



## **CITY OF ONTARIO DEVELOPMENT ADVISORY BOARD**

### **AGENDA**

**October 15, 2018**

- ▶ **All documents for public review are on file in the Planning Department located in City Hall at 303 East “B” St., Ontario, CA 91764.**

**MEETING WILL BE HELD AT 1:30 PM IN ONTARIO CITY COUNCIL CHAMBERS  
LOCATED AT 303 East “B” St.**

Scott Ochoa, City Manager  
Scott Murphy, Executive Director, Development Agency  
John P. Andrews, Executive Director, Economic Development  
Kevin Shear, Building Official  
Cathy Wahlstrom, Planning Director  
Louis Abi-Younes, City Engineer  
Chief Derek Williams, Police Department  
Fire Marshal Paul Ehrman, Fire Department  
Scott Burton, Utilities General Manager  
Julie Bjork, interim, Executive Director, Housing and Neighborhood Preservation

### **PUBLIC COMMENTS**

*Citizens wishing to address the Development Advisory Board 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 Development Advisory Board values your comments, the members cannot respond nor take action until such time as the matter may appear on the forthcoming agenda.*

## **AGENDA ITEMS**

*For each of the items listed below 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 Development Advisory Board 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.*

## **CONSENT CALENDAR ITEMS**

### **A. MINUTES APPROVAL**

Development Advisory Board Minutes of September 17, 2018, approved as written.

## **PUBLIC HEARING ITEMS**

- B. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV18-021:** A Development Plan (File No. PDEV18-021) to construct a 22,023 square foot combined heat and power plant on a 51.05 acre site, located at 5171 East Francis Street, within the (IH) Heavy Industrial zone. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development) of the CEQA Guidelines. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP); (APNs: 238-132-24) **submitted by New Indy Containerboard.**

### **1. CEQA Determination**

No action necessary – Exempt: CEQA Guidelines Section §15332

### **2. File No. PDEV18-021** (Development Plan)

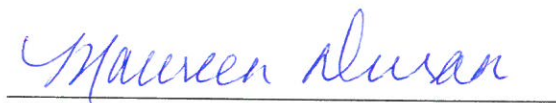
Motion to Approve / Deny

If you wish to appeal a decision of the **Development Advisory Board**, you must do so within ten (10) days of the **Development Advisory Board** action. Please contact the **Planning Department** for information regarding the appeal process.

If you challenge any action of the **Development Advisory Board** 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 **Development Advisory Board** at, or prior to, the public hearing.

The next **Development Advisory Board** meets on **November 5, 2018**.

I, Maureen Duran, Office Specialist of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **October 11, 2018**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

  
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**CITY OF ONTARIO**

**Development Advisory Board**

**Minutes**

**September 17, 2018**

**BOARD MEMBERS PRESENT**

Khoi Do, Chairman, Engineering Department  
Kevin Shear, Building Department  
Paul Ehrman, Fire Department  
Elda Zavala, Housing and Municipal Services Agency  
Ahmed Aly, Municipal Utilities Company  
Rudy Zeledon, Planning Department  
Doug Sorel, Police Department

**BOARD MEMBERS ABSENT**

Joe De Sousa, Housing and Municipal Services Agency  
Charity Hernandez, Economic Development

**STAFF MEMBERS PRESENT**

Jeanie Aguilo, Planning Department  
Gwen Berendsen, Planning Department  
Maureen Duran, Planning Department  
Bryan Lirley, Engineering Department  
Henry Noh, Planning Department  
Miguel Sotomayor, Engineering Department  
Alexis Vaughn, Planning Department

**PUBLIC COMMENTS**

No one responded from the audience.

**CONSENT CALENDAR ITEMS**

- A. APPROVAL OF MINUTES:** Motion to approve the minutes of the August 20, 2018, meeting of the Development Advisory Board was made by Mr. Shear; seconded by Mr. Zeledon; and approved unanimously by those present (7-0).

**PUBLIC HEARING ITEMS**

- B. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV18-013:** A Development Plan (File No. PDEV18-013) to construct 79 single-family dwellings on approximately 19.30 gross acres of land located at the southeast corner of Eucalyptus and Celebration Avenues, within Planning Area 22 of the Subarea 29 Specific Plan. The environmental impacts of this project were reviewed in conjunction with the Subarea 29 Specific Plan Environmental Impact Report (File No. PSP03-003, SCH# 200411009), certified by the City Council on October 17, 2006. The 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). The project site is also located within the Airport Influence area of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics. (APNs: 0218-014-03 and 0218-014-04) **submitted by Richmond American Homes of Maryland, Inc. Planning Commission action is required.**

Representative Rola Nicasio of Richmond American Homes of Maryland, Inc., was present and agreed to the conditions of approval. There were no questions or comments.

