

CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING AGENDA

January 22, 2019

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 November 27, 2018, approved as written.

A-02. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP

EXTENSION REVIEW FOR FILE NO. PMTT16-013 (TM 20050): A one-year Time Extension of the expiration date for the approval of File No. PMTT16-013, a Tentative Tract Map (TM 20050) to subdivide 3.47 acres of land for condominium purposes, located on the west side of Euclid Avenue, between Francis Avenue and Cedar Street, at 1910 South Euclid Avenue, within the MDR-18 (Medium Density Residential - 11.1 to 18.0 DUs/acre) and EA (Euclid Avenue) Overlay zoning districts. Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15304 (Class 4, Minor Alterations to Land) 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 (APNs: 1050-381-04, 1050-381-05, 1050-381-06, 1050-381-07, 1050-381-08 and 1050-381-09); **submitted by 1902 Euclid Property LLC.** This item was continued from the adjourned December 17, 2018 special meeting.

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.

PLANNING COMMISSION ITEMS

B. ENVIRONMENTAL ASSESSMENT, TENTATIVE PARCEL MAP AND DEVELOPMENT PLAN REVIEW FOR FILE NOS., PMTT18-006 AND PDEV18-014:

A Tentative Parcel Map No. 19904 (**File No. PMTT18-006**) to subdivide approximately 85 acres of land into nine (9) parcels and six (6) letter lots, and a Development Plan (**File No. PDEV18-014**) to construct nine (9) industrial buildings totaling 1,685,420 square feet, for property located along the southwest corner of Merrill Avenue and Archibald Avenue within the Business Park (Planning Area 1) and Industrial (Planning Area 2) land use designations of the Colony Commerce Center East Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Colony Commerce Center East Specific Plan (File No. PSP16-003) Environmental Impact Report (SCH# 2017031048) certified by City Council on May 1, 2018. This project introduces no new significant environmental impacts, and all previously-adopted mitigation measures are a condition of project approval. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with both policies and criteria of the Ontario International Airport Land Use Compatibility Plans (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: 0218-311-02, 0218-311-03, 0218-311-08, 0218-311-10) **submitted by Colony Commerce Ontario East LP, a Delaware Limited Partnership.** This item was continued from the November 27, 2018 Planning Commission meeting to the December 17, 2018 special meeting, which was subsequently adjourned to the regular meeting of January 22, 2019, due to lack of quorum.

1. CEQA Determination

No action necessary – use of previous EIR

2. File No. PMTT18-006 (Tentative Parcel Map)

Motion to Approve/Deny

3. File No. PDEV18-014 (Development Plan)

Motion to Approve/Deny

C. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA18-002:

A Development Agreement (**File No. PDA18-002**) between the City of Ontario and Colony Commerce Ontario East LP, a Delaware Limited Partnership, to establish the terms and conditions for the development of a

Tentative Parcel Map No. 19904 (**File No. PMTT18-006**), for property located along the southwest corner of Merrill Avenue and Archibald Avenue within the Business Park (Planning Area 1) and Industrial (Planning Area 2) land use designations of the Colony Commerce Center East Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Colony Commerce Center East Specific Plan (File No. PSP16-003) Environmental Impact Report (SCH# 2017031048) certified by City Council on May 1, 2018. This application introduces no new significant environmental impacts, and all previously-adopted mitigation measures are a condition of project approval. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with both policies and criteria of the Ontario International Airport Land Use Compatibility Plans (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: 0218-311-02, 0218-311-03, 0218-311-08, 0218-311-10) **submitted by Colony Commerce Ontario East LP, a Delaware Limited Partnership.** This item was continued from the November 27, 2018 Planning Commission meeting to the December 17, 2018 special meeting, which was subsequently adjourned to the regular meeting of January 22, 2019, due to lack of quorum. **City Council Action is required.**

1. CEQA Determination

No action necessary – use of previous EIR

2. File No. PDA18-002 (Development Agreement)

Motion to recommend Approval/Denial

MATTERS FROM THE PLANNING/HISTORIC PRESERVATION COMMISSION

- 1) Old Business
 - Reports From Subcommittees
 - Historic Preservation (Standing): Met on January 10, 2019
- 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.

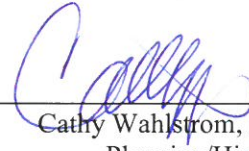
If you challenge any action of the Planning/Historic Preservation Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning/Historic Preservation Commission at, 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 **January 18, 2019**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.



Gwen Berendsen, Secretary Pro Tempore



Cathy Wahstrom, Planning Director
Planning/Historic Preservation
Commission Secretary

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

MINUTES

November 27, 2018

CONTENTS	PAGE
PLEDGE OF ALLEGIANCE.....	2
ANNOUNCEMENTS.....	2
PUBLIC COMMENTS.....	2
CONSENT CALENDAR	
A-01. Minutes of October 23, 2018	2
A-02. File No. PDEV18-009	2
PUBLIC HEARINGS	
B. File Nos. PVAR18-004 & PDEV18-001	4
C. File Nos. PCUP18-003 & PDEV18-024	6
D. File Nos. PMTT18-006 & PDEV18-014	7
E. File No. PDA18-002	8
MATTERS FROM THE PLANNING COMMISSION.....	9
DIRECTOR’S REPORT.....	9
ADJOURNMENT	9

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

MINUTES

November 27, 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, Downs, Gage, and Reyes

Absent: DeDiemar, Gregorek

OTHERS PRESENT: Planning Director Wahlstrom, City Attorney Duran, Assistant Planning Director Zeledon, Senior Planner Mejia, Assistant Planner Vaughn, Assistant City Engineer Do, Assistant Building Official Rico and Planning Secretary Berendsen

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Downs.

ANNOUNCEMENTS

Ms. Wahlstrom stated Items D and E are being continued, so staff can work out the terms of the Development Agreement.

Mr. Reyes asked that Item A-02 be pulled from the consent calendar.

PUBLIC COMMENTS

No one responded from the audience.

CONSENT CALENDAR ITEMS

A-01. MINUTES APPROVAL

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

It was moved by Willoughby, seconded by Downs, to approve the Consent Calendar which includes the Planning Commission Minutes of October 23, 2018, as written. The motion was carried 4 to 0. Gage abstained.

A-02. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW

FOR FILE NO. PDEV18-009: A Development Plan (File No. PDEV18-009) to construct 51 single-family dwellings on 9.26 acres of land located north of Chino Avenue and approximately 280 feet west of Archibald Avenue, within Neighborhood 4 (RD-5,000) of the Countryside Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Countryside Specific Plan (PSP04-001) Environmental Impact Report (SCH# 2004071001) certified by the City Council on April 18, 2006. This project introduces no new significant environmental impacts, and all previously-adopted mitigation measures are a condition of project approval. 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: 0218-111-54 and 0218-111-55) **submitted by KB Home.**

Attorney Duran stated that this isn't a normal public hearing item, as it wasn't noticed and that the procedure would be that the person who pulled the item can explain why he pulled it and then there can be Commissioner discussion and anyone wishing to comment on the item may, but not in the context of a formal hearing.

Mr. Reyes stated he wanted to pull the item so he could have the specifics of the item explained.

Assistant Planner Vaughn, presented the staff report. She explained the specifics of the proposed project like landscape, floor plans, paseo areas, and parking. She stated that staff is recommending the Planning Commission approve File No. PDEV18-009, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Reyes wanted site plan clarification regarding why there isn't a small park for the 51 dwelling units.

Ms. Vaughn stated this project has paid an in-lieu park development impact fee and that this project is part of the larger central park plan within the Countryside Specific Plan.

Mr. Reyes wanted clarification of the paseo area and its purpose.

Ms. Vaughn stated this paseo would be used as a pedestrian and bike connection to the larger park area, the trail along the channel and the surrounding neighborhoods.

Mr. Reyes wanted clarification as to what formula is used to determine if there is a park or not in areas, or if it's a paseo or tot lot.

Ms. Wahlstrom stated the master plan does talk about park land that is required either through development or fees. She stated they look at the context of the surrounding area and close proximity of parks that can be walked to.

Mr. Zeledon explained that in 2013 when the tract map was approved the park requirement was part of the development agreement, which included a 3-1 fee to go to the larger park, because they felt that it was only 52 units and a small park would be insufficient in this area, especially if they had the paseo.

