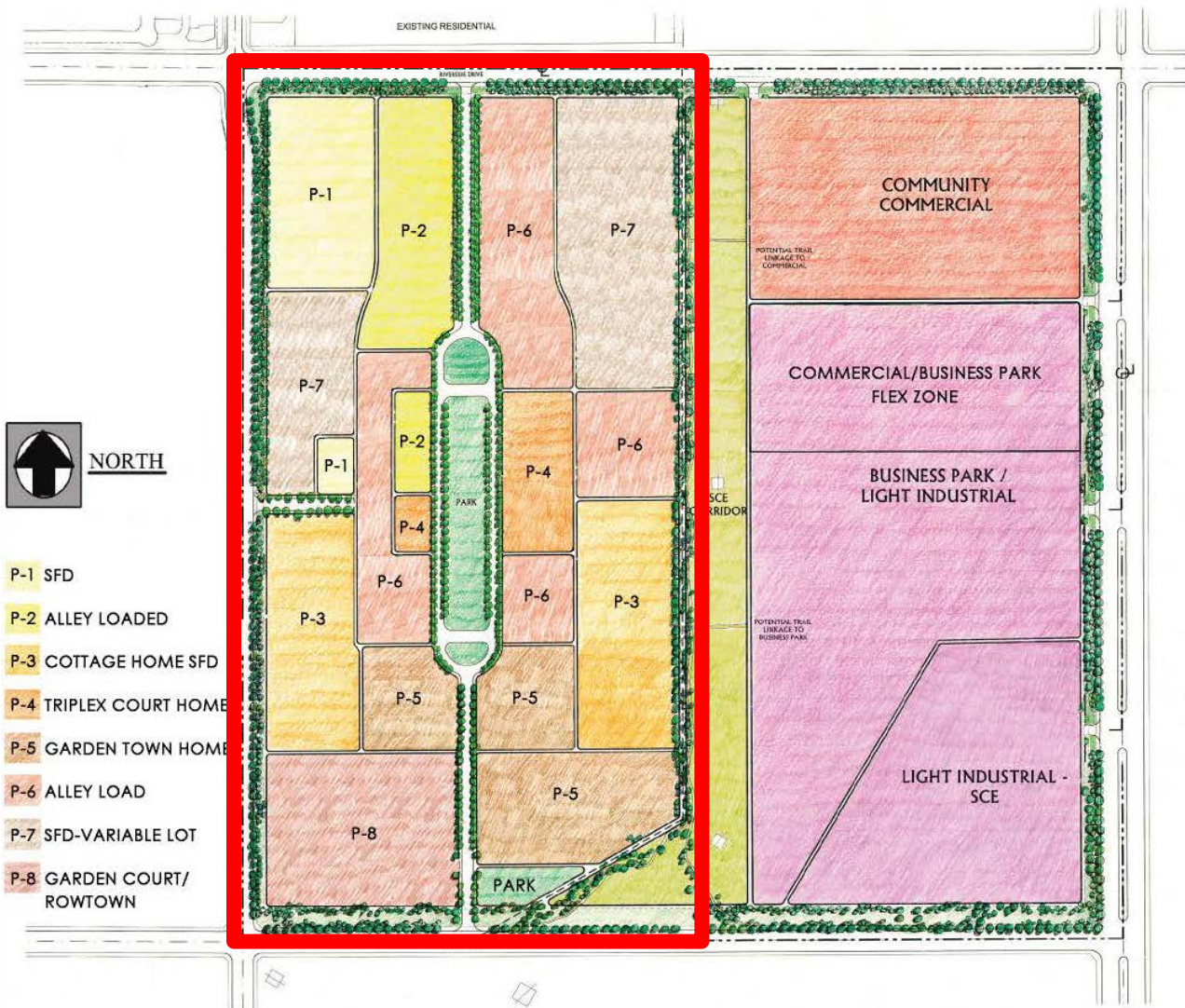
➤ CD5-2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units and density specified within the Edenglen Specific Plan. Per the Available Land Inventory, the Edenglen Specific Plan is required to provide 584 dwelling units.

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

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with the Edenglen Specific Plan EIR (SCH# 2004051108) that was adopted by the City Council on October 4, 2005. This project introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference.

EXHIBIT "A"
Edenglen Specific Plan



RESOLUTION NO. PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE A SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT, FILE NO. PDA05-001, BETWEEN THE CITY OF ONTARIO AND EDENGLLEN ONTARIO, LLC, TO CLARIFY AND UPDATE THE TIMING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE, THE DEVELOPMENT IMPACT FEE PROVISIONS, AND THE EXTENSION OF THE TERM OF THE AGREEMENT TO SERVE TRACT MAP NO'S 17392, 17558, 17559, 17560, 17561, 17562, 17563, 17564, 18789, 18790, 18791, AND 17564, GENERALLY LOCATED NORTH OF CHINO AVENUE, SOUTH OF RIVERSIDE DRIVE, EAST OF MILL CREEK AVENUE, AND WEST OF THE SCE UTILITY CORRIDOR, WITHIN PLANNING AREAS 1 THROUGH 8 OF THE EDENGLLEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 0218-171-15; 0218-921-07, 08, 16, 19, 22, AND 30; 0218-931-01 THROUGH 25; 218-931-75 THROUGH 89; 0218-932-01 THROUGH 21; 0218-933-01 THROUGH 17; 0218-934-01 THROUGH 24; 0218-935-01- THROUGH 04; 0218-935-12 THROUGH 19; 0218-935-22 THROUGH 38; 0218-941-01 THROUGH 39; 0218-941-55 THROUGH 93; 0218-951-01 THROUGH 70; 0218-952-19 THROUGH 82; 0218-954-01 THROUGH 42; 0218-955-01 THROUGH 42; 0218-956-01 THROUGH 58; 0218-961-07 THROUGH 88.

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

“The Legislature finds and declares that:

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

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

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

“Any city ... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property as provided in this article ...”

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

“A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property, the density of intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for discretionary actions shall not prevent development of the land for the uses and to the density of intensity of development set forth in this Agreement ...”

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

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

WHEREAS, on November 15, 2005, the City Council of the City of Ontario, adopted Ordinance No. 2820, approving a Development Agreement between Brookfield Edenglen, LLC and the City; and

WHEREAS, the CITY and OWNER have previously supplemented the Development Agreement pursuant to: the Supplemental Memorandum of Agreement By and Between the City of Ontario and Edenglen Ontario LLC, (hereinafter the “First Supplemental Memorandum”) dated February 20, 2007; the Second Supplemental Memorandum of Agreement By and Between the City of Ontario and Edenglen Ontario LLC, (hereinafter the “Second Supplemental Memorandum”) dated November 14, 2007; the Third Supplemental Memorandum of Agreement By and Between the City of Ontario and Edenglen Ontario LLC, (hereinafter the “Third Supplemental Memorandum”) dated January 17th, 2008; the Amended and Restated Fourth Supplemental Memorandum of Agreement By and Between the City of Ontario and Edenglen Ontario LLC, dated, June 7, 2010 and the First Amendment to the Development Agreement by and between the City of Ontario and Edenglen Ontario LLC, dated January 1, 2011 (collectively, the Development Agreement); and

WHEREAS, OWNER and CITY also previously entered into the “Agreement For Temporary Water Service From and Abandonment of Agricultural Well, dated September 27, 2006 (hereinafter, the “Well Use Agreement”); and

WHEREAS, attached to this resolution, marked Exhibit “A” and incorporated herein by this reference, is the proposed Second Amendment to the Development Agreement between Edenglen Ontario, LLC, and the City of Ontario, File No. PDA05-001. Hereinafter in this Resolution, the Development Agreement is referred to as the “Development Agreement”; and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with the Edenglen Specific Plan EIR (SCH# 2004051108) that was adopted by the City Council on October 4, 2005. This project introduces no new significant environmental impacts. All previously adopted mitigation measures are be a condition of project approval and are incorporated herein by reference; and

WHEREAS, on February 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date; and

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

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Ontario as follows:

SECTION 1. Environmental Determination and Findings. As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the previously adopted Edenglen Specific Plan EIR (SCH# 2004051108) that was adopted by the City Council on October 4, 2005, and supporting documentation. Based upon the facts and information contained in the addendum to the Edenglen Specific Plan EIR (SCH# 2004051108) and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were previously reviewed in conjunction with the previously adopted addendum to the Edenglen Specific Plan EIR (SCH# 2004051108) that was adopted by the City Council on October 4, 2005. This application introduces no new significant environmental impacts; and

(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: *Subsequent or Supplemental 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. *Housing Element Consistency.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units and density specified within the Edenglen Specific Plan. Per the Available Land Inventory, the Edenglen Specific Plan is required to provide 584 dwelling 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 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 substantial evidence presented to the Planning Commission during the above-referenced hearing on February 27, 2018, including written and oral staff reports, together with public testimony, the Planning Commission hereby specifically finds as follows:

a. The Development Agreement applies to approximately 61.1 acres of land generally located north of Chino Avenue, south of Riverside Drive, east of Mill Creek Avenue, and west of the SCE utility corridor, within Planning Areas 1 through 8, of the Edenglen Specific Plan), and is presently improved with residential development and residential construction is on-going; and

b. The properties to the north of the Project site are within the Creekside Specific Plan, are developed with open space and residential uses. The property to the south of the project site is developed with a SCE substation. The properties to the east are within the Edenglen Specific Plan, are designated for Utility Corridor, Commercial, Business Park, and Industrial uses and are vacant and developed with a landscape nursery. The property to the west is developed with a high school; and

c. This Development Agreement will provide for the continued orderly development of the Edenglen Specific Plan; and

d. 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 adopted Edenglen Specific Plan EIR (SCH# 2004051108) that was adopted by the City Council on October 4, 2005, and supporting documentation. This

application introduces no new significant environmental impacts; and

e. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.