Motion recommending approval of **File No. PDEV18-013** subject to conditions to the Planning Commission was made by Mr. Shear; seconded by Mr. Aly; and approved unanimously by those present (7-0).

- C. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV18-015:** A Development Plan to construct an 8,869-square foot clubhouse on 2.29 acres of land generally located at the southwest corner of Hamner Avenue and Eucalyptus Avenue, within Planning Area 5 (4-Pack Courtyard) of the Esperanza Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to the Esperanza Specific Plan EIR (SCH# 2002061047) that was adopted by the Planning Commission on June 24, 2014. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0218-252-17) **submitted by Lennar Homes of CA, Inc.**

Representative Ryan Woosley of Lennar Homes of California, Inc., was present and agreed to the conditions. Mr. Do asked if there were any questions for the board before approval. Project Planner Henry Noh reiterated that the project would not be going to Planning Commission, therefore the Board would be approving the project. There were no further comments or concerns.

Motion to approve **File No. PDEV18-015** subject to conditions was made by Mr. Shear; seconded by Mr. Zeledon; and approved unanimously by those present (7-0).

- D. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV18-018:** A Development Plan (File No. PDEV18-018) to construct 47 single-family dwellings on 8.9 acres of land located near the southwest corner of Celebration Avenue and Eucalyptus Avenue, within PA 21 of the Subarea 29 Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with an Addendum to the Subarea 29 Specific Plan Environmental Impact Report (File No. PSPA14-002, SCH #2004011009), certified 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). The project site is also located within the Airport Influence area of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics. (APN: 0218-014-02) **submitted by Pulte Homes. Planning Commission action is required.**

Representative Matt Matson of Pulte Homes was present and agreed to the conditions of approval. There were no questions or comments.

Motion recommending approval of **File No. PDEV18-018** subject to conditions to the Planning Commission was made by Mr. Shear; seconded by Mr. Zeledon; and approved unanimously by those present (7-0).

- E. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV18-020:** A Development Plan (File No. PDEV18-020) to construct 48 single-family homes (6-Pack Cluster), 126 multi-family homes (Rowtowns) and 91 multi-family homes (Townhomes) on 23.66 acres of land located at the northeast corner of Archibald Avenue and Ontario Ranch Road, within the Low Medium Density Residential (LMDR) district of Planning Area 7 of The Avenue Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to The Avenue Specific Plan Environmental Impact Report (SCH# 2005071109), certified by the City Council on June 17, 2014. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). The project site is also located within the Airport Influence area of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics. (APN: 0218-201-18) **submitted by Brookfield Homes Southern California. Planning Commission action is required.**

As the applicants approached the podium, Project Planner Henry Noh informed the board they were requesting two revisions to the conditions of approval. He stated on page 40 of 52, item 2.14 (e), instead of the first home certificate of occupancy, they wanted to clarify it to be lots 52 & 55 which are the two adjacent homes to the substation. Mr. Noh stated the second revision is on page 50 of 52, section 2, stating the Archibald neighborhood edge should be 45 feet and not 50 feet. Mr. Do asked if this presented any conflicts at which time he was informed it did not.

Susan McDowell of Brookfield Residential and Tim Roberts of Brookcal were present. Mr. Roberts stated that Mr. Noh had addressed his concerns. Mr. Do asked if they had any other concerns at which time Mr. Roberts said they did not.

Mr. Zeledon then referred to item 2.14 (e) and confirmed with Mr. Roberts that they wanted the revision to reflect at the completion of the last two homes within the tract. Mr. Roberts stated he wanted it consistent with the conditions written for the tentative map which included lots 53-55. Mr. Zeledon confirmed the revision would reflect the tentative map conditions. Mr. Do asked Mr. Zeledon if he wanted to address the second revision. Mr. Zeledon informed Mr. Do it was not necessary as this was just a correction.

There were no further questions or concerns.

Motion recommending approval of **File No. PDEV18-020** subject to conditions to the Planning Commission was made by Mr. Shear; seconded by Mr. Zeledon; and approved unanimously by those present (7-0).

There being no further business, the meeting was adjourned.

Respectfully submitted,



Maureen Duran  
Recording Secretary



# Development Advisory Board Decision

October 15, 2018

**DECISION NO.:** [insert #]

**FILE NO.:** PDEV18-021

**DESCRIPTION:** A Development Plan (File No. PDEV18-021) to construct a 22,023 square foot combined heat and power plant on a 51.05 acre site, located at 5171 East Francis Street, within the (IH) Heavy Industrial zone. (APN: 238-132-24); **submitted by New Indy Containerboard.**