Ms. Wahlstrom clarified that there are 52 lots and only 51 homes, as one lot is a well site, and will be built at a future time.

Mr. Willoughby wanted to clarify that the Countryside Specific Plan consists of 8 neighborhoods and they were looked at as a whole when they approved

Mr. Zeledon clarified the areas within the specific plan and indicated where parks would be as the areas are developed.

Ms. Wahlstrom stated that the larger lots within this project, allow for more private open space.

PUBLIC TESTIMONY

There was no one else wishing to speak on the item.

Mr. Reyes stated he wasn't here when the specific plan was approved and appreciated staff clarifying, so he can see the bigger picture.

PLANNING COMMISSION ACTION

It was moved by Downs, seconded by Reyes, to adopt a resolution to approve the Development Plan, File No., PDEV18-009, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gage, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, DeDiemar and Gregorek. The motion was carried 5 to 0.

PUBLIC HEARING ITEMS

- B. ENVIRONMENTAL ASSESSMENT, VARIANCE, AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PVAR18-004 AND PDEV18-001:** A Variance (File No. PVAR18-004) to: [1] reduce the parking setbacks along an arterial street from 20 feet to 16 feet; [2] reduce the drive aisle setbacks along an arterial street from 20 feet to 11 feet; and [3] deviate from the number of required parking spaces, from 47 to 41 spaces; in conjunction with a Development Plan (File No. PDEV18-001) to reconstruct a 4,950 square-foot McDonald's drive-thru restaurant on 0.81 acres of land located at 1107 East Fourth Street, within the CN (Neighborhood Commercial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15302 (Class 2, Replacement or Reconstruction) 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: 1047-461-20) **submitted by McDonald's USA, LLC.**

Assistant Planner Vaughn, presented the staff report. She described the location and the surrounding area. She described the current footprint and the proposed project footprint and circulation. She explained why the variance is needed to allow for a safer site circulation, compliance with ADA accessibility, building setback, landscaping and trash enclosure requirements and to minimize impacts to the adjacent residential area. She stated that staff is recommending the Planning Commission approve File Nos. PVAR18-004 and PDEV18-001,

pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Gage wanted clarification regarding the reduced setbacks along the arterial street.

Ms. Vaughn stated the front parking setback on Fourth Street would be from 20 to 16 feet, so that they can get additional parking spaces and the drive-isle setback reduction along Fourth Street to allow for the new circulation exiting.

PUBLIC TESTIMONY

Mr. Carlos Madrigal representing McDonald's appeared and stated he was available to answer any questions.

Mr. Downs wanted clarification regarding how long the McDonald's will be closed.

Mr. Madrigal stated about 5 months from demo to completion, depending on final inspections.

Mr. Delman stated he went by a few days ago and the drive-thru was packed.

Mr. Madrigal stated that the new circulation will be much better and safer for exiting.

Mr. Gage wanted to know if the construction will lessen the number of seats inside.

Mr. Madrigal stated yes it will with kiosk to order and the ADA and fire requirements will reduce the seating to 75 – 80 and the play area around 15-20, depending on the size of the play structure.

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

Mr. Gage stated he likes the construction and new configuration, and even with the fewer parking spaces it will enhance the site overall.

Mr. Reyes congratulated the team that put this project together as it looks very modern and clean. He stated that with the screening to north and east and the landscaping, it is a much better site, even with the variances.

Mr. Willoughby stated he agreed with his fellow Commissioners and appreciates the staff working well with the applicant and is a lot safer and will be a nice addition.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Gage, to adopt a resolution to approve the Variance, File No. PVAR18-004, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gage, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, DeDiemar, and Gregorek. The motion was carried 5 to 0.

It was moved by Downs, seconded by Reyes, to adopt a resolution to approve the the Development Plan, File No. PDEV18-001, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gage, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, DeDiemar, and Gregorek. The motion was carried 5 to 0.

- C. **ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT REVIEW FOR FILE NOS. PDEV18-024 AND PCUP18-003**: A Development Plan (File No. PDEV18-024) to construct a 23,952 square foot office/industrial building in conjunction with a Conditional Use Permit (File No. PCUP18-003) to establish a contractor's storage yard on 2.4 acres, located at 901 South Sultana Avenue, within the (IL) Light Industrial zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development) 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 ONT Airport Land Use Compatibility Plan (ALUCP); (APN: 1049-353-14) **submitted by Ferreira Construction, Co, Inc.**

Senior Planner Mejia, presented the staff report. She described the location and the surrounding area and the current zoning. She explained the history of the property and the existing site configuration and the proposed aspects and phasing of the project. She described the access, parking and landscaping to be provided. She stated the CUP is needed to establish a storage yard and the phasing plan. A community meeting was held and one person attended and spoke in favor of the project. She stated that staff is recommending the Planning Commission approve File Nos. PCUP18-003 and PDEV18-024, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Downs wanted to know how active the railroad to the east is and what impacts will the construction have on it.

Ms. Mejia stated it is seldom used, only by Patton maybe.

Mr. Reyes wanted clarification regarding the two existing buildings that would remain and will they be getting any improvements.

Ms. Mejia stated that is correct and they wouldn't as they will be behind the screen wall.

Mr. Reyes wanted to know if these were auxiliary buildings for storage, repairs and equipment.

Ms. Mejia stated that is correct.

PUBLIC TESTIMONY

Mr. Brandon Pensick representing Ferreira Construction, Co., appeared and stated he was available to answer any questions.

Mr. Reyes wanted clarification on the timeline for the phases and the overall company's goals.

Mr. Pensick stated yes that is correct, they want to occupy the yard space and get it built as soon as possible. He stated they want to bring everything together as one.

Mr. Reyes wanted to know the reasoning behind bringing the field and office together.

Mr. Pensick stated it's just easier to manage when everything is all together, especially as they are growing.

Mr. Downs wanted to know if the current employees that are in Rancho and Chino, would be moving over to Ontario.

Mr. Pensick stated the office staff are in Rancho and the field staff report to Chino and yes they would all will eventually be working out of this site.

Mr. Delman stated he likes this project and it will be great for the community.

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

Mr. Gage stated he appreciates working with staff and lessening the impact of the use to the residents and the landscape and walls. He stated the previous idea for this site didn't work out and this shows the contrast and how two kinds of uses can work together.

Mr. Reyes thanked staff and the applicant for working with the city departments, and that it is challenging site and it is always important to take care of the neighbors. He stated he really likes the layout.

Mr. Willoughby thanked applicant for patience with working with the city and the staff, and stated he looks forward to their business coming to Ontario.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Downs, to adopt a resolution to approve the Conditional Use Permit, File No. PCUP18-003, and the Development Plan, File No. PDEV18-024, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gage, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, DeDiemar, and Gregorek. The motion was carried 5 to 0.

- D. ENVIRONMENTAL ASSESSMENT, TENTATIVE PARCEL MAP AND DEVELOPMENT PLAN REVIEW FOR FILE NOS., PMTT18-006 AND PDEV18-014:** A Tentative Parcel Map No. 19904 (**File No. PMTT18-006**) to subdivide approximately 85 acres of land into nine (9) parcels and six (6) letter lots, and a Development Plan (**File No. PDEV18-014**) to construct nine (9) industrial buildings totaling 1,685,420 square feet, for property located along the southwest corner of Merrill Avenue and Archibald Avenue within the Business Park (Planning Area 1) and Industrial (Planning Area 2) land use designations of the Colony Commerce Center East Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Colony Commerce Center East Specific Plan (File No. PSP16-003) Environmental Impact Report (SCH# 2017031048) certified by City Council on May 1,

2018. This project introduces no new significant environmental impacts, and all previously-adopted mitigation measures are a condition of project approval. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with both policies and criteria of the Ontario International Airport Land Use Compatibility Plans (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: 0218-311-02, 0218-311-03, 0218-311-08, 0218-311-10) **submitted by Colony Commerce Ontario East LP, a Delaware Limited Partnership.** This item was continued from the October 23, 2018 Planning Commission meeting.