SECTION 6. Planning Commission Action. Based upon the findings and conclusions set forth in paragraphs 1, 2, 3 and 4 above, the Planning Commission hereby RECOMMENDS APPROVAL of the Second Amendment of the Development Agreement, File No. PDA05-001, to the City Council.

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 February 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy, AICP
Assistant Development Director
Secretary of Planning Commission

Planning Commission Resolution
File No. PDA05-001
February 27, 2018
Page 8

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-*** was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on February 27, 2018 by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

EXHIBIT A:

Development Agreement

(Development Agreement to follow this page)

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

City of Ontario
303 East "B" Street
Ontario California, California 91764
Attn: City Clerk

Exempt from Fees Per Gov. Code § 6301

Space above this line for Recorder's Use Only

SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT

By and Between

City of Ontario, a California municipal corporation,

And

EDENGLLEN ONTARIO LLC, a Delaware limited liability company,

_____, 2018

San Bernardino County, California

**SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND
BETWEEN THE CITY OF ONTARIO AND EDENGLLEN ONTARIO LLC**

This Second Amendment (hereinafter "Second Amendment") is entered into effective as of the ____ day of _____ 2018 by and among the City of Ontario, a California municipal corporation (hereinafter "CITY"), and Edenglen Ontario LLC, a Delaware limited liability company (hereinafter "OWNER").

RECITALS

WHEREAS, the CITY and OWNER have previously entered into a Development Agreement pursuant to Section 65864, et seq., of the Government Code, (hereinafter the "Original Development Agreement"); and

WHEREAS, the CITY and OWNER have previously supplemented the Development Agreement pursuant to: the Supplemental Memorandum of Agreement By and Between the City of Ontario and Edenglen Ontario LLC, (hereinafter the "First Supplemental Memorandum") dated February 20, 2007; the Second Supplemental Memorandum of Agreement By and Between the City of Ontario and Edenglen Ontario LLC, (hereinafter the "Second Supplemental Memorandum") dated November 14, 2007; the Third Supplemental Memorandum of Agreement By and Between the City of Ontario and Edenglen Ontario LLC, (hereinafter the "Third Supplemental Memorandum") dated January 17th, 2008; the Amended and Restated Fourth Supplemental Memorandum of Agreement By and Between the City of Ontario and Edenglen Ontario LLC, dated, June 7, 2010 and the First Amendment to the Development Agreement by and between the City of Ontario and Edenglen Ontario LLC, dated January 1, 2011 (collectively, the Development Agreement); and

WHEREAS, OWNER and CITY also previously entered into the "Agreement For Temporary Water Service From and Abandonment of Agricultural Well, dated September 27, 2006 (hereinafter, the "Well Use Agreement"); and

WHEREAS, the Development Plan and Development Approvals as defined in the Development Agreement included all permits and other entitlements for use subject to approval or issuance by CITY, including the Subdivision Agreement for Final Tract Map No. 17392, known as the "A map", (hereinafter referred to as the "Subdivision Agreement") that, among other things, required the dedication of Rights of Way and the construction of public improvements; and

WHEREAS, the Development Plan and Development Approvals as defined in the Development Agreement also includes all permits and other entitlements for use subject to the approval or issuance by CITY, including the Subdivision Agreements for Final Tract Map Nos. 17558, 17559, 17560, 17561, 17562, 17563, 17564, 18789, 18790, 18791, and 17564; that among other things, required the construction of public improvements; and

WHEREAS, Section 2.5 of the Development Agreement specifies that the Development Agreement may be amended in whole or in part only in the manner provided for in Government Code Section 65868.1 and the procedure for adopting and entering into an amendment to the Development Agreement shall be the same as the procedure for adopting and entering into the Development Agreement; and

WHEREAS, OWNER has previously requested to modify the number of residential units that may utilize the existing temporary connection to CITY's sewer infrastructure and OWNER has acknowledged that by agreeing to expand the use of the existing temporary connection to CITY's sewer infrastructure, OWNER and CITY have reduced the capacity in CITY's sewer facilities such that other adjacent property owners may be unable to develop authorized uses on their property. In recognition of this, OWNER has previously agreed to construct improvements to the CITY's sewer facilities to expand the capacity of such facilities, if and when, the owners of the adjacent properties proceed with the development and connection to CITY's sewer infrastructure. Additionally, OWNER has previously agreed to provide sufficient security in the form of an acceptable Performance Bond or other acceptable security to ensure the construction of expanded sewer facilities, when CITY determines that such facilities are required, in the CITY's sole and absolute discretion; and

WHEREAS, it is recognized by OWNER and CITY that the availability of permanent sewer services and storm drain infrastructure to serve the Property may not be constructed without the future participation of other developable property owned by OWNER and others that will be served by the same infrastructure; and

WHEREAS, the Development Agreement between the City and OWNER, reflects the assumption that the consortium of developers, organized as NMC Builders LLC would jointly-fund and construct certain master planned infrastructure improvements, including the extension of recycled water facilities; sewer facilities and storm drain facilities to serve the Property. Since the approval of the Development Agreement between the City and the OWNER, the scope of the improvements to be constructed by NMC Builders LLC has been significantly reduced and will not be constructing these master planned infrastructure improvements to provide for the extension of recycled water, sewer or storm drain facilities to the Project; and

WHEREAS, the City of Ontario and NMC Builders LLC have previously entered into the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve the Easterly Portion of the New Model Colony in August 2012 (the "Construction Agreement Amendment") and such Construction Agreement Amendment no longer requires NMC Builders LLC to construct public improvements to serve the Project; and

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

WHEREAS, the CITY and OWNER have previously agreed to the use of interim facilities for storm drain and sewer utilities for the Project; and

WHEREAS, the CITY has previously agreed to allow the interim use of water from an agricultural well in-lieu of requiring the extension of master planned recycled water facilities to serve the Project; and

WHEREAS, the term of the Development Agreement was for a 10-year period and OWNER requested to extend the term of the Development Agreement for an additional 5-year period pursuant to Section 2 of the Development Agreement; and

WHEREAS, the CITY granted a temporary extension of the original term to allow the CITY and OWNER to negotiate the terms of this Second Amendment and to determine that OWNER was in compliance with the Development Agreement;

WHEREAS, upon approval and recordation of this Second Amendment, OWNER will be determined by CITY to be in compliance with the terms of the Development Agreement and CITY shall approve the extension of the term of the Development Agreement for an additional 5-year period;

WHEREAS, the CITY and OWNER agree that execution of this Second Amendment shall constitute Certification of Agreement Compliance under Section 6.4 of the Development Agreement and City shall issue "Certificate of Agreement Compliance" within 10 days following the effective date of this Second Amendment.

AGREEMENTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual agreements hereinafter contained, the parties agree as follows:

1. Modification of OWNER's Responsibility for Construction of Master Planned Sewer Facilities to Serve the Property. OWNER and CITY agree that the Section 1, including all subsections a. through i. of the First Amendment to the Development Agreement shall be replaced and superseded by the following:

1.1 OWNER agrees that within ninety (90) days of receiving written notice from CITY that master planned sewer facilities are available at or near the intersection of Ontario Ranch Road and Mill Creek Avenue, OWNER shall initiate the design and construction of permanent master planned sewer improvements from the Edenglen Project to a point of connection located at the intersection of Mill Creek Avenue and Ontario Ranch Road. OWNER agrees that OWNER shall diligently pursue and complete the construction of the permanent master planned sewer improvements to serve the Project within eighteen (18) months after notification from CITY. CITY agrees that this eighteen-month (18) period may be extended at the sole discretion of the City Engineer if OWNER requests an extension due to construction delays. The master planned sewer facilities to be constructed by

OWNER shall be as described in Exhibit F-A, attached hereto and incorporated herein.

- 1.2 OWNER also agrees that regardless of whether master planned sewer facilities are available at, or near, the intersection Ontario Ranch Road and Mill Creek Avenue, OWNER shall design and complete the construction of master planned sewer facilities in the Sewer Master Plan to serve the Property, including the extension of the master planned sewer facilities in Mill Creek Avenue, prior to, and as a condition precedent to OWNER requesting a building permit for the four hundred eighty fifth (485th) residential unit for the Property. Until such time as OWNER has completed the master planned sewer facilities to serve the Property, OWNER shall continue to be responsible for all costs for maintaining and operating the existing temporary sewer facilities including, but not limited to, all utilities and power costs, and the costs of on-going maintenance and repairs and connections to CITY's telemetry monitoring system. The master planned sewer facilities to be constructed by OWNER shall be as described in Exhibit F-B.
- 1.3 OWNER shall retain in full force and effect the Performance Bonds and Labor and Materials Bonds ("Bonds") to ensure that OWNER shall continue to be responsible to operate and maintain OWNER's sewer pumping facilities until permanent sewer facilities are completed and accepted by the CITY. If OWNER does not initiate the design and construction, or does not complete the design and construction, of the master planned sewer facilities in Mill Creek Avenue to serve the Project within the eighteen (18) month period as described in Section 1.1, OWNER concurs with, and OWNER shall cooperate with, all actions by CITY to compel the surety company that has issued the completion bonds for the sewer to initiate and/or complete the construction, as necessary, of the master planned sewer facilities as described in Exhibit F-A. Additionally, if OWNER fails to perform OWNER's responsibilities for the operation and maintenance of the sewer pumping facilities, as required by CITY, OWNER agrees that CITY shall proceed to call, and require performance by, the issuer of the Bonds.
- 1.4 CITY agrees that if a portion of the master planned sewer facilities as described in Exhibit F, are constructed by OWNER or others, OWNER may provide alternate security in the form of a new Bonds for the estimated remaining design and construction costs, as determined by the City Engineer, for the permanent master planned sewer facilities as described in Exhibit F-B and the estimated costs for the proper abandonment and removal of the temporary sewer facilities, in-lieu of the current Bonds for the construction of the previous master planned sewer facilities to serve the Property. If OWNER does not proceed with the construction and completion of the required master planned sewer improvements as described in Section 1.1 and Exhibit F-A or, alternatively Section 1.2 and Exhibit F-B, OWNER shall have breached this Second Amendment and CITY and OWNER agree that CITY shall proceed to call, and require performance by, the issuer of the Bonds.