## **Part I—BACKGROUND & ANALYSIS**

NEW INDY CONTAINERBOARD, (herein after referred to as "Applicant") has filed an application requesting Development Plan approval, File No. PDEV18-021, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(1) **Project Setting:** The project site area is comprised of 0.09 acres of land located on at 5171 East Francis Street, and is depicted in Exhibit A: Aerial Photograph, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site:</i>	Paper Mill – Container Board Manufacturer	IND - Industrial \OS-NR - Open Space-Non Recreation	IH – Heavy Industrial	N/A
<i>North:</i>	Industrial Warehouse	IND - Industrial	Pacific Gate/East Gate Specific Plan – Light Industrial	Pacific Gate/East Gate Specific Plan – Light Industrial
<i>South:</i>	Industrial Warehouse	IND - Industrial	IH – Heavy Industrial	N/A
<i>East:</i>	Southern California Utility Easement – Transmission Towers	OS-NR - Open Space - Non Recreation	OS-R Open Space Recreation	N/A
<i>West:</i>	Flood Control Channel and Basin	OS-NR - Open Space - Non Recreation	OS-R Open Space Recreation	N/A

(2) **Project Background:** The project site is part of a 51.05 acre through lot parcel with two street frontages along Jurupa Street and Francis Street. The site has a varying 60 to 65 foot San Bernardino County flood control channel easement (Lower Etiwanda Creek Channel) that runs along the eastern most property line and turns westward towards a San Bernardino County flood control basin along the lower portion of the lot. The flood control channel physically divides the parcel and is located approximately 1,900 feet south of Jurupa Street. The site also has an existing 30 foot rail spur easement that traverses the parcel from the east onto the property over a bridge that spans approximately 50 to 60 feet wide across the flood control channel. There are additional easements located parallel to the western property line for public utilities, flood control easement, SCE easements, Southern California gas easements and public roadway easements that vary in width from 4 feet to 90 feet. The northern portion of the site was developed with a



paper mill in 1985 and subsequent building additions, cooling towers and steam plant were added to the site over the years. In 2017, the southern portion of the site known as the Encorr Sheet Plant was developed with a 147,542 square foot industrial building and paper/cardboard containers are manufactured within the building. On June 18, 2018, the applicant submitted a Development Plan application (File No. PDEV18-021) to construct a heat and power plant facility located within the northern portion of the parcel (**see Exhibit A: Project Location Map**).

(3) **Project Description:** The proposed Development Plan is to construct a 22,023 square foot combined heat and power plant (CHP plant). The project site occupies a 0.09 acre site within the property located along western property line approximately 1,000 feet south of Jurupa Street (**see Exhibit B: Site Plan**). The 0.09 project area is undeveloped, however the western edge is occupied by Eucalyptus trees that will be removed to accommodate the proposed plant. The plant is approximately 470 feet long by 75 feet wide and does not include any habitable building structures. The majority of the facility ranges from 20 to 44 feet in height, except for two stacks that are 80 feet in height (**see Exhibit C: Elevations**). The maximum allowable building height within the IH zoning district is presently 55 feet. However, a City initiated Development Code Amendment is currently being proposed to allow a change in the maximum building height from 55 feet to 80 feet within the IH zoning district. As a result, the proposed stack heights of 80 feet will be contingent upon City Council approval of the Development Code Amendment (File No. PDCA18-004). The FAR for the project site is 0.16 and 0.55 is allowed. Also, the project does not include the elimination of any parking stalls and the facility will be maintained and operated by existing facility employees. The CHP plant will provide steam and power to the existing paper mill facility and Encorr Sheet Plant and significantly reduce emissions and operating costs of the existing facilities.

#### **Part II—RECITALS**

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 Development Advisory Board ("DAB") the responsibility and authority to review and act on the subject Application; and

WHEREAS, all members of the DAB of the City of Ontario were provided the opportunity to review and comment on the Application, and no comments were received opposing the proposed development; 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;

WHEREAS, on October 15, 2018, the DAB of the City of Ontario conducted a hearing on the Application and concluded said hearing on that date; and

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

### ***Part III—THE DECISION***

NOW, THEREFORE, IT IS HEREBY FOUND AND DETERMINED by the Development Advisory Board of the City of Ontario, as follows:

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

(1) The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development) of the CEQA Guidelines. The proposed project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed development occurs within city limits and the area being developed is 0.09 acres less than the five acre threshold and is substantially surrounded by urban land uses. The project site has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. Also, the site is adequately served by all required utilities and public services.

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

(3) The determination of CEQA exemption reflects the independent judgment of the DAB.

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

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

Development Plan

(1) ***The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed Project is located within the Industrial and Open Space-Non Recreation land use district of the Policy Plan Land Use Map, and the IH (Heavy 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; 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 IH (Heavy Industrial) zoning district, including standards relative to the particular land use proposed (industrial manufacturing - combined heat and power plant), 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, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the particular land use being proposed (industrial manufacturing - combined heat and power plant). 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: Development Advisory Board Action.** Based on the findings and conclusions set forth in Sections 1 through 4, above, the DAB hereby APPROVES the Application subject to each and

every condition set forth in the Department reports included as Attachment A of this Decision, 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. The records are available for inspection by any interested person, upon request.