- E. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA18-002:** A Development Agreement (**File No. PDA18-002**) between the City of Ontario and Colony Commerce Ontario East LP, a Delaware Limited Partnership, to establish the terms and conditions for the development of a Tentative Parcel Map No. 19904 (**File No. PMTT18-006**), for property located along the southwest corner of Merrill Avenue and Archibald Avenue within the Business Park (Planning Area 1) and Industrial (Planning Area 2) land use designations of the Colony Commerce Center East Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Colony Commerce Center East Specific Plan (File No. PSP16-003) Environmental Impact Report (SCH# 2017031048) certified by City Council on May 1, 2018. This application introduces no new significant environmental impacts, and all previously-adopted mitigation measures are a condition of project approval. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with both policies and criteria of the Ontario International Airport Land Use Compatibility Plans (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: 0218-311-02, 0218-311-03, 0218-311-08, 0218-311-10) **submitted by Colony Commerce Ontario East LP, a Delaware Limited Partnership.** This item was continued from the October 23, 2018 Planning Commission meeting. **City Council Action is required.**

Ms. Wahlstrom stated item D and E are being recommended to be continued to the December 17, 2018 special Planning Commission meeting.

PUBLIC TESTIMONY

No one responded.

There was no Planning Commission deliberation.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Gage, to continue the Tentative Parcel Map, File No. PMTT18-006, the Development Plan, File No. PDEV18-014, and the Development Agreement, File No., PDA18-002 to the December

17, 2018 special Planning Commission meeting. The motion was carried 5 to 0.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

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

New Business

Mr. Reyes stated that the shopping center at the SE corner of Mountain and Philadelphia is looking shabby and unmaintained and wanted to know if we can let code enforcement know.

Ms. Wahlstrom stated staff will drive by and put a call into code regarding deferred maintenance.

Mr. Reyes wanted clarification if there is a specific distance between smoke shops.

Mr. Zeledon stated this was updated in the development code and that smoke shop was existing.

NOMINATIONS FOR SPECIAL RECOGNITION

None at this time.

DIRECTOR'S REPORT

Ms. Wahlstrom stated the Monthly Activity Reports are in their packets.

ADJOURNMENT

Willoughby motioned to adjourn, seconded by Gage. The meeting was adjourned at 7:28 PM.

Secretary Pro Tempore

Chairman, Planning Commission



**PLANNING COMMISSION
STAFF REPORT**
January 22, 2019

FILE NO.: PMTT16-013 (TT 20050)

SUBJECT: A one-year Time Extension of the expiration date for the approval of File No. PMTT16-013, a Tentative Tract Map (TT 20050) to subdivide 3.47 acres of land for condominium purposes, located on the west side of Euclid Avenue, between Francis Avenue and Cedar Street, at 1910 South Euclid Avenue, within the MDR-18 (Medium Density Residential - 11.1 to 18.0 DUs/acre) and EA (Euclid Avenue) Overlay zoning districts (APNs: 1050-381-04, 1050-381-05, 1050-381-06, 1050-381-07, 1050-381-08 and 1050-381-09).

PROPERTY OWNER: 1902 Euclid Property, LLC

RECOMMENDED ACTION: That the Planning Commission approve a one-year Time Extension of the expiration date for the approval of File No. PMTT16-013 (TT 20050), to October 17, 2019.

PROJECT SETTING: The project site is comprised of 3.47 acres of land located on the west side of Euclid Avenue, between Francis Avenue and Cedar Street, at 1910 South Euclid Avenue, within the within the MDR-18 (Medium Density Residential—11.1 to 18.0 DUs/acre) and EA (Euclid Avenue) Overlay zoning districts, and is depicted in **Figure 1: Project Location**, to the right. The property surrounding the Project site is characterized by a commercial shopping center to the north, residential land uses to the west, Ontario Christian School to the east, and Mountain View Baptist Church and residential land uses to the south. The surrounding land uses, zoning and general plan land use designations are listed in the **“Surrounding Zoning & Land Uses”** table located in the Technical Appendix of this report.

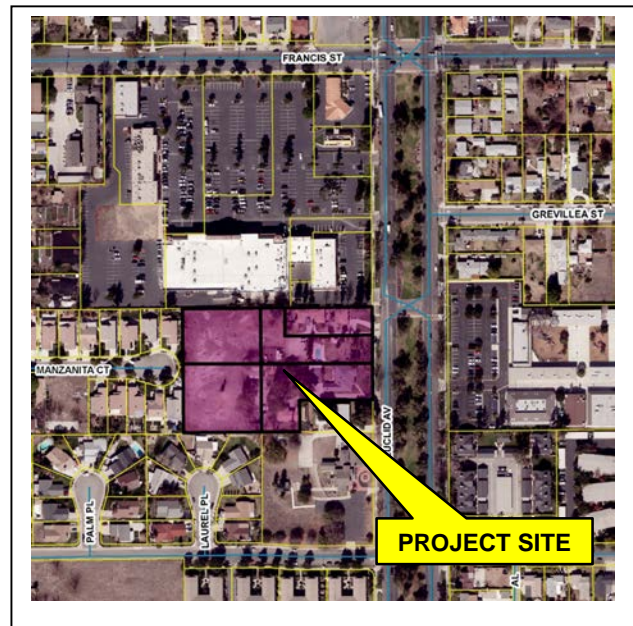


Figure 1: Project Location

Case Planner:	Jeanie Irene Aguilo
Planning Director Approval:	
Submittal Date:	08/13/18

Hearing Body	Date	Decision	Action
DAB	12/17/18	Approved	Recommend
PC	1/22/19		Final
CC			

PROJECT ANALYSIS:

Background — On October 25, 2016, the Planning Commission approved a Tentative Parcel Map (File No. PMTT16-013) subdivide 3.47 acres of land into 10 numbered lots and 2 lettered (common) lots, for condominium purposes. The purpose of the Tract Map was to facilitate the development of 57 townhome units (File No. PDEV16-019).

Under the State Subdivision Map Act, parcel maps may be extended up to five years beyond their initial approval. The Applicant is now requesting the first, one-year time extension of the expiration date for Tentative Tract Map approval pursuant to the requirements of Ontario Development Code Section 2.02.025.B (Time Extensions). The time extension will allow for the completion and City approval of Covenants, Conditions and Restrictions (CC&Rs), which are required to be recorded with the Final Tract Map.

On December 17, 2018, the Development Advisory Board of the City of Ontario conducted a hearing and issued a Decision recommending the Planning Commission grant the requested one-year Time Extension.

On December 17, 2018, the Planning Commission had been adjourned due to lack of quorum and the project was adjourned to the next regular Planning Commission meeting.

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

[1] City Council Goals.

- Operate in a Businesslike Manner
- Focus Resources in Ontario's Commercial and Residential Neighborhoods

[2] Vision.

Distinctive Development:

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

[3] Governance.

Decision Making:

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

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

[4] Policy Plan (General Plan)

Land Use Element:

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

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

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.

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.

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.

➤ 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;
- Landscaped parkways, with sidewalks separated from the curb.

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

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

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

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

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 number of dwelling units (57 units) and density (16.4 units/acre) specified in the Available Land Inventory.

<i>Assessor Parcel Numbers (APN)</i>	<i>Lot Area</i>
APN: 1050-381-04, 1050-381-05, 1050-381-06, 1050-381-07, 1050-381-08 and 1050-381-09	3.47 acres

	<i>Available Land Inventory</i>	
	<i>Existing</i>	<i>Proposed</i>
Number of Units:	39 to 62	57
Assumed Density:	11.1 to 18.0 DUs/Acre	16.4 DUs/acre

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport, and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan.

ENVIRONMENTAL REVIEW: The proposed Tentative Parcel Map is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines, which consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into 4 or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels conform to local standards and are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

CONDITIONS OF APPROVAL: See attached department reports.