2. Modification of OWNER's Responsibility for the Construction of Permanent Storm Drain Facilities to Serve the Property. CITY and OWNER agree that Section 2, including subsections a and b shall be replaced and superseded by the following:

"a. OWNER agrees that within ninety (90) days of receiving notice from CITY that permanent master planned storm drain facilities are available at, or near, the intersection of Ontario Ranch Road and Mill Creek Avenue OWNER agrees that OWNER shall diligently pursue and complete the construction of the permanent master planned storm drain improvements to serve the Project in Mill Creek Avenue from the Project to the connection to constructed storm drain improvements in Mill Creek Avenue and Ontario Ranch Road, within eighteen (18) months after notification from CITY. CITY agrees that this eighteen-month (18) period may be extended at the sole discretion of the City Engineer, if OWNER requests an extension due to construction delays. The master planned storm drain improvements to be constructed by OWNER shall be as described in Exhibit F-A, attached hereto and incorporated herein.

b. OWNER also agrees that regardless of whether master planned storm drain facilities are available at, or near, the intersection Ontario Ranch Road and Mill Creek Avenue, OWNER shall design and complete the construction of master planned storm drain improvements to serve the Property, including the extension of the master planned storm drain improvements in Mill Creek Avenue from the Project to a connection to the Countyline Channel, prior to, and as a condition precedent to OWNER requesting a building permit for the four hundred eighty fifth (485th) residential unit for the Property. Until such time as OWNER has completed the master planned storm drain facilities to serve the Property, OWNER shall continue to be responsible for all costs for maintaining and operating the existing temporary storm drain basin facilities including, but not limited to, the costs of any and all maintenance and repairs. The master planned storm drain improvements to be constructed by OWNER shall be as described in Exhibit F-B.

c. OWNER shall retain in full force and effect the Performance Bonds and Labor and Materials Bonds ("Bonds") to ensure that OWNER designs, constructs and completes the storm drain improvements in Mill Creek Avenue. If OWNER does not initiate the design and construction, or does not complete the design and construction, of the master planned sewer facilities in Mill Creek Avenue to serve the Project within the eighteen (18) month period as described in Section 2.1, OWNER concurs with, and OWNER shall cooperate with, all actions by CITY to compel the surety company that has issued the completion bonds for the storm drain improvements to initiate and/or complete the construction, as necessary, of the master planned storm drain improvements as described in Exhibit F-A. OWNER shall continue in full force and effect, the Performance Bond and Labor and Materials Bond ("Bonds") to ensure that OWNER shall continue to be fully responsible for the maintenance of OWNER's interim storm drain basin facilities until permanent storm drain facilities are completed.

d. CITY agrees that if a portion of the master planned storm drain improvements as described in Exhibit F-B, are constructed by OWNER or others, OWNER may provide alternate security in the form of a new Bonds for the estimated remaining design and construction costs, as determined by the City Engineer, for the permanent master planned sewer facilities as described in Exhibit F-B and the estimated costs for the proper abandonment and removal of the temporary storm drain basin facilities, in-lieu of the current Bonds for the construction of the previous master planned storm drain improvements to serve the Property. If OWNER does not proceed with the construction and completion of the required master planned storm drain improvements as described in Section 2.1 and Exhibit F-A or, alternatively Section 2.2 and Exhibit F-B, OWNER shall have breached this Second Amendment and CITY and OWNER agree that CITY shall proceed to call, and require performance by, the issuer of the Bonds.

3. Modifications to the Development Agreement and First Amendment regarding Development Impact Fees.

3.1 Modifications to of Section 4.2 of the Development Agreement regarding Development Impact Fees. CITY and OWNER agree to modify Section 4.2 of the Development as follows:

“a. Subsections 4.2.1.and 4.2.2 of the Development Agreement shall be replaced by the following Subsections 4.2.1 and 4.2.2:

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

4.2.2 Time of Payment. The Development Impact Fees required pursuant to Subsection 4.2.1 shall be paid to CITY prior to the issuance of building permit for each applicable residential or other unit, except for the Open Space and Habitat Acquisition Development Impact fee, which shall be paid by OWNER to CITY prior to the issuance of a grading permit.”

b. Subsection 4.2.3 shall be retained and shall continue to be in full force and effect.

c. Subsections 4.2.4 and Subsections 4.2.5 shall be removed and replaced with the following Subsections 4.2.4 and 4.2.5:

“4.2.4 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.

“4.2.5 Construction of DIF Program Infrastructure (Non-Construction Agreement). To date, OWNER has constructed and completed, and CITY has accepted public improvements that are in CITY’s Development Impact Fee Program. CITY has issued to OWNER credits against OWNER’s DIF Obligations and OWNER has previously used such credits against OWNER’s DIF Obligations in the amounts and in the DIF Program categories as shown in the attached Exhibit 1, attached hereto and incorporated herein. OWNER agrees that CITY has issued all DIF Credit due to OWNER from OWNER’s previously completed and accepted DIF Program public improvements To the extent OWNER is required to construct and completes construction of additional public improvements that are included in CITY’s Development Impact Fee Program and such public improvements are not included the Construction Agreement Amendment between CITY and NMC Builders LLC, CITY agrees that CITY shall issue DIF Credit in accordance with the provisions of a separate Development Impact Fee Credit Agreement for Facility Construction (“DIF Credit Agreement”) between CITY and OWNER. Any and all limitations on the use of DIF Credit currently held by OWNER or issued to OWNER to offset OWNER’s DIF payment obligations shall also be subject to the provisions of a separate DIF Credit Agreement. CITY and OWNER agree that the DIF Credit Agreement between CITY and OWNER shall comply with CITY’s adopted policies applicable to such agreements. Notwithstanding the above, CITY shall not issue any DIF Credit to OWNER for the improvements constructed by OWNER in Mill Creek and Chino Avenues in the Storm Drain and Sewer DIF Local Adjacent DIF categories until the improvements are completed and connected to permanent master-planned sewer and storm drain systems.”

3.2 CITY’s Use of OWNER’s Refunded Development Impact Fees for the Construction of Permanent Master Planned Recycled Water Facilities to Serve the Property. The CITY and OWNER also agree to add the Subsection 4.2.6 to the Development Agreement as follows:

“4.2.6 CITY and OWNER agree that OWNER has previously paid to CITY, Development Impact Fees (DIF) in the Water DIF Category and it is anticipated that OWNER shall complete and CITY shall accept DIF Program Improvements in the Local Adjacent Water DIF category. CITY and OWNER agree that CITY and OWNER shall enter into a separate DIF Credit and Reimbursement Agreement as

referenced in Section 4.2.5. Subject to the provisions of such separate DIF Credit and Reimbursement Agreement, it is contemplated that OWNER's completed DIF Program Improvements in the Local Adjacent Water category will be eligible for DIF Credit from the City in the Local Adjacent Water category. Upon completion of such recycled water improvements by CITY, OWNER shall connect the recycled water system within the Edenglen Project to the permanent master planned Recycled Water line in Riverside Drive and abandon further use of the agricultural water provided under the Well Use Agreement between the City and OWNER. In recognition of the costs to the CITY for the design and construction of the extension of the Recycled Water improvements in Riverside Drive from Haven Avenue to a point adjacent to the Project, and as shown on the attached Exhibit F-B. OWNER's reimbursement for DIF Credit shall be reduced by an amount equal to the actual CITY costs for design and construction of the extension of the recycled water improvements up to a maximum reduction of four hundred thousand dollars \$400,000. The determination of the CITY's actual costs for the design and construction of the recycled water improvements in Riverside Drive will be included within the DIF Credit and Reimbursement Agreement and will be generally in conformance with the provisions of Section 1.5 of the Construction Agreement Amendment. OWNER shall also continue to maintain the existing recycled water system with the existing connection to the agricultural well until such time as the master planned recycled water facilities are available and OWNER has completed the construction of the connection to the master planned recycled water facilities in Riverside Avenue."

5. Disposition of Remaining Deposits in the Escrow Account for the Construction of Improvements. CITY and OWNER agree that Sections 3, 4 and 5 of the First Amendment to the Development Agreement are no longer applicable and shall be replaced and superseded by the following:

"a. Within thirty (30) days following the effective date of this Second Amendment, OWNER shall initiate construction to remediate the street improvements on Mill Creek Avenue and Chino Avenue immediately adjacent to the Project. Such remediation of the street improvement is to be completed by OWNER within a period of one hundred (180) days, including all reconstruction required to cure the pavement deficiencies of these street improvements. Once these street improvements are completed and accepted CITY shall issue DIF Credit to OWNER in the Local Adjacent Streets Category under the provisions of a DIF Credit and Reimbursement Agreement.

b. The remaining funds in the Escrow Account, which are \$602,928.51 as of January 16, 2018, established for the funding of the Mill Creek Avenue and Chino Avenue improvements will be retained within the Escrow Account and used exclusively for the OWNER's costs of reconstruction of the Mill Creek and Chino Avenue street improvements. Upon completion and acceptance of the Mill Creek and Chino Avenue street improvements by CITY, any remaining funds in Escrow Account shall be returned to OWNER. If OWNER's costs for the reconstruction of the Mill Creek and Chino Avenue street improvements exceed amount of remaining funds in the Escrow Account OWNER shall, at OWNER's option, either make additional deposits to the Escrow Account or fund

the costs for the reconstruction of the street improvements directly by OWNER outside of the Escrow Account. In either case, OWNER shall be responsible for the full costs for the reconstruction of the Mill Creek and Chino Avenue street improvements regardless of the availability of funds in the Escrow Account.