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APPROVED AND ADOPTED this 15th day of October 2018.

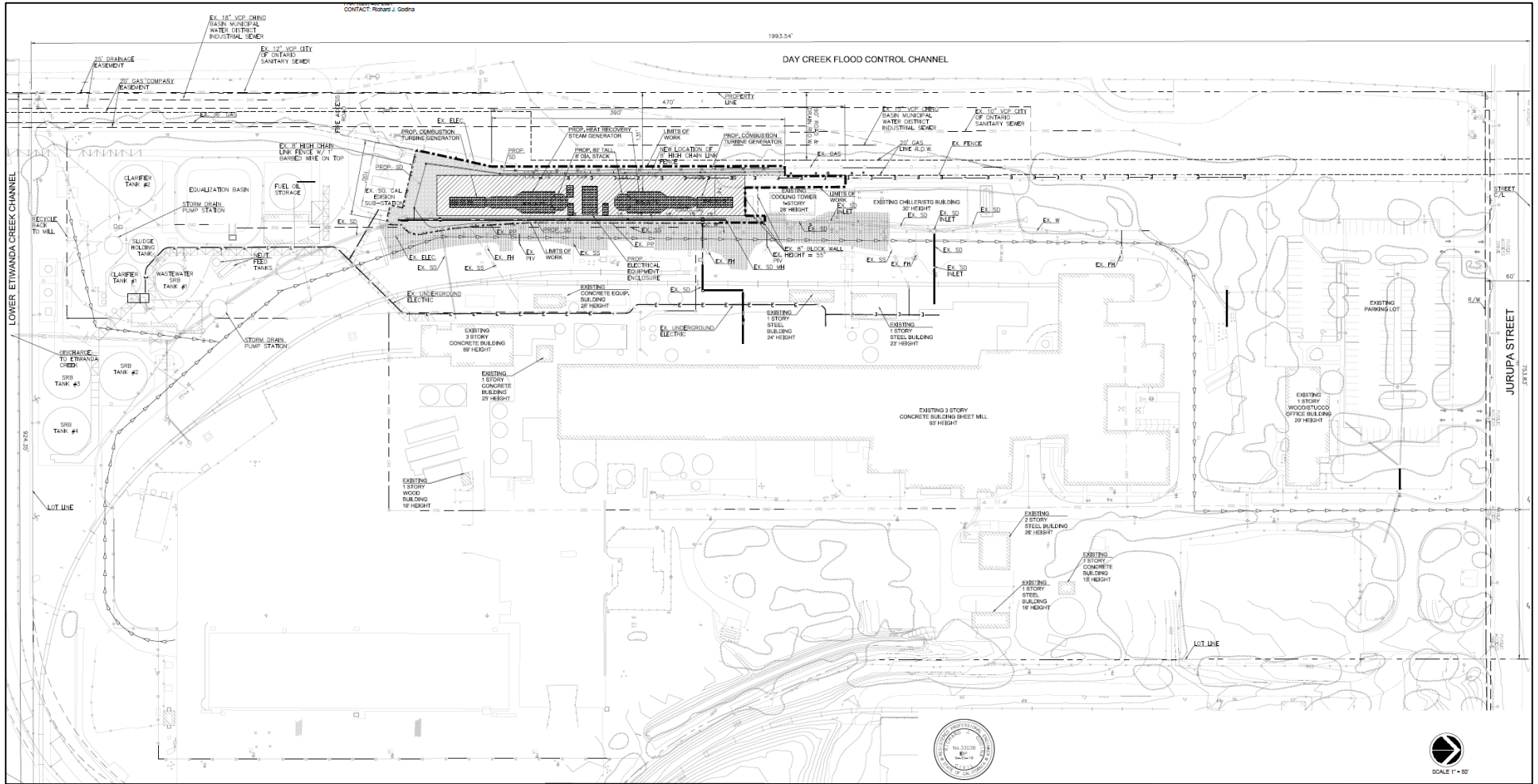
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Development Advisory Board Chairman