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/Medium Density Residential	MDR (Medium Density Residential)	MDR18 (Medium Density Residential) and EA (Euclid Avenue Overlay)	N/A
<i>North</i>	Commercial Shopping Center	MU (Mixed-Use)	MU-11 (Euclid/Francis Mixed-Use) and EA (Euclid Avenue Overlay)	N/A
<i>South</i>	Single Family Residential and Mountain View Baptist Church	LDR (Low Density Residential) and MDR (Medium Density Residential)	LDR5 (Low Density Residential) and MDR18 (Medium Density Residential)	N/A
<i>East</i>	Ontario Christian School	MDR (Medium Density Residential)	MDR18 (Medium Density Residential) and EA (Euclid Avenue Overlay)	N/A
<i>West</i>	Single Family Residential	LDR (Low Density Residential)	LDR5 (Low Density Residential)	N/A

Off-Street Parking:

<i>Type of Use</i>	<i>No.</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
1-bedroom units	20 units	1.75 spaces per dwelling unit	35	40
3-bedroom units	37 units	2.5 spaces per dwelling unit	93	74
Visitor	57	1 Space Per 5 (51-100 Units)	12	26
TOTAL			140	140

General Site & Building Statistics

<i>Item</i>	<i>Required Min./Max.</i>	<i>Provided (Ranges)</i>	<i>Meets Y/N</i>
<i>Project area (in acres):</i>	10,000 SF (Min)	3.47 acres	Y
<i>Maximum project density (dwelling units/ac):</i>	11.1 to 18.0 DU/acre	16.4 DU/acre	Y
<i>Maximum coverage (in %):</i>	60%	42%	Y
<i>Minimum lot size (in SF):</i>	N/A		
<i>Minimum lot depth (in FT):</i>	100 FT (Min)	495 FT	Y
<i>Minimum lot width (in FT):</i>	100 FT (Min)	330 FT	Y
<i>Front yard setback (in FT):</i>	30 FT (Min)	25 FT to porch, 30 FT to living	Y ¹
<i>Side yard setback (in FT):</i>	10 FT (Min)	10 FT	Y
<i>Rear yard setback (in FT):</i>	10 FT (Min)	14 FT	Y

<i>Item</i>	<i>Required Min./Max.</i>	<i>Provided (Ranges)</i>	<i>Meets Y/N</i>
<i>Drive aisle setback (in FT):</i>	20 FT	20 FT	Y
<i>Parking setback (in FT):</i>	5 FT	5 FT	Y
<i>Structure setbacks (in FT):</i>	30 FT (Min)	30 FT	Y
<i>Maximum dwelling units/building:</i>	N/A	6	Y
<i>Maximum height (in FT):</i>	45 FT	43 FT	Y
<i>Parking – resident:</i>	128 space	128 spaces	Y
<i>Parking – guest:</i>	12 spaces	12 spaces	Y
<i>Open space – private:</i>	200 SF/unit = 11,400 SF	13,763 SF	Y
<i>Open space – common:</i>	300 SF/unit = 17,100 SF	47,302 SF	Y

Notes:

1. A porch, patio, or deck, may extend up to 30 percent into a required street setback area.

Dwelling Unit Count:

<i>Item</i>	<i>Required Min./Max.</i>	<i>Provided (Ranges)</i>	<i>Meets Y/N</i>
<i>Total no. of units</i>	39 (Min)/62 (Max)	57	Y
<i>Total no. of buildings</i>	N/A	10	Y
<i>No. units per building</i>	N/A	5 to 6	Y

Dwelling Unit Statistics:

<i>Unit Type</i>	<i>Size (in SF)</i>	<i>No. Bedrooms</i>	<i>No. Bathrooms</i>	<i>No. Stories</i>	<i>Private Open Space (in SF)</i>
Plan 1-A	808 SF	1	1	1	119
Plan 1-B	808 SF	1	1	1	180
Plan 2	2,166 SF	2 (optional 3)	2	3	276
Plan 3	2,267 SF	2 (optional 3)	2	3	309