6. Restoration of Requirements within the Development Approvals – Subdivision Agreement – Final Tract Number 17392. OWNER agrees that Section 11 of the First Amendment to the Development Agreement is removed and replaced by the following:

“The requirements of the Subdivision Agreement for Final Tract Number 17392 are hereby modified as follows:

a. OWNER’s obligation to construct the extension of permanent sewer facilities from the Property to master planned sewer facilities as described in either Exhibit F-A or F-B to connect the Project to master planned sewer facilities shall be subject to the provisions of this Second Amendment.

b. OWNER’s obligation to construct the extension of permanent storm drain facilities from the Property to the County line Channel as describe in either Exhibit F-A or F-B to connect the Project to master planned storm drain facilities shall be subject to the provisions of this Second Amendment.

c. OWNER’s obligation to construct recycled water facilities to connect the Property to a permanent recycled water source in Riverside Drive shall be subject to the provisions of this Second Amendment.”

7. OWNER’s Continuing Obligations to Complete the Construction of the Neighborhood Edge Landscaping Behind the Sidewalk along Chino Avenue.

CITY and OWNER agree the completion of the construction of the neighborhood edge landscaping behind sidewalk along Chino Avenue, from Mill Creek Avenue to Edenglen Avenue may be deferred until OWNER files an application for modification of the Tract Map for Tract 17392 to retain the utility power lines along the north side of Chino Ave in their current location for both the transmission and distribution lines and revert the impacted developable lots to an expanded trail corridor within the existing SCE easement area or until OWNER relocates the utility poles and relocates the distribution facilities underground. OWNER shall will either file an application for a modification of Tract Map for Tract 17392 or initiate relocation of the utility poles and the undergrounding of the distribution facilities within one-hundred (180) days after the effective date of this Second Amendment.

8. OWNER’s Construction of Improvements. OWNER shall continue to follow CITY-approved bidding requirements, select a licensed contractor (approved by CITY in its reasonable discretion), and cause the construction of the required infrastructure all as detailed in the specifications to be provided by OWNER and approved by CITY. The construction of Improvements shall, without limitation, include the requirement that prevailing wages be paid as set forth herein and further described in the separate DIF Credit and Reimbursement Agreement. OWNER shall coordinate with CITY during the

bid and award process, and shall, prior to awarding the bid, provide to the CITY the submitted bids and the proposed contract.

9. Modification of OWNER's Other Requirements. CITY and OWNER agree that OWNER's Other Requirements as described in the Section 6 of the First Amendment and Exhibits 1-A and 1-B of the First Amendment have been completed or substantially completed by OWNER. The design and construction of the remaining infrastructure requirements for the Property are as described in Sections 1 and 2 herein and within the Subdivision Agreement for Final Tract Number 17392, as amended by the previous First Amendment and this Second Amendment.

10. Failure to Complete Any Remaining Required Improvements If OWNER fails to complete construction of any of the Improvements as described in Sections 1, 2, 5 and 7 or any of the remaining Improvements required by the Subdivision Agreement for Final Tract Number 17392, OWNER shall be deemed in default of the Development Agreement thereby entitling CITY to any and all remedies available, including, without limitation, any or all of the following:

- a. CITY shall have the right to decline to honor OWNER's use of DIF Credit(s) related to the affected improvements without liability;
- b. CITY may withhold any unissued OWNER's Project-related building permits, certificates of occupancy, or any other discretionary or ministerial approvals, without liability; and,
- c. CITY may terminate or modify the Development Agreement.

11. Extension of Term of Development Agreement. CITY and OWNER acknowledge that the term of the Development Agreement was for a period of ten (10) years from the effective date of the Development Agreement. CITY and OWNER also acknowledge that Section 2.3 of the Development Agreement provides that the term of the Development Agreement may be extended for an additional five (5) year period under certain conditions. CITY and OWNER agree that the required conditions have been met and CITY hereby grants an extension of the term of the Development Agreement for an additional five (5) year period. Such additional five (5) year period shall begin upon the date that this Second Amendment is effective.

12. Additional Documents/ Actions. The City Manager is authorized to approve and execute any documents and to take any actions necessary to effectuate the purposes of this Second Amendment to the Development Agreement.

13. Defined Terms/Other Provisions. Unless otherwise defined herein, capitalized terms contained in this Second Amendment shall have the meanings ascribed to them in the Development Agreement. Except as expressly amended herein, all provisions of the Development Agreement, as supplemented, restated and amended, shall remain.

14. Integration. This Second Amendment reflects the complete understanding of the parties with respect to the subject matter hereof. To the extent this Second Amendment conflicts with the Development Agreement, First Amendment, First Supplemental Memorandum, Second Supplemental Memorandum, Third Supplemental Memorandum, or Amended and Restated Fourth Supplemental Memorandum, this Second Amendment supersedes such previous document. In all other respects, the parties hereto re-affirm and ratify all other provisions of the Development Agreement, First Amendment, First, Second, Third and Fourth Supplemental Memoranda, as amended. This Second Amendment shall be recorded against the Property.

15. Indemnification. OWNER hereby agrees to indemnify, defend and hold harmless the CITY, its officials, officers, employees, agents, contractors and volunteers from and against any and all claims, suits or proceedings arising from or related to CITY's entering into, or carrying out, this First Amendment. This indemnification includes the payment of all penalties, fines, judgments, awards, decrees, attorney's fees and related costs or expenses incurred by the CITY.

16. Prevailing Wages. OWNER is aware of the requirements of California Labor Code Section 1720, et seq. (as amended by Stats 2001 ch 938 § 2 (S.B. 975)), and 1770, et seq., as well as California Code of Regulations, Title 8, Section 1600, et seq., (collectively, the "Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "public works" and "maintenance" projects. If the Services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, OWNER shall fully comply with such Prevailing Wage Laws. OWNER shall make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the services available to interested parties upon request, and shall post copies at the OWNER's principal place of business and at the project site. OWNER shall defend, indemnify and hold the CITY, its officials, officers, employees, agents, contractors and volunteers free and harmless from any claim or liability arising out of any failure or alleged failure to comply with the Prevailing Wage Laws."

17. Excusable Delay. Notwithstanding the foregoing provisions, performance by either party hereunder shall not be deemed to be in default where delay or defaults are due to war, insurrection, strikes, lock-outs, riots, floods, earthquakes, fires, casualties, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation brought by a third party, unusually severe weather, reasonably unforeseeable property conditions, acts of the other party, acts or failure to act of the other party or any other public or governmental agency or entity, or any causes beyond the control or without the failure of the party claiming an extension of time to perform. An extension of time for any such cause (an "Excusable Delay") shall be for the time period of the delay and shall commence to run from the time of the commencement of the cause, if notice by the party claiming such extension is sent to the other party within thirty (30) days of knowledge of the commencement of the cause or from the date of the notice if provided after such thirty-day period. Notwithstanding the foregoing, none of the foregoing events shall constitute

an Excusable Delay unless and until the party claiming such delay and interference delivers to the other party written notice describing the event, its cause, when and how such party obtained knowledge, the date and the event commenced, and the estimated delay resulting therefrom. Any party claiming an Excusable Delay shall make a good faith effort to deliver such written notice within thirty (30) days after it obtains actual knowledge of the event and performance by either party of any of its obligations hereunder may be extended by written agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment as of the date the ordinance adopting this Second Amendment becomes effective.

**SIGNATURE PAGE
TO SECOND AMENDMENT TO DEVELOPMENT AGREEMENT**

**EDENGLLEN ONTARIO LLC
"OWNER"**

Edenglen Ontario LLC, a Delaware limited liability company

By: _____

Name: Adrian Foley

Title: Authorized Representative

Date: _____

"CITY"

CITY OF ONTARIO

By: _____

Scott Ochoa, City Manager

Date: _____

ATTEST:

City Clerk, Ontario

APPROVED AS TO FORM:
BEST, BEST & KRIEGER LLP

City Attorney

Exhibit 1

DIF Program Category	Amount of DIF Paid	Previously Refunded DIF	Current Unredeemed DIF Credit	Projected DIF Credit from Remaining Completed DIF Eligible Projects - Edenglen Constructed	Potential Refund Amounts - Without further permits	Projected DIF Credit from NMC Builders* Permits	Potential Refund Amounts with NMC Builders DIF Credit without additional Permits	DIF Obligation for Remaining P-7 Units	Potential Refund Amounts with DIF from P7 units	DIF Obligation for Remaining P-8 Units	Potential Refund Amounts with DIF from P7 and P8 units	DIF Paid - Not Refunded - After Payment of DIF for all Units
Local Adjacent Streets	\$ 2,203,579	\$ -	\$ (548,356)	\$ 1,655,223	\$ 377,721	\$ 1,413,892	\$ 1,655,223	\$ 121,685	\$ 1,776,908	\$ 118,850	\$ 1,895,758	\$ -
Regional Streets	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 242,790	\$ -	\$ 148,727	\$ 148,727	\$ 145,261	\$ 242,790	\$ 51,197
Local Adjacent Storm Drain	\$ 1,285,942	\$ (439,263)	\$ -	\$ 846,677	\$ 775,977	\$ 656,967	\$ 846,677	\$ 253,897	\$ 1,100,574	\$ 84,275	\$ 1,184,849	\$ -
Regional Storm Drain	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 865,861	\$ -	\$ 136,714	\$ 136,714	\$ 45,379	\$ 182,092	\$ -
Local Adjacent Water	\$ 1,359,444	\$ (1,042,217)	\$ -	\$ 317,227	\$ 546,405	\$ 338,183	\$ 317,227	\$ 153,142	\$ 470,369	\$ 122,980	\$ 593,349	\$ -
Regional Water	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,833,345	\$ -	\$ 357,331	\$ 357,331	\$ 286,954	\$ 644,285	\$ -
Local Adjacent Sewer	\$ 404,689	\$ -	\$ -	\$ 404,689	\$ 206,387	\$ 85,370	\$ 291,757	\$ 28,261	\$ 320,018	\$ 31,340	\$ 351,358	\$ 112,932
Regional Sewer	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 18,840	\$ -	\$ 20,894	\$ -	\$ 39,734
Local Adjacent Fiber	\$ 34,320	\$ -	\$ (36,067)	\$ (1,747)	\$ -	\$ 30,402	\$ -	\$ 31,095	\$ 30,402	\$ 45,482	\$ 30,402	\$ 44,428
Regional Fiber	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 192,773	\$ -	\$ 13,326	\$ 13,326	\$ 19,492	\$ 32,819	\$ -
Totals	\$ 5,287,974	\$ (2,065,903)	\$ 3,222,069	\$ 1,906,490	\$ 1,906,490	\$ 5,659,581	\$ 3,110,884	\$ 1,263,017	\$ 4,354,368	\$ 930,906	\$ 5,157,702	\$ 248,290