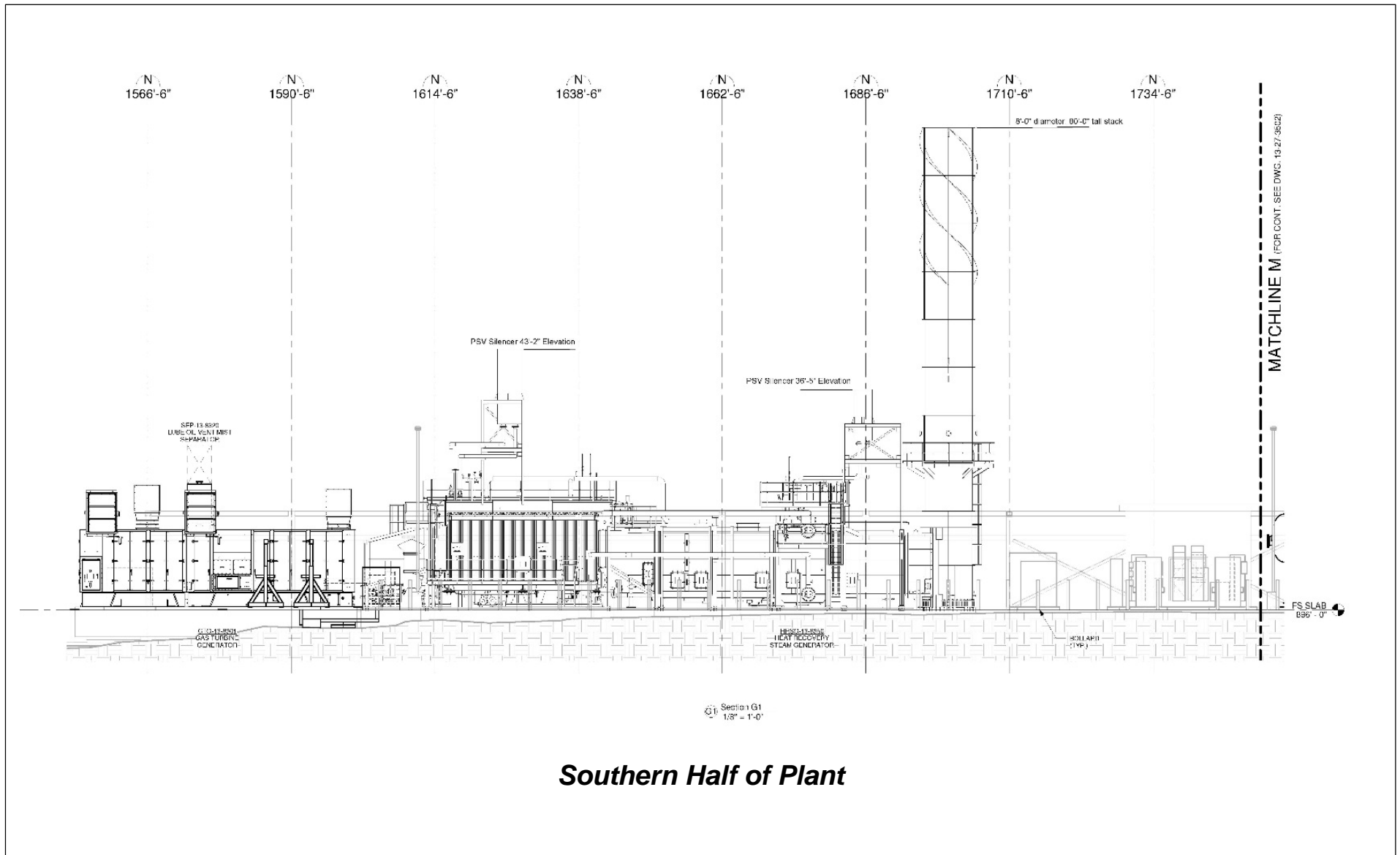
Exhibit A—PROJECT LOCATION MAP



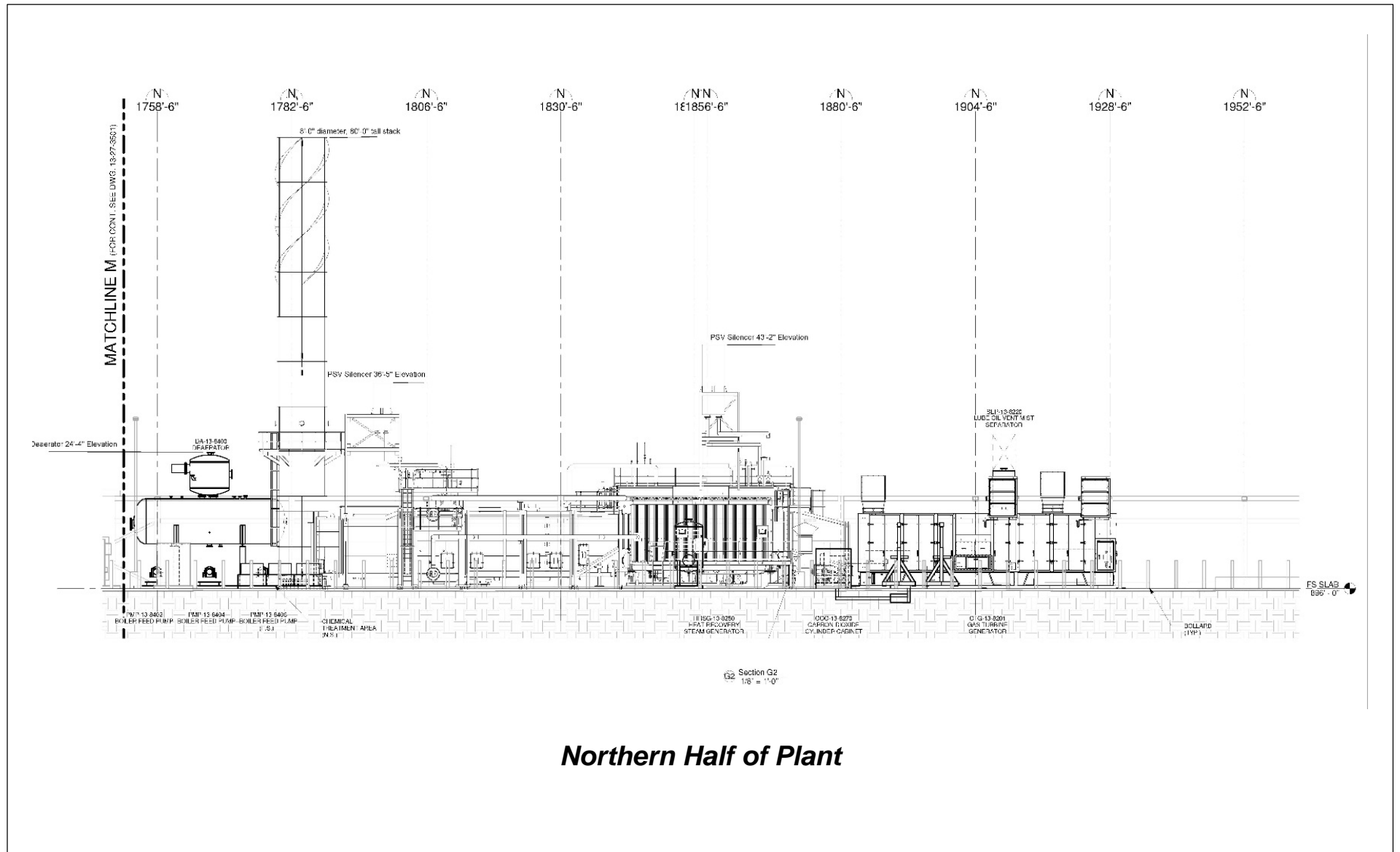
Exhibit B—SITE PLAN



**Exhibit C—ELEVATIONS**



**Southern Half of Plant**



**Northern Half of Plant**



## Attachment A—Departmental Conditions of Approval

*(Departmental conditions of approval 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:** October 15, 2018

**File No:** PDEV18-021

**Related Files:** N/A

**Project Description:** A Development Plan (File No. PDEV18-021) to construct a 22,023 square foot combined heat and power plant on a 51.05 acre site, located at 5171 East Francis Street, within the (IH) Heavy Industrial zone. (APN: 238-132-24); **submitted by New Indy Containerboard.**

**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.

**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 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.

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

### 2.5 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.

### 2.6 Additional Requirements.

(a) The proposed stack heights of 80 feet will be contingent upon the approval of the Development Code Amendment for the IH zoning district allowable building heights.



# CITY OF ONTARIO MEMORANDUM

## ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Engineering Services Division [Land Development and Environmental], Traffic/Transportation Division, Ontario Municipal Utilities Company, IT Department and Management Services Department)

**DATE:** **October 3, 2018**

**DAB MEETING DATE:** **October 15, 2018**

**PROJECT ENGINEER:** **Jesus Plasencia, Senior Associate Civil Engineer  
909-395-2128**