Exhibit A: Project Location Map

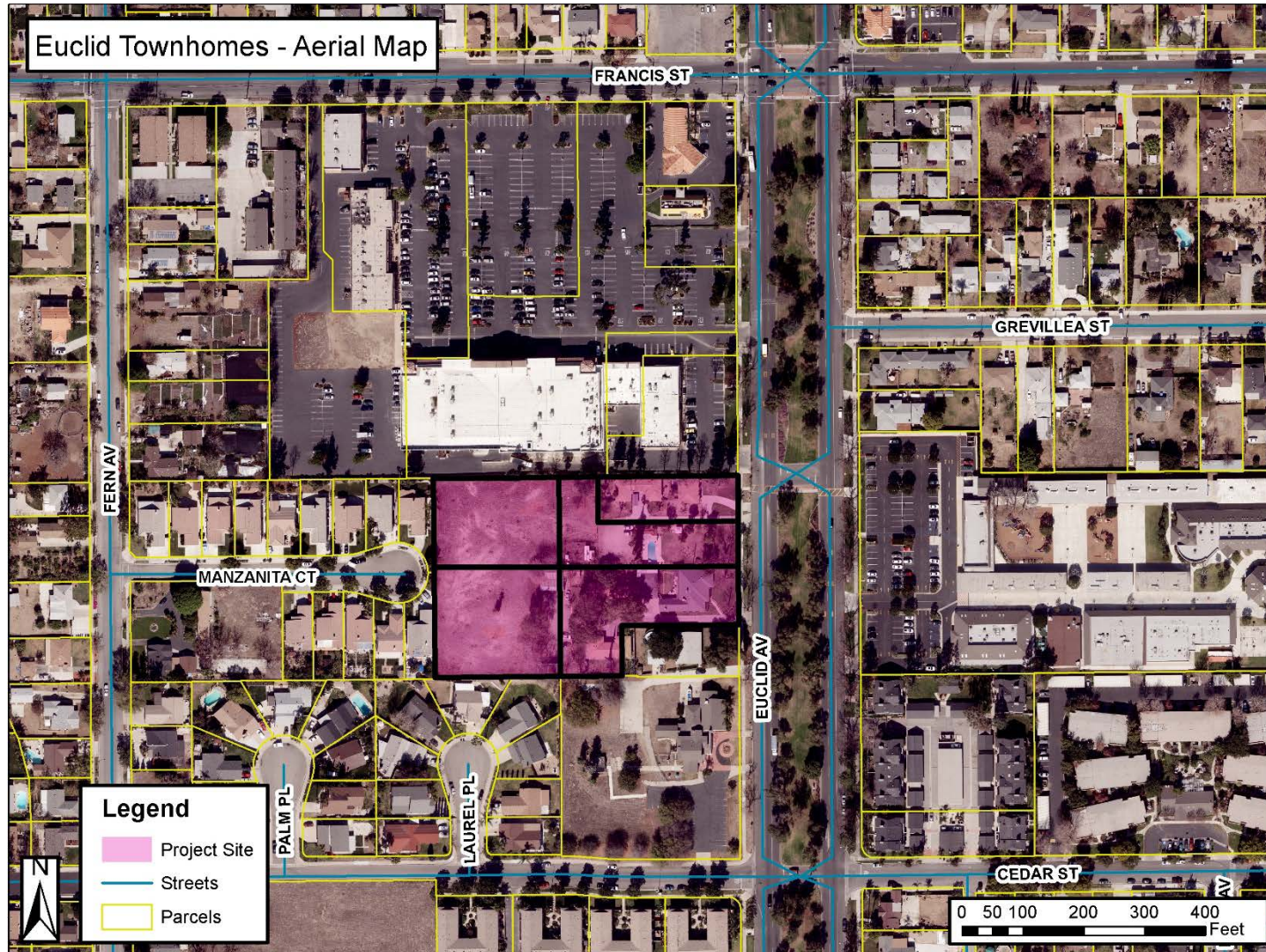


Exhibit B: Site Plan

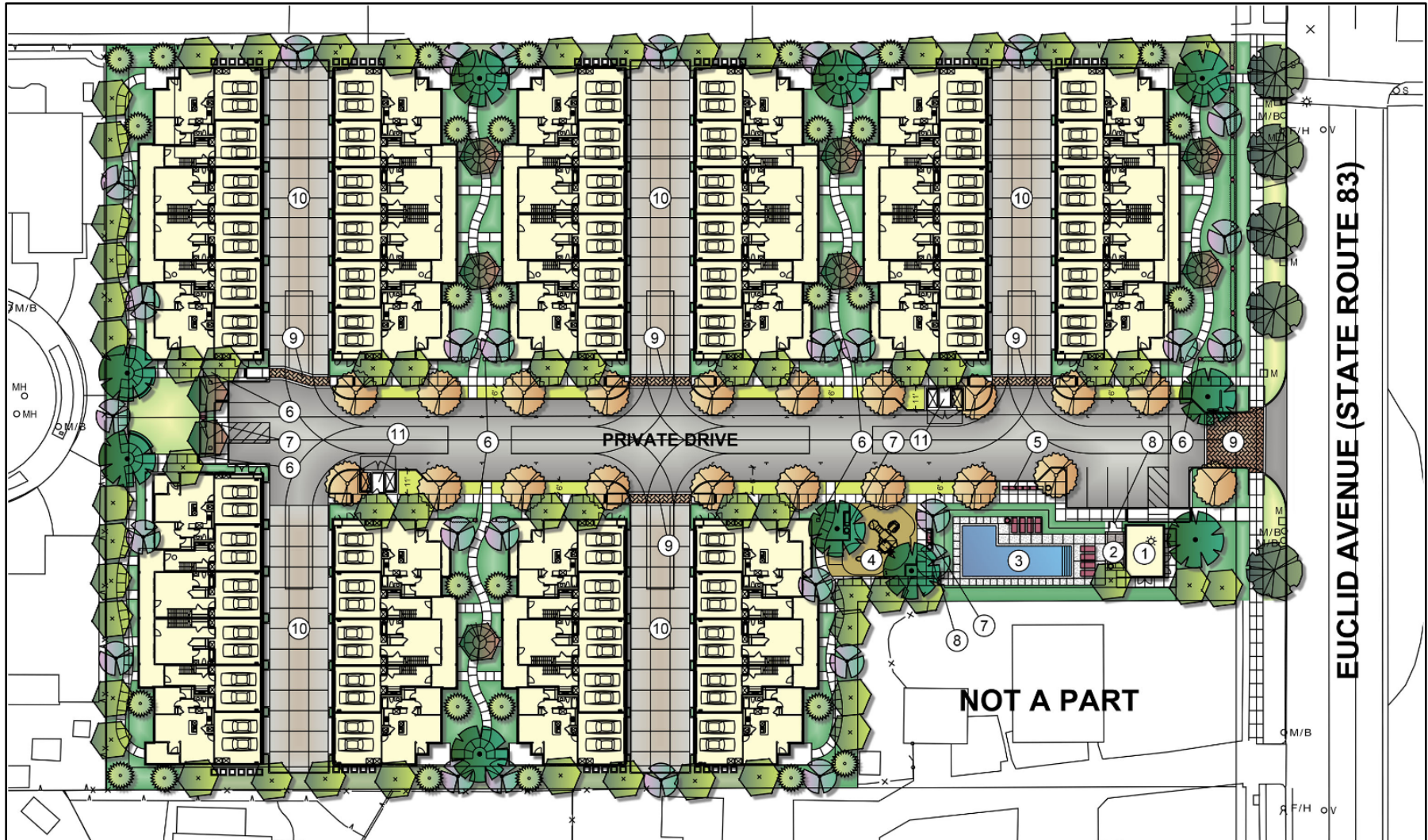
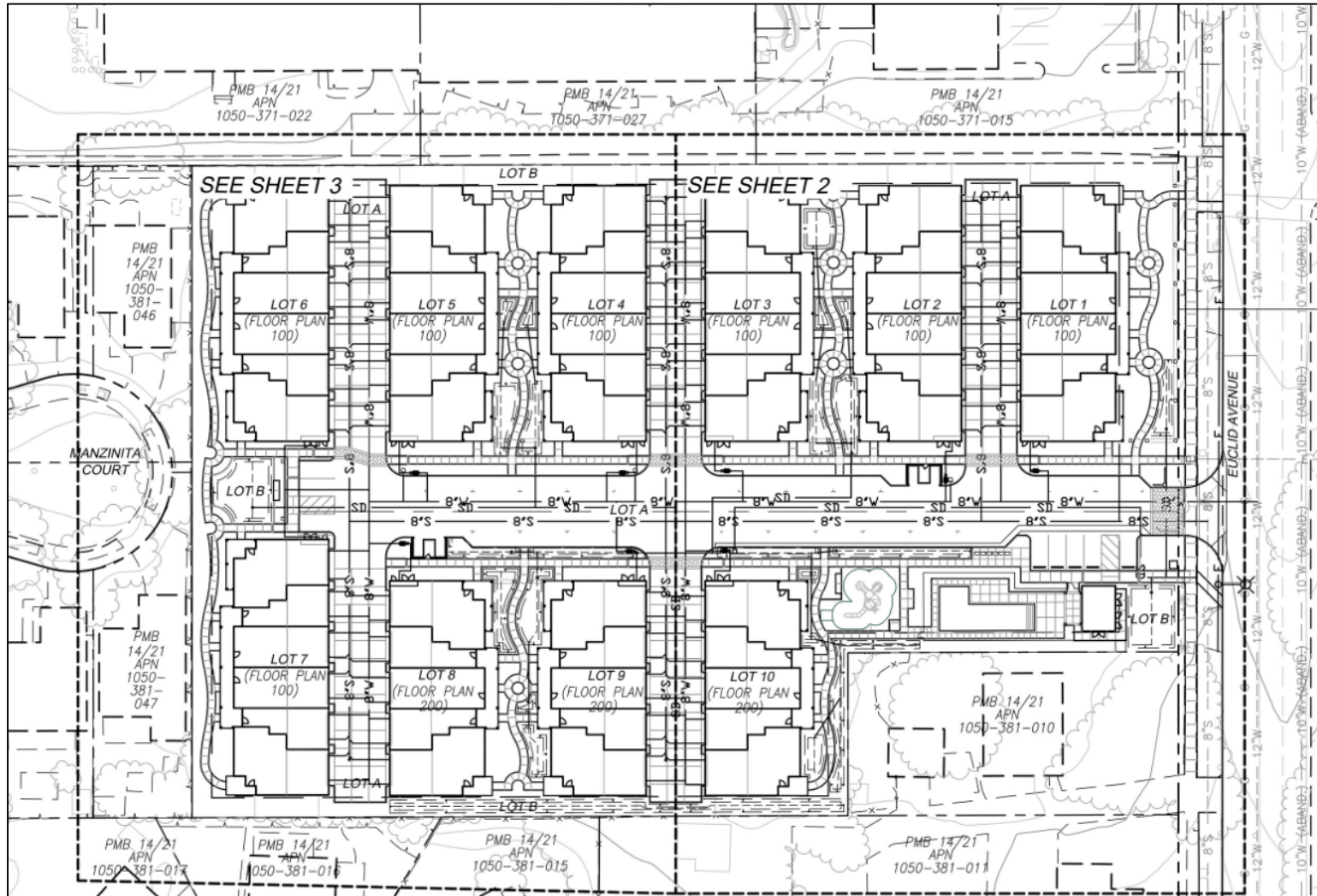


Exhibit C: Conceptual Grading Plan (TTM 20050)



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A ONE-YEAR TIME EXTENSION OF THE EXPIRATION DATE FOR THE APPROVAL OF FILE NO. PMTT16-013, A TENTATIVE TRACT MAP (TT 20050) TO SUBDIVIDE 3.47 ACRES OF LAND FOR CONDOMINIUM PURPOSES, LOCATED ON THE WEST SIDE OF EUCLID AVENUE, BETWEEN FRANCIS AVENUE AND CEDAR STREET, AT 1910 SOUTH EUCLID AVENUE, WITHIN THE MDR-18 (MEDIUM DENSITY RESIDENTIAL - 11.1 TO 18.0 DUS/ACRE) AND EA (EUCLID AVENUE) OVERLAY ZONING DISTRICTS, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1050-381-04, 1050-381-05, 1050-381-06, 1050-381-07, 1050-381-08 AND 1050-381-09.

WHEREAS, 1902 EUCLID PROPERTY, LCC, ("Applicant") has filed an Application for the approval of a one-year time extension of the expiration date for the approval of a Tentative Tract Map, File No. PMTT16-013, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 3.47 acres of land generally located on the west side of Euclid Avenue, between Francis Avenue and Cedar Street, at 1910 South Euclid Avenue, within the MDR-18 (Medium Density Residential—11.1 to 18.0 DUs/Acre) and EA (Euclid Avenue) Overlay zoning districts, and is vacant land; and

WHEREAS, the property to the north of the Project site is within the MU-11 (Euclid/Francis Mixed-Use) and EA (Euclid Avenue Overlay) zoning district, and is developed with a commercial shopping center. The property to the east is within the MDR-18 (Medium Density Residential) and EA (Euclid Avenue Overlay) zoning district, and is developed with Ontario Christian School. The property to the south is within the LDR-5 (Low Density Residential) and MDR-18 (Medium Density Residential—11.1 to 18.0 DUs/Acre) zoning district, and is developed with single family residences and Mountain View Baptist Church.