Assumptions:
DIF Credit is issued for Storm Drain and Sewer Improvements that are not connected to Master Planned Systems
Existing DIF Credit is reclassified to Regional and Local Adjacent splits
NMC Builders DIF Credit remains classified as Regional and Local Adjacent Credit
DIF Credits are not reduced by "DIF Credit Percentage Limitations" or "DIF Use Limitations"
Projected DIF Credit for Eligible Projects is based on Brookfield Estimates and not confirmed
All DIF Obligations are based upon current 2016 DIF Fee Amounts

Exhibit F-A

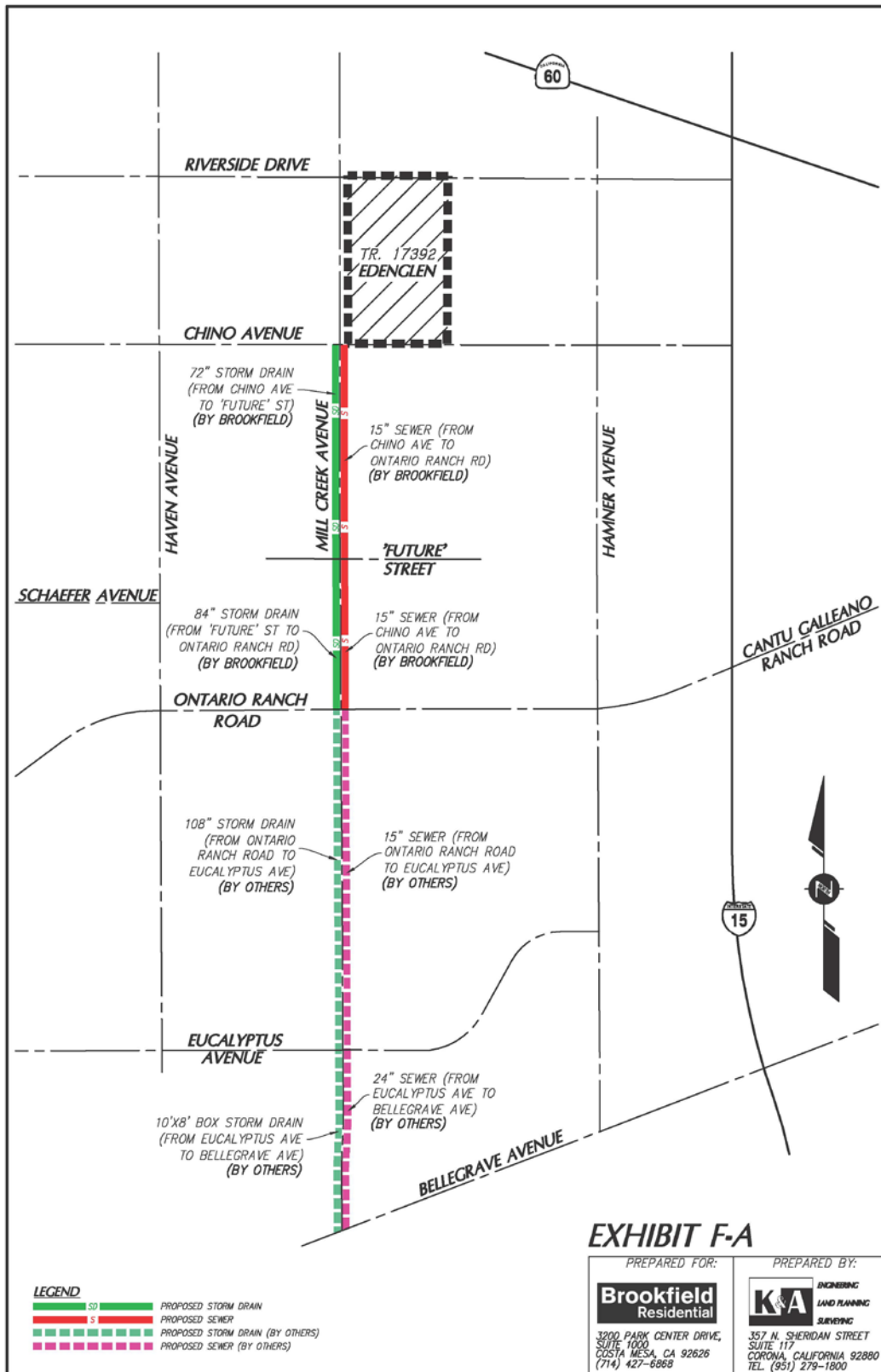


Exhibit F-B

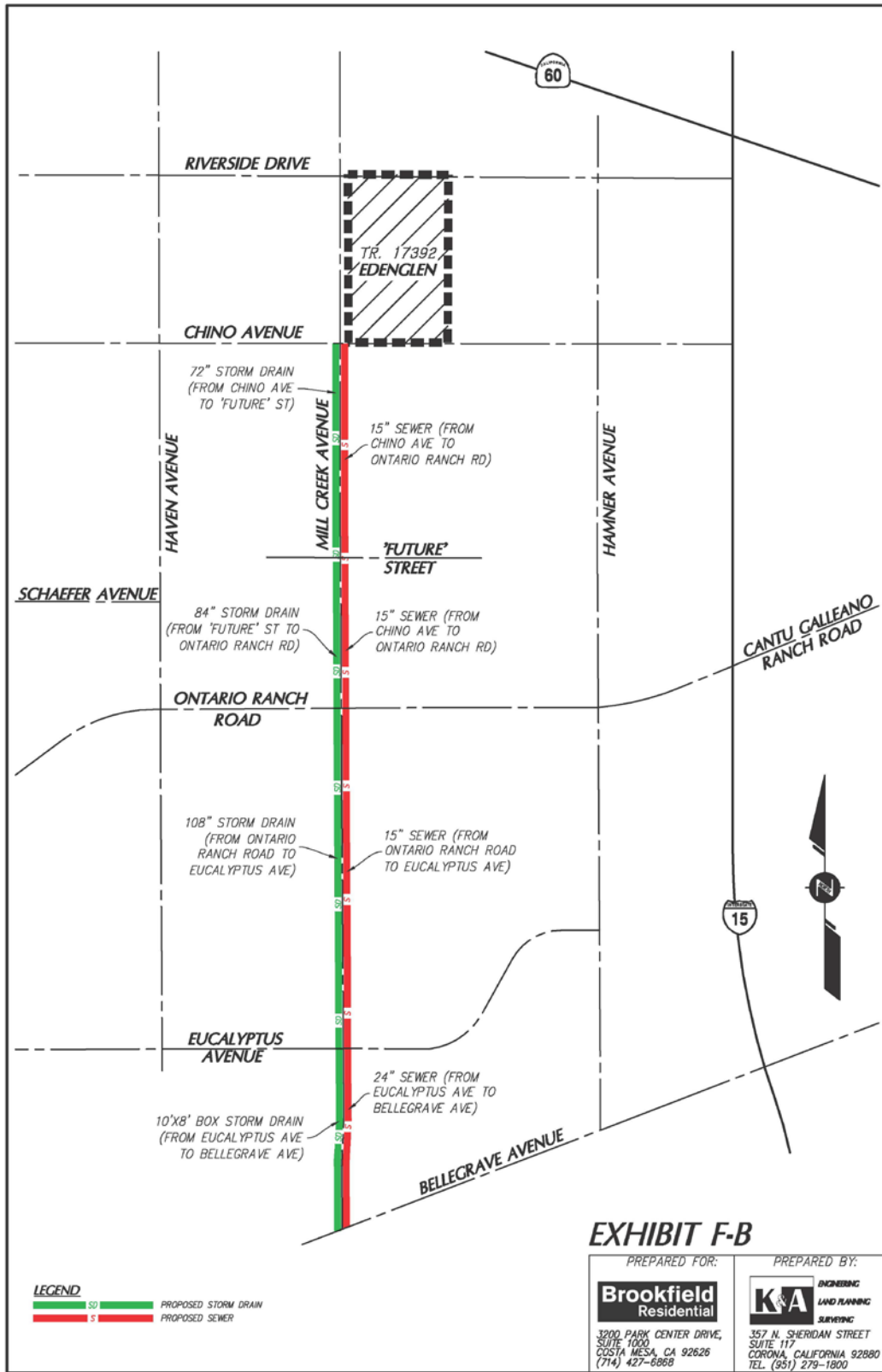
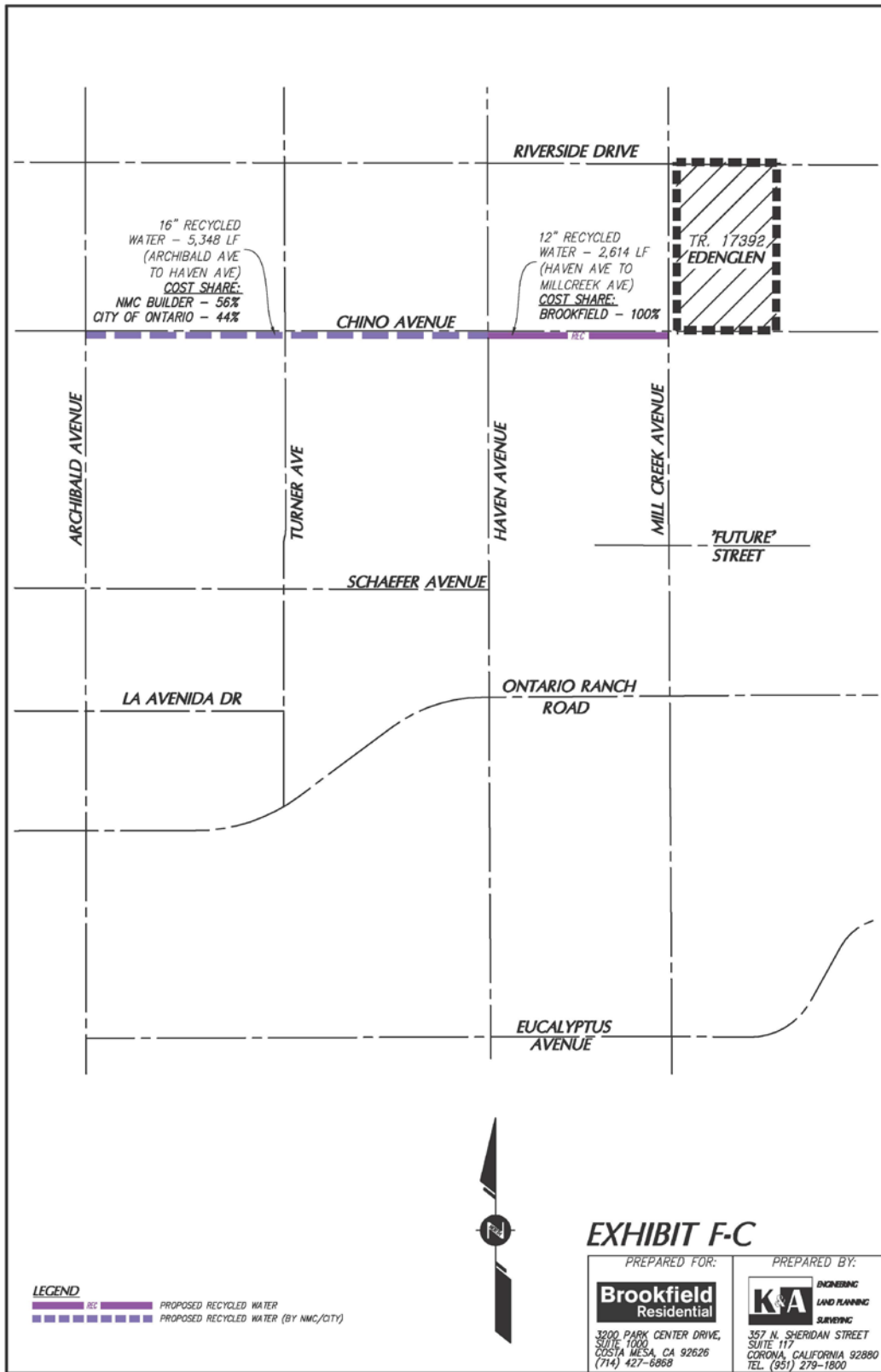