**PROJECT PLANNER:** **Lorena Mejia, Senior Planner  
909-395-2276**

**PROJECT:** **PDEV18-021, a development project to construct a new Combined Heat and Power Plant at an existing paper mill on 51.05 acres within the IH (Heavy Industrial) and UC (Utility Corridor) Zoning Districts.**


**APPLICANT:** **New Indy Containerboard**


**LOCATION:** **5100 East Jurupa Street**

1. This project shall comply with the requirements set forth in the General Standard Conditions of Approval adopted by the City Council (Resolution No. 2017-027) and the Project Specific Conditions of Approval specified herein. The Applicant shall be responsible for the completion of all conditions prior to issuance of permits and/or occupancy clearance.
2. Pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee, approximately \$38,256.33, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.
3. Repair/Replace public improvements in City right-of-way that are damaged as a result of construction activities, including curb, gutter, sidewalk, AC pavement, and drive approaches.
4. A WQMP based on the approved PWQMP shall be prepared and submitted following DAB. The WQMP template is available at: <http://www.sbcounty.gov/dpw/land/npdes.asp> or on the City's website under Engineering/Environmental Services. For a direct request you may send an email to [EWoosley@ontarioca.gov](mailto:EWoosley@ontarioca.gov).
5. Notify IEUA of the proposed improvements and submit plans for their review.