The property to the west is within the LDR-5 (Low Density Residential—2.1 to 5.0 DUs/Ac) zoning district, and is developed with single family residences; and

WHEREAS, on October 25, 2016, the Planning Commission approved Tentative Tract Map (TT 20050), which, pursuant to Ontario Development Code Section 2.02.025 (Time Limits and Extensions), shall become null and void 2 years following the effective date of application approval (on October 25, 2018), unless the Final Tentative Tract Map has been recorded or a time extension has been approved by the Planning Commission; and

WHEREAS, the Applicant is now requesting a one-year time extension of the expiration date for Tentative Tract Map approval pursuant to Ontario Development Code Section 2.02.025.B (Time Extensions), to facilitate the development to construct 57 townhome units (File No. PDEV16-019). The time extension will allow for the completion and City approval of Covenants, Conditions and Restrictions (CC&Rs) required to be recorded with the Final Tract Map; and

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

WHEREAS, the 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 (hereinafter referred to as "ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on December 17, 2018, the Development Advisory Board of the City of Ontario conducted a hearing to consider the requested Time Extension, and concluded

said hearing on that date, voting to issue Decision No. DAB18-065, recommending the Planning Commission approve the Application; and

WHEREAS, on January 22, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the requested Time Extension, 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 authority for the Project, the Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

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

(2) The proposed Tentative Tract Map is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines, which consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into 4 or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels conform to local standards and are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent; and

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

(b) The previous determination of CEQA exemption reflects the independent judgment of the Planning Commission; and

(c) This Time Extension request introduces no new significant environmental impacts and no new evidence or changes in circumstance introduced that would bring into question that the previous determination was improper.

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

The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (57 units) and density (16.4 units/acre) specified in the Available Land Inventory.

<i>Assessor Parcel Numbers (APN)</i>	<i>Lot Area</i>
APN: 1050-381-04, 1050-381-05, 1050-381-06, 1050-381-07, 1050-381-08 and 1050-381-09	3.47 acres

	<i>Available Land Inventory</i>	
	<i>Existing</i>	<i>Proposed</i>
Number of Units:	39 to 62	57
Assumed Density:	11.1 to 18.0 DUs/Acre	16.4 DUs/acre

SECTION 3: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as “ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making authority for the Project, the Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria

(ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(1) ***The proposed Tentative Tract 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 Map is located within the MDR (Medium Density Residential) land use district of the Policy Plan Land Use Map, and the MDR18 (Medium Density Residential) and EA (Euclid Avenue Overlay) zoning district. The proposed subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing “a spectrum of housing types and price ranges that match the jobs in the City, and that make it possible for people to live and work in Ontario and maintain a quality of life” (Goal LU1). Furthermore, the project will promote the City’s policy to “incorporate a variety of land uses and building types that contribute to a complete community where residents at all stages of life, employers, workers, and visitors, have a wide spectrum of choices of where they can live, work, shop, and recreate within Ontario” (Policy LU1-6 *Complete Community*).

(2) ***The design or improvement of the proposed Tentative Tract 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 Map is located within the MDR (Medium Density Residential) land use district of the Policy Plan Land Use Map, and the MDR18 (Medium Density Residential) and EA (Euclid Avenue Overlay) zoning district. The proposed design or improvement of the subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing “[a] high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct” (Goal CD2). Furthermore, the project will promote the City’s policy to “create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

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

(3) ***The site is physically suitable for the type of development proposed.*** The project site meets the minimum lot area and dimensions of the MDR18 (Medium Density Residential) and EA (Euclid Avenue Overlay) zoning district, and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.

(4) ***The site is physically suitable for the density/intensity of development proposed.*** The project site is proposed for residential development at [a density of 16.4 DUs/acre]. The project site meets the minimum lot area and dimensions of the MDR18 (Medium Density Residential) and EA (Euclid Avenue Overlay) zoning district, and is physically suitable for this proposed density / intensity of development.

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

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

site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the project site.

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

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

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

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

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 22nd day of January 2019, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Cathy Wahlstrom
Planning Director
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. ____ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on January 22, 2019, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore



PLANNING COMMISSION STAFF REPORT

January 22, 2019

FILE NOS.: PMTT18-006 (PM 19904) & PDEV18-014

SUBJECT: A Tentative Parcel Map to subdivide approximately 85 acres of land into nine numbered and six lettered lots, and a Development Plan to construct nine industrial buildings totaling 1,685,420 square feet on property generally located at the southwest corner of Merrill and Archibald Avenues, within the Business Park (Planning Area 1) and Industrial (Planning Area 2) land use designations of the Colony Commerce Center East Specific Plan (APNs: 0218-311-02, 0218-311-03, 0218-311-08, 0218-311-10); **submitted by Colony Commerce Ontario East LP, a Delaware Limited Partnership.**

PROPERTY OWNER: Colony Commerce Ontario East LP, a Delaware Limited Partnership

RECOMMENDED ACTION: That the Planning Commission approve File Nos. PMTT18-006 (PM 19904) and PDEV18-014, 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, depicted in Figure 1: Project Location, right, is comprised of approximately 85 acres of land generally located at the southwest corner of Merrill Avenue and Archibald Avenue, and is designated for Business Park (Planning Area 1) and Industrial (Planning Area 2) land uses by the Colony Commerce Center East Specific Plan. The project site was a former dairy farm and it is now vacant.

The project site is relatively flat, with a gentle north to south slope of just over one percent. The area surrounding the project site is characterized by undeveloped land to the north, west and



Figure 1: Project Location

Case Planner:	Luis E. Batres
Planning Director Approval:	
Submittal Date:	4/25/18

Hearing Body	Date	Decision	Action
DAB	11/19/18	Approve	Recommend
PC	1/22/19		Final
CC			

south, and single-family residential land uses to the east. Additionally, the Cucamonga Creek Flood Control Channel borders the project site on the west, and the San Bernardino/Riverside County line and Riverside County Flood Control Channel borders the project site on the south.

PROJECT ANALYSIS:

[1] Background— On May 1, 2018, the City Council approved the Colony Commerce Center East Specific Plan and certified the Environmental Impact Report (EIR) for the Specific Plan. The Specific Plan establishes the land use designations, development standards, design guidelines and infrastructure improvements for 94.94 acres of land, which includes the potential development of 2,340,434 square feet of industrial development.

The applicant is requesting approval to construct nine industrial buildings totaling 1,685,420 square feet on approximately 85 acres of land within the Business Park (Planning Area 1) and Industrial (Planning Area 2) land use designations of the Colony Commerce Center East Specific Plan. The specific plan land uses are summarized below (Table 1: Land Use Summary).

Table 1: Land Use Summary

<i>Planning Area</i>	<i>Land Use</i>	<i>Acres</i>	<i>Maximum Potential Intensity (Gross Floor Area)</i>	<i>Maximum FAR</i>
PA-1	Business Park	35.19	919,725 SF	0.60
PA-2	Industrial	46.65	1,198,514 SF	0.55
PA-3	Industrial	9.65	231,195 SF	0.55
	Total	94.49	2,340,434 SF	

On November 19, 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 project has been designed in conformance with the development regulations, standards and design guidelines of the Colony Commerce Center East Specific Plan, with the objective to create a safe and attractive design, and maintain a central design theme throughout the project.

The development plan is proposing the construction of nine industrial buildings ranging in size from 41,210 to 1,000,930 square feet (see Table 2: Project Summary). The site plan has been designed with eight smaller business park buildings positioned along the street frontages of Merrill Avenue and Archibald Avenue. A larger warehouse/distribution building, is situated behind the smaller business park buildings, positioned toward the westerly side of the project site.

The eight business park buildings have been designed with the office areas oriented to the Merrill Avenue and Archibald Avenue street frontages, and with small truck courts situated along the rear or side of the buildings. Each truck court will be screened from public view (see Exhibits A & B: Site Plan) by decorative screen walls ranging from 8-feet to 14-feet in height. Special attention was given to the placement of the decorative screen walls to ensure proper screening of the truck courts from the public street and drive aisles interior to the project.