Exhibit F-C





CITY OF ONTARIO

MEMORANDUM

TO: Chairman and Members of the Planning Commission

FROM: Scott Murphy, AICP, Assistant Development Director *SM*

DATE: February 27, 2018

SUBJECT: MONTHLY PLANNING DEPARTMENT ACTIVITY REPORT; MONTH OF JANUARY 2018

Attached, you will find the Planning Department Monthly Activity Report for the month of January 2018. The report describes all new applications received by the Planning Department and actions taken on applications during the month. Please contact me if you have any questions regarding this information.

The attached reports, along with reports from past months, may also be viewed on the City's web site. New applications may be viewed at <http://www.ontarioca.gov/planning/reports/monthly-activity-reports-applications>, and actions taken on applications may be viewed at <http://www.ontarioca.gov/planning/reports/monthly-activity-reports-actions>.

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CITY COUNCIL MEETING

January 2, 2018

Meeting Cancelled

DEVELOPMENT ADVISORY BOARD MEETING

January 3, 2018

Meeting Cancelled

ZONING ADMINISTRATOR MEETING

January 3, 2018

Meeting Cancelled

CITY COUNCIL MEETING

January 16, 2018

No Planning Department Items Scheduled

DEVELOPMENT ADVISORY BOARD MEETING

January 17, 2018

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-036:

A Development Plan to construct a new automobile sales lot with a 36,818-square foot sales and service facility (Ontario Infiniti) on 3.9 acres of land generally located at the southwest corner of Inland Empire Boulevard and QVC Way, within the Urban Commercial land use district of the Meredith International Centre Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with File Nos. PGPA13-005 and PSPA14-003, for which the Meredith International Centre Specific Plan Amendment Environmental Impact Report (SCH No. 2014051020) was certified by the City Council on April 7, 2015. This Application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0110-321-71) **submitted by Cordy Cerami.**

Action: The Development Advisory Board approved the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP TIME EXTENSION REVIEW FOR FILE NO. PMTT14-020:

A one-year Time Extension of the expiration date for the approval of File No. PMTT14-020, a Tentative Parcel Map (PM 19552) to subdivide a 0.20-acre parcel of land into a single parcel for condominium purposes, located on the west side of Euclid Avenue, approximately 450 feet north of Elm Street, at 1420 South Euclid Avenue, within the MDR-18

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(Medium Density Residential – 11.1 to 18.0 DU/Acre) and EA (Euclid Avenue) Overlay zoning districts. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 1050-051-01); **submitted by Johnathan Ma.** Planning Commission action is required.

Action: The Development Advisory Board recommended the Planning Commission approve the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-028:

A Development Plan to construct 37 multiple-family apartment units on 1.13 acres of land generally located on the north side of Sixth Street, approximately 150 feet east of Interstate 10, at 941 East Sixth Street, within the HDR-45 (High Density Residential – 25.1 to 45.0 DU/Acre) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15332 (Class 32, Infill Development) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 1047-172-03 and 1047-172-19) **submitted by Kirk Wallace.** Planning Commission action is required.

Action: The Development Advisory Board recommended the Planning Commission approve the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-045:

A Development Plan (File No. PDEV17-045) to construct 190 conventional single-family homes on 40.20 acres of land located within the Conventional Medium Lot Residential district of Planning Area 3 of the Subarea 29 Specific Plan, located at the southeast corner of Archibald Avenue and Eucalyptus Avenue. The environmental impacts of this project were previously reviewed in conjunction with an addendum to the Subarea 29 Specific Plan EIR (SCH# 2004011009) that was adopted by the City Council on April 21, 2015. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0218-281-15 and 0218-281-16) **submitted by KB Home.** Planning Commission action is required.

Action: The Development Advisory Board recommended the Planning Commission approve the project subject to conditions.

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ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO.

PCUP17-024: A Conditional Use Permit to expand an existing 980 square foot restaurant (El Chilitos) with alcoholic beverage for on premise consumption (Type 41 ABC license, On-Sale Beer and Wine – Eating Place) to include an adjacent 980 square foot suite, located at 1630 East Fourth Street, Units K & L, within the CC (Community Commercial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1-Existing Facilities) of the CEQA guidelines. The project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0110-181-13) **submitted by El Chilitos Mexican Restaurant.**

Action: The Zoning Administrator approved the project subject to conditions.

PLANNING COMMISSION MEETING

January 23, 2018

ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP TIME EXTENSION REVIEW FOR

FILE NO. PMTT14-020: A one-year Time Extension of the expiration date for the approval of File No. PMTT14-020, a Tentative Parcel Map (PM 19552) to subdivide a 0.20-acre parcel of land into a single parcel for condominium purposes, located on the west side of Euclid Avenue, approximately 450 feet north of Elm Street, at 1420 South Euclid Avenue, within the MDR-18 (Medium Density Residential – 11.1 to 18.0 DU/Acre) and EA (Euclid Avenue) Overlay zoning districts. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 1050-051-01); **submitted by Johnathan Ma.**

Action: The Planning Commission approved the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-028:

A Development Plan (File No. PDEV17-028) to construct 37 multiple-family apartment units on 1.13 acres of land generally located on the north side of Sixth Street, approximately 150 feet east of Interstate 10, at 941 East Sixth Street, within the HDR-45 (High Density Residential – 25.1 to 45.0 DU/Acre) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15332 (Class 32, Infill Development) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 1047-172-03 and 1047-172-19); **submitted by Kirk Wallace.**

Action: The Planning Commission approved the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-045:

A Development Plan (File No. PDEV17-045) to construct 190 conventional single-family homes on 40.20 acres of land located within the Conventional Medium Lot Residential district of Planning Area 3 of the Subarea 29 Specific Plan, located at the southeast corner of Archibald Avenue and Eucalyptus Avenue. The environmental impacts of this project were previously reviewed in conjunction with an addendum to the Subarea 29 Specific Plan EIR (SCH# 2004011009) that was adopted by the City Council on April 21, 2015. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0218-281-15 and 0218-281-16) **submitted by KB Home.**

Action: The Planning Commission approved the project subject to conditions.