Project File No. PDEV18-21  
Project Manager: Jesus Plasencia  
DAB Meeting Date: October 15, 2018



  
Bryan Lirley, P.E. For 10/3/18  
Principal Engineer Date

  
Khoi Do, P. E. 10/3/18  
Assistant City Engineer Date

cc: Khoi Do, P.E., Engineering/Land Development  
Bryan Lirley, P.E., Engineering/Land Development

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

**GRADING PLAN CHECK SHEET**

**Sign Off**

<i>Carolyn Bell</i>	9/6/18
Carolyn Bell, Sr. Landscape Planner	Date

Reviewer's Name: <b>Carolyn Bell, Sr. Landscape Planner</b>	Phone: <b>(909) 395-2237</b>
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D.A.B. File No.:	Plan check #: B2018-2152 Rev 1	Case Planner: Charles Mercier
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Project Name and Location: New Indy - Precise Grading for New Power Plant 5100 E Jurupa St
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Sent to: IMEG Corp 300 N Lake Ave, 14 <sup>th</sup> Flr Pasadena, CA 91101	Richard Godina - richard.j.godina@imegcorp.com Telephone: (626) 463-2800
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<input checked="" type="checkbox"/>	<b>Plans dated (05/09/18) accepted for construction with corrections required checked below. The Building Department has been notified. Any changes to approved plans require a re-submittal for review and written approved by the Landscape Planning Division</b>
<input type="checkbox"/>	<b>Corrections required. Plans dated ( ) not accepted. Correct plans as noted. Resubmit <u>2 sets</u> to the Planning Department for routing to the Landscape Planning Division <u>or</u> submit electronically to <a href="mailto:landscapeplancheck@ontarioca.gov">landscapeplancheck@ontarioca.gov</a>.</b>
Response sheet required with resubmittal or plans will be returned incomplete.	

- Note for compaction to not be greater than 85% at landscape areas, all finished grades at 1 ½" below finished surfaces, landscaped slopes to be maximum 3:1 slopes. Change sections to show all landscape slopes to be maximum 3:1.
- Add to plan: Heritage tree removal to be mitigated per PDEV18-021 conditions of approval.
- Sheet 5 of 7, Construction Notes #39; replace gravel with landscape materials.
- Call out swales, show outlet and add a description of bioswales or engineered soil for swale.
- Identify landscape areas on grading plans.
- Call out new proposed and existing wall and/or fencing; call out materials, heights and finishes.
- Revise Bio-retention areas to engineered soil ( 65% sand, 20% clay and silt fines, 15% organic matter by volume) with 40% void spaces and capable of supporting vegetation.
- The applicant shall pay all applicable fees for landscape plan check and inspections prior to final approval; see attached invoice #253147.

Plan Check—less than 5 acres .....	\$1,301.00
Inspection—Construction (up to 3 inspections per phase).....	\$ 278.00
Total .....	\$1,579.00

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

# CITY OF ONTARIO

## MEMORANDUM

**TO:** PLANNING DEPARTMENT, Lorena Mejia  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** June 27, 2018  
**SUBJECT:** PDEV18-021

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

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### Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lm



# CITY OF ONTARIO MEMORANDUM



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**DATE:** September 24, 2018  
**TO:** Jesus Plasencia, Engineering Department  
**FROM:** Peter Tran, Utilities Engineering Department

**SUBJECT:** DAB#1 and Condition of Approval (COA) - Utilities Comments (**#5470**)  
**PROJECT NO.:** PDEV18-021 (Combined Heat and Power Plant-5100 E. Jurupa)

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## BRIEF DESCRIPTION

*A development plan to construct a new combined heat and power plant in conjunction with an existing paper mill on 51.05 acres of land located at 5100 East Jurupa Street, within the IH (Heavy Industrial) and UC (Utility Corridor) zoning districts.*

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## THIS SUBMITTAL IS COMPLETE AND RECOMMENDED FOR APPROVAL.

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**CORRECTION ITEMS:** *In order to be considered for approval by the Ontario Municipal Utilities Company (OMUC) the applicant shall address all the correction items below and resubmit the application for further review. Please note that all Utility design shall meet the City's Design Development Guidelines, Specifications Design Criteria, and City Standards.*

**General Comments:**

1. Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017; as well as project-specific conditions/requirements as outlined below:
2. Notify IEUA of the proposed improvements and submit plans for their review.





# CITY OF ONTARIO

## MEMORANDUM

**TO:** Lorena Mejia, Senior Planner  
Planning Department

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

**DATE:** July 6, 2018

**SUBJECT:** PDEV18-021 - A development plan to construct a new combined heat and power plant in conjunction with an existing paper mill on 51.05 acres of land located at 5100 East Jurupa Street, within the IH (Heavy Industrial) and UC (Utility Corridor) zoning districts.