The large industrial warehouse building (Building 9) is orientated north to south, with office areas at each of the four corners, and cross-dock loading on the east- and west-facing sides of the building. Decorative screen walls ranging from 8-feet to 14-feet in height will be provided along the perimeter of the loading facilities, screening the areas from public view. Automobile parking areas have been located around each building, and have been situated to reduce interaction between cars and trucks.

The proposed project complies with the parking requirements of the Colony Commerce Center East Specific Plan. A total of 933 automobile parking spaces is required for the project and 60 truck trailer parking spaces are required. The project exceeds the minimum requirements, providing 985 automobile parking spaces and 297 truck trailer parking spaces, as shown in Table 2: Project Summary, below; therefore, no shortage of parking spaces is anticipated.

Table 2: Project Summary

<i>Bld. No.</i>	<i>Area (in square feet)</i>	<i>Site Area (in acres)</i>	<i>Parking Required</i>	<i>Parking Provided</i>	<i>Trailer Parking Required</i>	<i>Trailer Parking Provided</i>
<i>Building 1</i>	41,210	2.40	31	39	1	1
<i>Building 2</i>	50,140	2.45	35	44	1	1
<i>Building 3</i>	68,110	3.13	44	56	1	2
<i>Building 4</i>	71,340	3.41	46	49	2	2
<i>Building 5</i>	68,640	3.39	44	46	1	2
<i>Building 6</i>	109,690	5.44	65	72	3	8
<i>Building 7</i>	133,320	6.51	77	86	4	8
<i>Building 8</i>	142,040	7.55	81	86	3	14
<i>Building 9</i>	1,000,930	49.65	510	507	44	259
Total	1,685,420	83.91	933	985	60	297

[3] Site Access/Circulation—The circulation plan for the Colony Commerce Center East Specific Plan reinforces the goal of moving vehicles, pedestrians and cyclists, safely and efficiently through and around the project. The project has been designed to provide several access points along Merrill Avenue and Archibald Avenue. Site access will be provided by two driveways along Merrill Avenue and three driveways along Archibald

Avenue (see Exhibits A & B: Site Plan, attached). The driveway between Buildings 3 and 4 will serve as the primary Merrill Avenue access point and the driveway between buildings 7 and 8 will serve as the primary access point from Archibald Avenue. Both of these driveways will be signalized and will have full access. The remaining secondary driveways have been restricted to right-in and right-out only (see Figure 2: Specific Plan Circulation Plan, below).

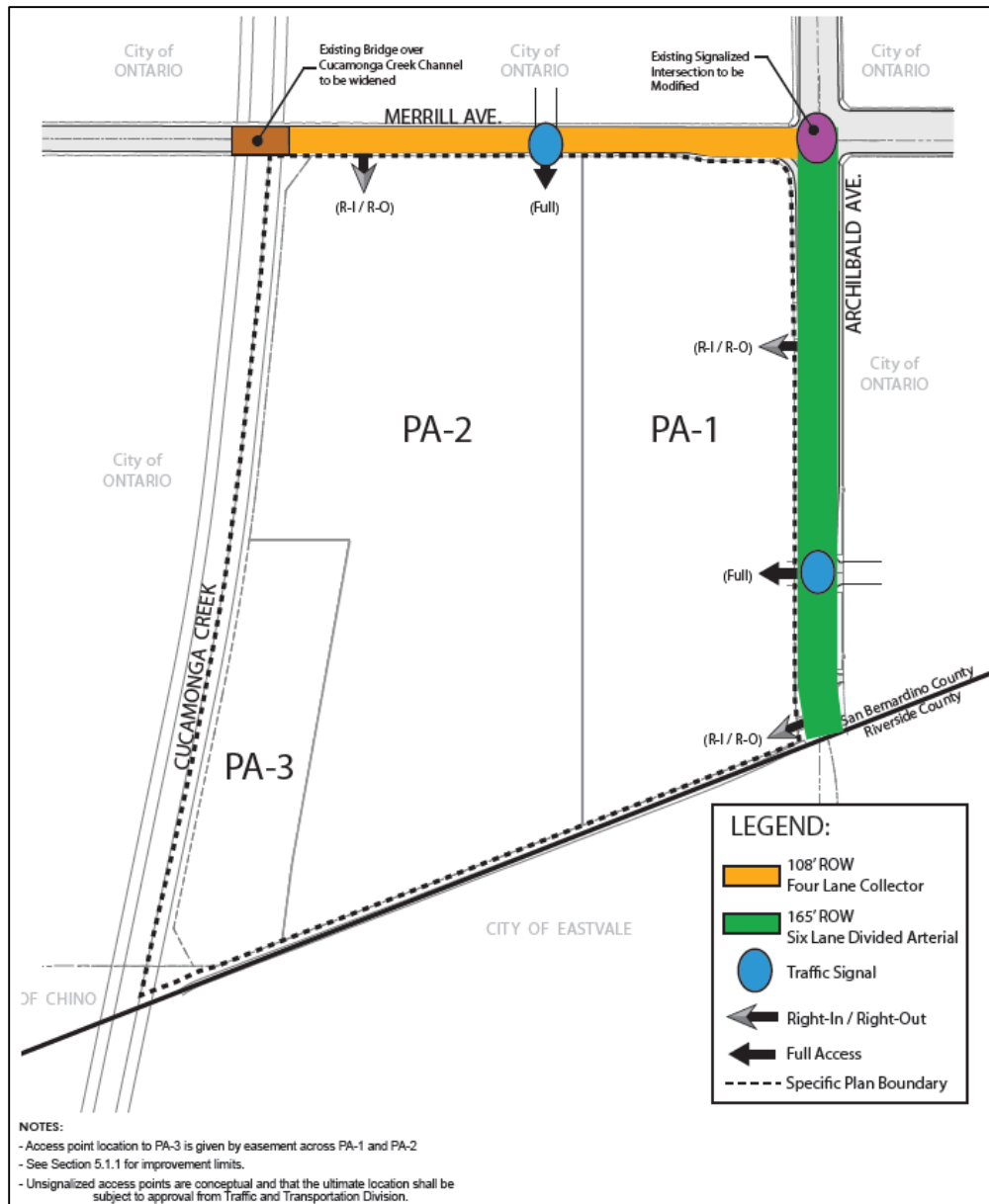


Figure 2: Specific Plan Circulation Plan

[4] Architecture—The proposed development exemplifies the type of high quality architecture prescribed by the Colony Commerce Center East Specific Plan and the

Ontario Development Code. Staff has worked with the applicant to design a project that will complement the immediate neighborhood in terms of scale, style, form, colors and material palette (see Figure 4: Project Perspective & Exhibit C: Project Perspectives).



Figure 4: Project Perspective

The contemporary architectural style proposed is in keeping with the City's high standards for new industrial development (see Exhibit E-M: Building Elevations). The project will feature:

- Focal tower elements on the building facades, facing the streets or interior drive aisles;
- Articulation in building footprints, incorporating a combination of recessed and popped-out wall areas;
- Articulation in the buildings parapet/roof line to accentuate the buildings' entries and break up large expanses of building walls;
- Variation in paint colors and reveal patterns to add architectural interest;
- Extensive use of glazing on windows and towers;
- Aluminum storefront framing to accentuate the primary towers;
- Decorative free standing architectural elements at key locations along the front of the buildings;
- Sandblasted concrete with v-grove reveals along key tower elements and along the upper portion of the primary office towers;
- Decorative aluminum window eyebrow accents; and
- Decorative metal canopies at the main building entrances.

[5] Landscaping—A 17 percent landscape coverage is proposed (the specific plan requires a minimum of 10 percent), which includes a 35-foot landscape setback along Archibald Avenue, a 33-foot average landscape setback along Merrill Avenue, a 25-foot average landscape setback along the south property line, and a 40-foot average landscape setback along the west property line.

The entry areas of each office pod have been designed with large attractive entry plazas, which will feature decorative paving and enhanced landscaping. In addition, leisure areas have also been incorporated between buildings for enjoyment by employees and visitors.

Like the building entry plazas, the leisure areas have also been designed with decorative paving, accent planting, shade trees and decorative weather resistant outdoor furniture. Moreover, decorative paving has been incorporated at all entry driveways to further enhance the overall project (see Exhibit D: Landscape Plan).