ENVIRONMENTAL ASSESSMENT, TENTATIVE PARCEL MAP, DEVELOPMENT PLAN AND CERTIFICATE OF APPROPRIATENESS REVIEW FOR FILE NOS.: PMTT17-006 (PM 19832), PDEV17-

020 & PHP17-036: A Tentative Parcel Map (File No. PMTT17-006 (PM 19832) to subdivide a 2.7 acre site for common lot condominium purposes in conjunction with a Development Plan (File No. PDEV17-020) and a Certificate of Appropriateness (File No. PHP17-036) to allow for the construction of a two-story retail and medical office building totaling 37,074 square feet located on the northeast corner of Euclid Avenue and Riverside Drive, within the CN (Neighborhood Commercial) zoning district and EA (Euclid Avenue) Overlay District. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1051-614-08) **submitted by Creative Design Associates.**

Action: The Planning Commission approved the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND GENERAL PLAN AMENDMENT REVIEW FOR FILE NO.

PGPA16-005: An Amendment to the Policy Plan (general plan) component of The Ontario Plan to: [1] modify the Land Use Element designation on a portion of a lot totaling 2.8 acres of land from Industrial to Business Park, generally located at the northwest corner of Grove Avenue and Mission Boulevard, at 1192 East California Street; and [2] modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes. Staff is recommending the adoption of an Addendum to an Environmental Impact Report (SCH# 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International

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Airport Land Use Compatibility Plan (ALUCP); (APNs: 1049-382-05 and 1049-172-01) **City Initiated**. City Council action is required.

Action: The Planning Commission recommended the City Council approve the application.

ENVIRONMENTAL ASSESSMENT AND ZONE CHANGE REVIEW FOR FILE NO. PZC16-003: A Zone Change on a portion of a lot totaling 2.8 acres of land, from IG (General Industrial) to IL (Light Industrial) to bring property zoning into consistency with the Policy Plan (general plan) component of The Ontario Plan, generally located at the northwest corner of Grove Avenue and Mission Boulevard, at 1192 East California Street. Staff is recommending the adoption of an Addendum to an Environmental Impact Report (SCH# 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 1049-382-05 and 1049-172-01); **City Initiated**. City Council action is required.

Action: The Planning Commission recommended the City Council approve the application.

ENVIRONMENTAL ASSESSMENT AND GENERAL PLAN AMENDMENT REVIEW FOR FILE NO. PGPA17-001: A City initiated request to: [1] modify the Land Use Element of The Ontario Plan (General Plan) to change the land use designations shown on the Land Use Plan Map (Exhibit LU-1) for approximately 450 properties, generally concentrated in the downtown area, and the residential area north of the I-10 Freeway, and additional areas located throughout the City; and [2] modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes. Staff is recommending the adoption of an Addendum to an Environmental Impact Report (SCH# 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: Various) **City Initiated**. City Council action is required.

Action: The Planning Commission recommended the City Council approve the application.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA13-003: A Development Agreement Amendment (Third Amendment – File No PDA13-003) between the City of Ontario and SL Ontario Development Company LLC, to clarify and update the phasing of the construction of public infrastructure to serve Tract Map No's 18913-1, 18913-2, 18913-3, 18913-4, 18913-5 and 18913. The project is generally located north of Riverside County Line Channel (Bellevue Flood Control Channel), south of Eucalyptus Avenue, east of Archibald Avenue, and west of the SCE utility corridor, within Planning Areas 4 through 27, of the Subarea 29 Specific Plan (Park Place Community). The environmental impacts of this project were previously reviewed in conjunction with an addendum to the Subarea 29 Specific Plan EIR (SCH# 2004011009) that was adopted by the City Council on April 21, 2015. This project introduces no

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new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-022-02, 0218-563-01 through 04, 0218-022-10 and 11, 0218-554-01 through 68, 218-573-01 through 06, 0218-033-01 through 06, 0218-583-01, and 0218-014-01 through 07) **submitted by SL Ontario Development Corporation**. City Council action is required.

Action: The Planning Commission recommended the City Council approve the application.

ENVIRONMENTAL ASSESSMENT AND SPECIFIC PLAN AMENDMENT REVIEW FOR FILE NO.

PSPA16-005: An amendment to the Rich Haven Specific Plan (File No. PSPA16-005) to annex 72.3 acres of land located on the southeast corner of Haven Avenue and Ontario Ranch Road into the Mixed-Use Overlay district of the Rich Haven Specific Plan including updates to the development standards, exhibits and text changes to reflect the proposed annexation and Policy Plan (general plan) compliance. Staff has prepared an Addendum to The Ontario Plan Environmental Impact Report (SCH# 2008101140) prepared in conjunction with File No. PGPA06-001 and adopted by City Council on January 27, 2010. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 218-211-01 and 218-211-23) **submitted by Brookcal Ontario LLC/Richland Communities**. City Council action is required.

Action: The Planning Commission recommended the City Council approve the application.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO.

PDA08-001: A Development Agreement Amendment (First Amendment – File No PDA08-001) between the City of Ontario and True North Management Group to extend the term of the development agreement allowing for the construction of up to 870,000 square feet of class “A” mixed use office park and the required infrastructure, on approximately 24.8 acres of land within the Guasti Specific Plan, for property located north of Guasti Road and south of the I-10 Freeway, between Turner Avenue and Archibald Avenue. The Environmental Impacts of this project were previously reviewed in conjunction with File Nos. PDEV06-001 & PMTT06-019 for which a Mitigated Negative Declaration was adopted by the Planning Commission on May 23, 2006. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-022-02, 0218-563-01 through 04, 0218-022-10 and 11, 0218-554-01 through 68, 218-573-01 through 06, 0218-033-01 through 06, 0218-583-01, and 0218-014-01 through 07) **submitted by True North Management Group**. City Council action is required.

Action: The Planning Commission recommended the City Council approve the application.

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PCUP18-001:

Submitted by Carvana

A Conditional Use Permit to establish and operate an automotive sales facility (Carvana) in conjunction with a Development Plan to construct a 5,781-square foot, 70-foot high (8 level) commercial building for automotive sales on 2.33 acres of land, located at the southeast corner of Interstate-10 Freeway and Turner Avenue, at 520 North Turner Avenue, within the OH (High Intensity Office) zoning district (APN: 0210-551-01). Related File: PDEV18-003.

PCUP18-002:

Submitted by Illumination Foundation

A Conditional Use Permit to establish a 19,620 SF Residential Care Facility on 1.44 acres of land located at 1025 West I Street, within the MDR-25 (Medium Density Residential – 11.1 to 25.0 DU/Acre) zoning district (APN: 1010-191-30).

PCUP18-003:

Submitted by Tan Ferreira, LLC

A Conditional Use Permit to establish a contractors yard with outdoor storage and refueling facilities, in conjunction with three existing buildings totaling 15,305 SF, on 2.4 acres of land located at 901 South Sultana Avenue, within the IL (Light Industrial) zoning district (APN: 1049-353-14).

PCUP18-004:

Submitted by Benigno Adeva

A Conditional Use Permit establish a detached, 2,100 SF prefabricated metal garage on 0.91 acres at 1518 West Phillips Street, within the AR-2 (Agricultural Residential) zoning district (APN: 1011-591-18).

PCUP18-005:

Submitted by Ponce Recycling

A Conditional Use Permit to establish a 490-square foot Small Recycling Facility within an existing shopping center on 6.87 acres of land located at 1837 East Fourth Street, within the CN (Neighborhood Commercial) zoning district (APN: 0110-301-21).

PDEV18-001:

Submitted by McDonald's USA, LLC

A Development Plan to construct a 4,950-SF McDonalds drive-thru restaurant on 0.81 acres of land located at the northeast corner of Fourth Street and Cucamonga Avenue, at 1107 East Fourth Street, within the CN (Neighborhood Commercial) zoning district (APN: 1047-461-20).

PDEV18-002:

Submitted by Fletcher Jones

A Development Plan to add a 1,500 SF building addition and a 55 FT by 55 FT shade canopy to an existing 82,347 SF automobile dealership (Mercedes Benz) located at 3787 East Guasti Road, within the Auto land use district of the Ontario Gateway Specific Plan (APN: 0210-212-55).

PDEV18-003:

Submitted by Carvana

A Development Plan to construct a 5,781-square foot, 70-foot high (8-level) commercial building, in conjunction with a Conditional Use Permit to establish and operate an automotive

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sales facility (Carvana) on 2.33 acres of land located at the southeast corner of Interstate-10 Freeway and Turner Avenue, at 520 North Turner Avenue, within the OH (High Intensity Office) zoning district (APN: 0210-551-01). Related Files: PCUP18-001.

PDEV18-004: **Submitted by Ken Cheng**

A Development Plan to construct a 10,858 SF commercial building on 0.71-acres of land located at the northwest corner of Sixth Street and Palmetto Avenue, within the Sixth Street District of the Mountain Village Specific Plan (APNs: 1008-261-47 and 1008-261-48).

PDEV18-005: **Submitted by KB Home Southern California**

A Development Plan to construct 60 single-family dwellings on 8.9 acres of land located at the northeast corner of Park Place Avenue and Parkview Street, within Planning Area 19 of the Subarea 29 Specific Plan (APN: 0218-014-05). Related File: PMTT06-022 (TM 18081).

PDEV18-006: **Submitted by SC Property Fund, LLC**

A Development Plan to construct an 88-unit apartment complex on 3.5 acres of land located south of Sixth Street and west of the San Bernardino County Flood Control channel, at 1402 North Virginia Ave, within the HDR-45 (High Density Residential – 25.1 to 45.0 DU/Acre) zoning district (APNs: 1047-443-01 and 1047-432-22).