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

### **SITE AND BUILDING FEATURES:**

- A. 2016 CBC Type of Construction: Not listed, new steam plant
- 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. 2016 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.ontarioca.gov](http://www.ontarioca.gov), click on “Fire Department” and then on “Standards and Forms.”
- ☒ 1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

### **2.0 FIRE DEPARTMENT ACCESS**

- ☒ 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty-four (24) ft. wide. See Standard #B-004.
- ☒ 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25’) inside and forty-five feet (45’) outside turning radius per Standard #B-005.
- ☒ 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150’) in length shall have an approved turn-around per Standard #B-002.
- ☒ 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.
- ☒ 2.5 "No Parking-Fire Lane" signs and /or red painted curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.
- ☒ 2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See Standards #B-003, B-004 and H-001.
- ☒ 2.7 Any time PRIOR to on-site combustible construction and/or storage, a minimum twenty-six (26) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services.

### **3.0 WATER SUPPLY**

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2016 California Fire Code, Appendix B, will be determined at a later date with the applicant.
- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- ☒ 3.4 The water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

### **4.0 FIRE PROTECTION SYSTEMS**

- ☒ 4.2 Underground fire mains which cross property lines shall be provided with CC & R, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of fire department plan check. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- ☒ 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard . All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.5 Fire Department Connections (FDC) shall be located on the address side of the building within one hundred fifty feet (150') of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and fire department connections per Standard #D-007. Raised curbs adjacent to Fire Department connection(s) shall be painted red, five feet either side, per City standards.
- ☒ 4.6 A fire alarm system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 72. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.

### **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.
- ☒ 5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.

- ☒ 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.

## **6.0 OTHER SPECIAL USES**

- ☒ 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.
- ☒ 6.2 Any High Piled Storage, or storage of combustible materials greater than twelve (12') feet in height for ordinary (Class I-IV) commodities or storage greater than six feet (6') in height of high hazard (Group A plastics, rubber tires, flammable liquids, etc.) shall be approved by the Fire Department, and adequate fire protection features shall be required. If High Piled Storage is proposed, a Fire Department High Piled Storage Worksheet shall be completed and detailed racking plans or floor plans submitted prior to occupancy of the building.
- ☒ 6.3 Underground fuel tanks, their associated piping and dispensers shall be reviewed, approved, and permitted by Ontario Building Department, Ontario Fire Department, and San Bernardino County Fire Department Hazardous Materials Division. In fueling facilities, an exterior emergency pump shut-off switch shall be provided.



# CITY OF ONTARIO MEMORANDUM

TO: Scott Murphy, Development Director  
 Cathy Wahlstrom, Planning Director  
 Diane Ayala, Advanced Planning Division  
 Charity Hernandez, Economic Development  
 Kevin Shear, Building Official  
 Khoi Do, Assistant City Engineer  
 Carolyn Bell, Landscape Planning Division  
 Ahmed Aly, Municipal Utility Company  
 Doug Sorel, Police Department  
 Paul Ehrman, Deputy Fire Chief/Fire Marshal  
 Jay Bautista, T. E., Traffic/Transportation Manager  
 Lorena Mejia, Airport Planning  
 Steve Wilson, Engineering/NPDES  
 Joe De Sousa, Code Enforcement (Copy of memo only)  
 Jimmy Chang, IT Department

FROM: Lorena Mejia, Senior Planner

DATE: June 20, 2018

SUBJECT: FILE #: PDEV18-021 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Wednesday, July 4, 2018**.

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

**PROJECT DESCRIPTION:** A development plan to construct a new Combined Heat and Power Plant at an existing paper mill on 51.05 acres within the IH, Heavy Industrial and UC, Utility Corridor zone, located at 5100 E. Jurupa Street.

- 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

7/10/18  
Date

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV18-021  
 Address: 5100 E Jurupa Street  
 APN: 0238-132-01 & 0238-132-11  
 Existing Land Use: Paper Mill  
 Proposed Land Use: Development Plan to construct a new Heat and Power Plant  
 Site Acreage: 51.05 ac Proposed Structure Height: 75 FT  
 ONT-IAC Project Review: N/A  
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia  
 Contact Info: 909-395-2276  
 Project Planner: Lorena Mejia  
 Date: 7/31/18  
 CD No.: 2018-045  
 PALU No.: n/a

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

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

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

Zone 1   
  Zone 2   
  Zone 3   
  Zone 4   
  Zone 5   
  Zone 6  
 Allowable Height: \_\_\_\_\_

## CONSISTENCY DETERMINATION

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

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

Airport Planner Signature: \_\_\_\_\_