PMTT18-001: **Submitted by New-Indy Ontario, LLC**

A Parcel Map (PM 19936) to subdivide 52 acres of land into 2 parcels, located at 5171 East Francis Street, within the IH (Heavy Industrial) zoning district (APN: 0238-132-24). Related File: PDEV15-025.

PMTT18-002: **Submitted by RWT Preserve Holdings, LLC**

A Tentative Tract Map (TT 20157) to subdivide 81.35 acres of land into 6 lots and 4 lettered (commonly-owned) lots generally located at the northeast corner of Merrill Avenue and Mill Creek Avenue, within Planning Areas 1 and 2 (RD-7 and RD-4) of the Esperanza Specific Plan (APNs: 0218-252-07, 0218-252-08 and 0218-252-09).

PMTT18-003: **Submitted by RWT Preserve Holdings, LLC**

A Tentative Tract Map (TT 20158) to subdivide 15.41 acres of land into 31 lots and 16 lettered (commonly-owned) lots generally located on the east side of Mill Creek Avenue, south of Old Edison Road, within Planning Area 1 (RD-7/Row Townhomes) of the Esperanza Specific Plan (APNs: 0218-252-07 and 0218-252-08).

PMTT18-004: **Submitted by RWT Preserve Holdings, LLC**

A Tentative Tract Map (TT 20159) to subdivide 81.35 acres of land into 15 lots and 5 lettered (commonly-owned) lots generally located at the northeast corner of Merrill Avenue and Mill

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Creek Avenue, within Planning Areas 1 and 2 (RD-7 and RD-4) of the Esperanza Specific Plan (APNs: 0218-252-07, 0218-252-08 and 0218-252-09).

PMTT18-005: **Submitted by RWT Preserve Holdings, LLC**

A Tentative Tract Map (TT 20160) to subdivide 22.84 acres of land into 113 lots and 29 lettered (commonly-owned) lots generally located at the northeast corner of Merrill Avenue and Mill Creek Avenue, within Planning Area 2 (RD-4) of the Esperanza Specific Plan (APNs: 0218-252-07 and 0218-252-08).

PSGN18-001: **Submitted by Joanie Diep**

A Sign Plan for the installation of 2 wall signs (east and west elevations) for VALERIE FURNITURE, located at 735 North Milliken Avenue, Suite B, within the Ontario Center Specific Plan.

PSGN18-002: **Submitted by Geoff Palmer**

A Sign Plan for the installation of 4 temporary signs for THE PASEOS AT ONTARIO, located on the north side of Inland Empire Boulevard, east of Archibald Avenue, within the Meredith Specific Plan.

PSGN18-003: **Submitted by Oscar's Hollywood Signs**

A Sign Plan for the installation of a wall sign for LA MICHOACANA, located at 711 South Euclid Avenue, within the CN (Neighborhood Commercial) zoning district.

PSGN18-004: **Submitted by Lighting Contract Service, Inc.**

A Sign Plan for the installation of 3 wall signs, a monument sign reface, and a drive-thru directional sign reface for ARBY'S RESTAURANT, located at 2410 South Archibald Avenue, within the CN (Neighborhood Commercial) zoning district.

PSGN18-005: **Submitted by Signs of Success**

A Sign Plan for the installation of a wall sign (north elevation) for MINA'S LAUNDROMAT, located at 1228 East Sixth Street, within the CN (Neighborhood Commercial) zoning district.

PSGN18-006: **Submitted by A&S Engineering**

A Sign Plan for the installation of 3 replacement canopy signs and the reface an existing monument sign for ARCO, located at 2195 South Haven Avenue, within the Haven Gateway Centre Specific Plan.

PSGN18-007: **Submitted by R Sign Services**

A Sign Plan for the installation of 2 wall signs (north and south elevations) for YOSHINOYA, located at 405 North Vineyard Avenue, within the CCS (Convention Center Support Commercial) zoning district.

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PSGN18-008:

Submitted by Signarama

A Sign Plan for the installation of 2 wall signs for VITCO FOODS, located at 715 East California Street, within the IG (General Industrial) zoning district.

PSGN18-009:

Submitted by Jones Sign

A Sign Plan for the installation of a wall sign for ONTARIO INTERNATIONAL AIRPORT, located at 1923 East Avion Street, within the ONT (Ontario International Airport) zoning district.

PSGN18-010:

Submitted by Target

A Sign Plan for the installation of an "order pickup" sign (north elevation) for TARGET, located at 4200 East Fourth Street, within the Piemonte overlay district of the Ontario Center Specific Plan.

PSGN18-011:

Submitted by L & L Income Tax Services

A Sign Plan for the installation of a temporary banner sign for L & L INCOME TAX SERVICES, located at 317 West F Street, within the MU-1 (Downtown Mixed-Use) zoning district. 1/20/2018 to 2/20/2018.

PSGN18-012:

Submitted by Elmer Ferrofino

A Sign Plan for the installation of a temporary business grand opening banner sign for BAR 83 LOUNGE, located at 117 North Euclid Avenue. 1/19/2018 to 2/19/2018.

PSGN18-013:

Submitted by National Sign & Marketing

A Sign Plan for the installation of 2 replacement wall signs (east and south elevations) and the reface of existing directional and monument signs for CARL'S JR, located at 4555 East Jurupa Street, within the California Commerce Center Specific Plan.

PSGN18-014:

Submitted by Enriquez Income Tax

A Sign Plan for the installation of two temporary banners for ENRIQUEZ INCOME TAX, located at 230 East Holt Boulevard, within the MU-1 (Downtown Mixed-Use) zoning district. 1/29/2018 to 3/1/2018.

PSGN18-015:

Submitted by DF Signs

A Sign Plan for the installation of 3 wall signs and replacement of an existing monument sign for BNP CHURCH, located at 7877 East Riverside Drive, within the SP(AG) (Specific Plan and Agriculture Overlay) zoning districts. Related File: PSGP17-005.

PSGN18-016:

Submitted by Cabrera Tax Services

A Sign Plan for the installation of a temporary banner for CABRERA TAX SERVICES, located at 738 North Euclid Avenue, within the OL (Light Office) zoning district. 1/23/2018 to 2/23/2018.

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PSGN18-017: **Submitted by Trulite Signs Inc**

A Sign Plan for the reface of an existing monument sign for STERIGENICS NELSON LABS, located at 687 South Wanamaker Avenue, within the Pacific Gate/East Gate Specific Plan.

PSGN18-018: **Submitted by Swain Sign**

A Sign Plan for the installation of a replacement wall sign for CHECK INTO CASH, located at 727 North Euclid, within the MU-1 (Downtown Mixed-Use) zoning district.

PSGN18-019: **Submitted by Signs Express Mfg Co**

A Sign Plan for the installation of 2 walls signs (south and west elevations) for CHILI BISTRO, located at 765 North Milliken Avenue, within the Ontario Center Specific Plan.

PSGN18-020: **Submitted by Monumental Insurance Services**

A Sign Plan for the installation of a temporary banner for INCOME TAX, located at 1945 East Riverside Drive, within the CN (Neighborhood Commercial) zoning district. 2/1/2018 to 3/14/2018.

PSPA18-001: **Submitted by Carvana**

An Amendment to the Centrelake Business Park Specific Plan to incorporate 2.33 acres of land, located on the southeast corner of the I-10 Freeway and Turner Avenue, 520 North Turner Avenue, into the Specific Plan, and update the permitted uses within the Office zoning district to allow automobile sales (APN: 0210-551-01). Related Files: PDEV18-003 and PCUP18-001

PTUP18-001: **Submitted by Universal Garden Supply**

A Temporary Use Permit for a grand opening event for Universal Garden Supply, located at 375 Sequoia Avenue. The event will include food, live music, games, and vendors, and take place in the business' parking lot and outdoor storage areas. An alcohol permit will be obtained to serve beer interior to the business for the event.

PTUP18-002: **Submitted by Jonathan Wagner**

A Temporary Use Permit for a Family Appreciation Day hosted by Fruit Growers Supply Co., located at 225 South Wineville Avenue. Event to be held on 1/20/2018, 1:00PM to 5:30PM.

PTUP18-003: **Submitted by Ontario Montclair School District**

A Temporary Use Permit for Ontario Montclair School District's annual Cross Country event, located at 950 West D Street. Event to be held 4/25/ 2018, 10:00AM to 12:00PM.

PTUP18-004: **Submitted by Quang Thien Buddhist Temple**

A Temporary Use Permit for Quang Thien Buddhist Temple's annual Vietnamese New Year Ceremony, located at 704 East E Street. Event to be held on 1/25/2018, 10:30AM to 1:30PM.

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PTUP18-005: Submitted by Iglesia de Dios De La Profecia

A Temporary Use Permit for a for Valentine's Day flower sale hosted by Iglesia De Dios De La Profecia, located at 1130 South Campus Avenue. To be held on 2/14/2018.

PVER18-001: Submitted by Covenant Real Estate Group

Zoning Verification for 4200 East Fourth Street, within the Piemonte Overlay of the Ontario Center Specific Plan (APN: 0210-204-27).

PVER18-002: Submitted by Cassie Phelps

Zoning Verification for 2050 through 2090 South Baker Street, within the IG (General Industrial) zoning district (APN: 0112-382-10).

PVER18-003

Zoning Verification for 15133 Carpenter Avenue, within the SP(AG) (Specific Plan and Agriculture Overlay) zoning districts (APN: 0218-292-09).

PVER18-004: Submitted by Barack Ferrazzano Kirschbaum & Nagelberg, LLP

Zoning Verification for the southwest corner of Milliken Avenue and Riverside Drive, and adjoining property to the south, 13130 South Hamner Avenue, within the SP(AG) (Specific Plan and Agriculture Overlay) zoning districts (APNs: 0218-171-21 and 0218-171-27).