To comply with the National Pollutant Discharge Elimination System (NPDES) requirements, two large infiltration retention basins have been integrated into the project. The basins will be located along the western portion of the project and at the southwest corner of the project. Both basins will be fully landscaped with erosion control planting to complement the rest of the development. New landscaped parkways will also be provided along Merrill Avenue and Archibald Avenue.

[6] Tentative Parcel Map—The applicant is requesting approval to subdivide the approximately 85-acre project site into nine numbered lots and six lettered lots to facilitate the afore described development project. Parcels 1 through 8 are located within the Business Park (Planning Area 1) land use designation of the Specific Plan, and are situated along the frontages of Merrill Avenue and Archibald Avenue. Parcel 9 is located within the Industrial (Planning Area 2) land use designation of the Specific Plan and is located along the western interior of the project (see Exhibits N through T: Subdivision Map No. 19904). The numbered lots range from 2.30 to 43.99 acres in area, exceeding the specific plan minimum lot area requirement of one acre (see Table 3: Tentative Parcel Map Summary Table). Lettered lots A and B will be developed with infiltration basins; to serve the proposed development, and letter lots C through F will serve as project landscaped edges and street dedications along Merrill Avenue and Archibald Avenue.

Table 3: Tentative Parcel Map Summary Table

<i>Tentative Parcel Map 19904</i>		
<i>Lot No.</i>	<i>Lot Area</i>	
	<i>Acres</i>	<i>Square Feet</i>
1	2.30	100,439
2	2.26	98,402
3	2.97	129,489
4	3.19	138,997
5	2.93	127,785
6	5.10	222,145
7	6.08	264,786
8	7.44	323,935
9	43.99	1,916,206

Prior to the approval of the final parcel map by the City Council, the Applicant is required to prepare Covenants, Conditions and Restrictions (CC&Rs) that will establish the rules

and regulations of the property owners association. The CC&Rs will be recorded with the final parcel map.

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

[1] City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner
- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
 - Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the 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.

[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. (Refer to Complete Community Section of Community Economics Element).

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

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

Community Economics Element:

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

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

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

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

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

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

Safety Element:

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

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

➤ 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.

➤ 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.

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

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

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

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

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

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

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

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

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

➤ CD2-11 Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

➤ CD2-12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.

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

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

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

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

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

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

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport (ONT) and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT. The project site is also located within the Airport Influence of Chino Airport and is consistent with policies and criteria set forth within the 2011 California

Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with the Colony Commerce Center East Specific Plan (File No. PSP16-003), for which an Environmental Impact Report (SCH# 2017031048) was certified by City Council on May 1, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All applicable mitigation measures of the related EIR are a condition of project approval.

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	Industrial & Business Park	AG-Agriculture (PA1 & PA2: Industrial & Business Park)	Colony Commerce Center East
<i>North</i>	Vacant Land	Low Density Residential	Specific Plan (PA1-Conventional Small Lot)	Subarea 29
<i>South</i>	County Flood Control Channel	San Bernardino/ Riverside County Lines & County Flood Control Channel	n/a	n/a
<i>East</i>	Residential Development (Park Place)	Low Density Residential	Specific Plan (PA6-Conventional Medium Lot & PA7-Conventional Large Lot)	Subarea 29
<i>West</i>	Cucamonga Creek Flood Control Channel	Open Space-Non Recreational	AG-Agricultural	n/a

Building Statistics & Off-Street Parking:

<i>Building No.</i>	<i>Area (in square feet)</i>	<i>Site Area (in acres)</i>	<i>Parking Required</i>	<i>Parking Provided</i>	<i>Trailer Parking Required</i>	<i>Trailer Parking Provided</i>
<i>Building 1</i>	41,210	2.30	31	39	1	1
<i>Building 2</i>	50,140	2.26	35	44	1	1
<i>Building 3</i>	68,110	2.97	44	56	1	2
<i>Building 4</i>	71,340	3.19	46	49	2	2
<i>Building 5</i>	68,640	2.93	44	46	1	2
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<i>Building 7</i>	133,320	6.08	77	86	4	8
<i>Building 8</i>	142,040	7.44	81	86	3	14
<i>Building 9</i>	1,000,930	43.99	510	507	44	259
Total	1,685,420	83.91	933	985	60	297

Exhibit A—SITE PLAN (1 OF 2)

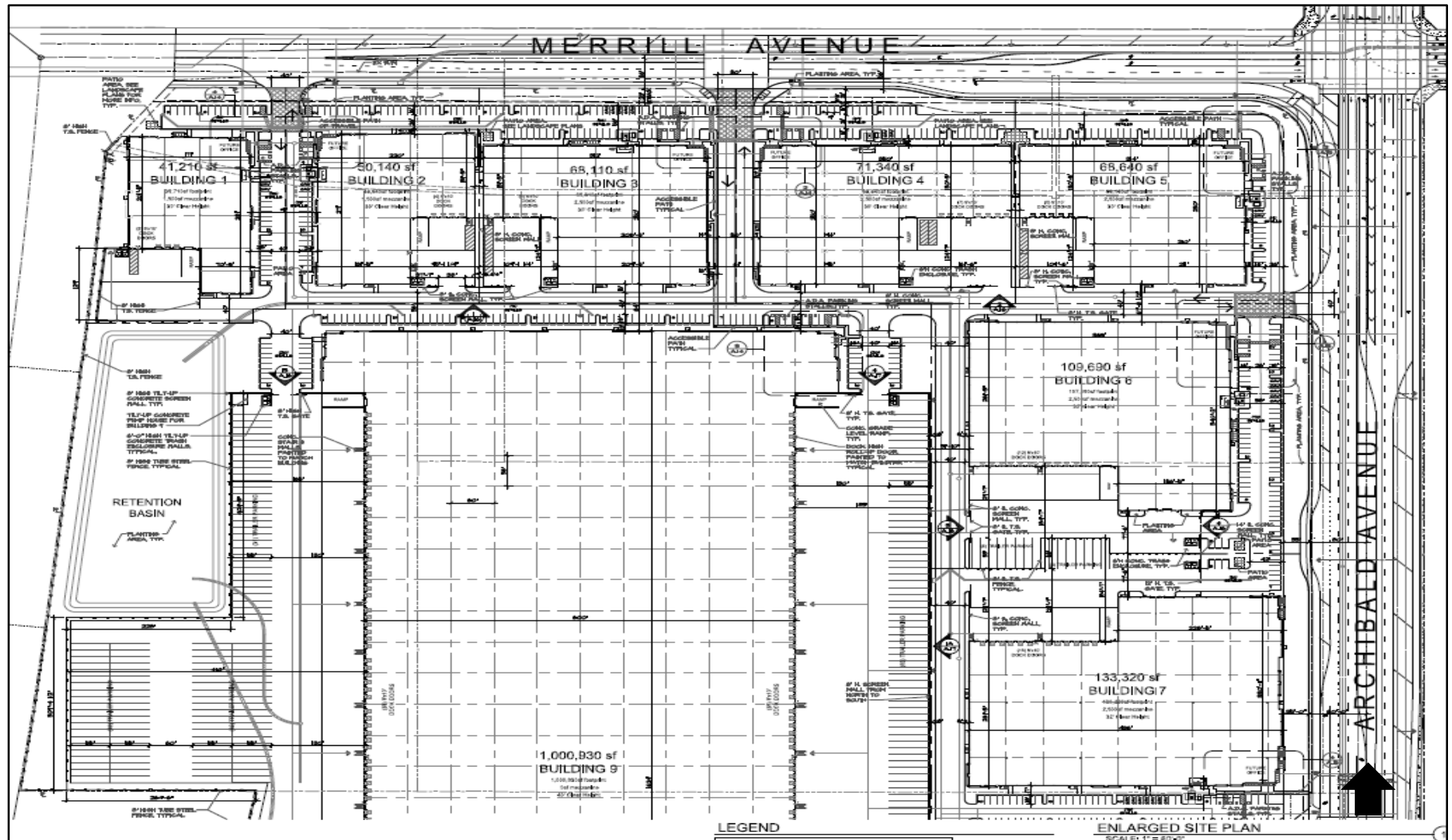


Exhibit B—SITE PLAN (2 OF 2)

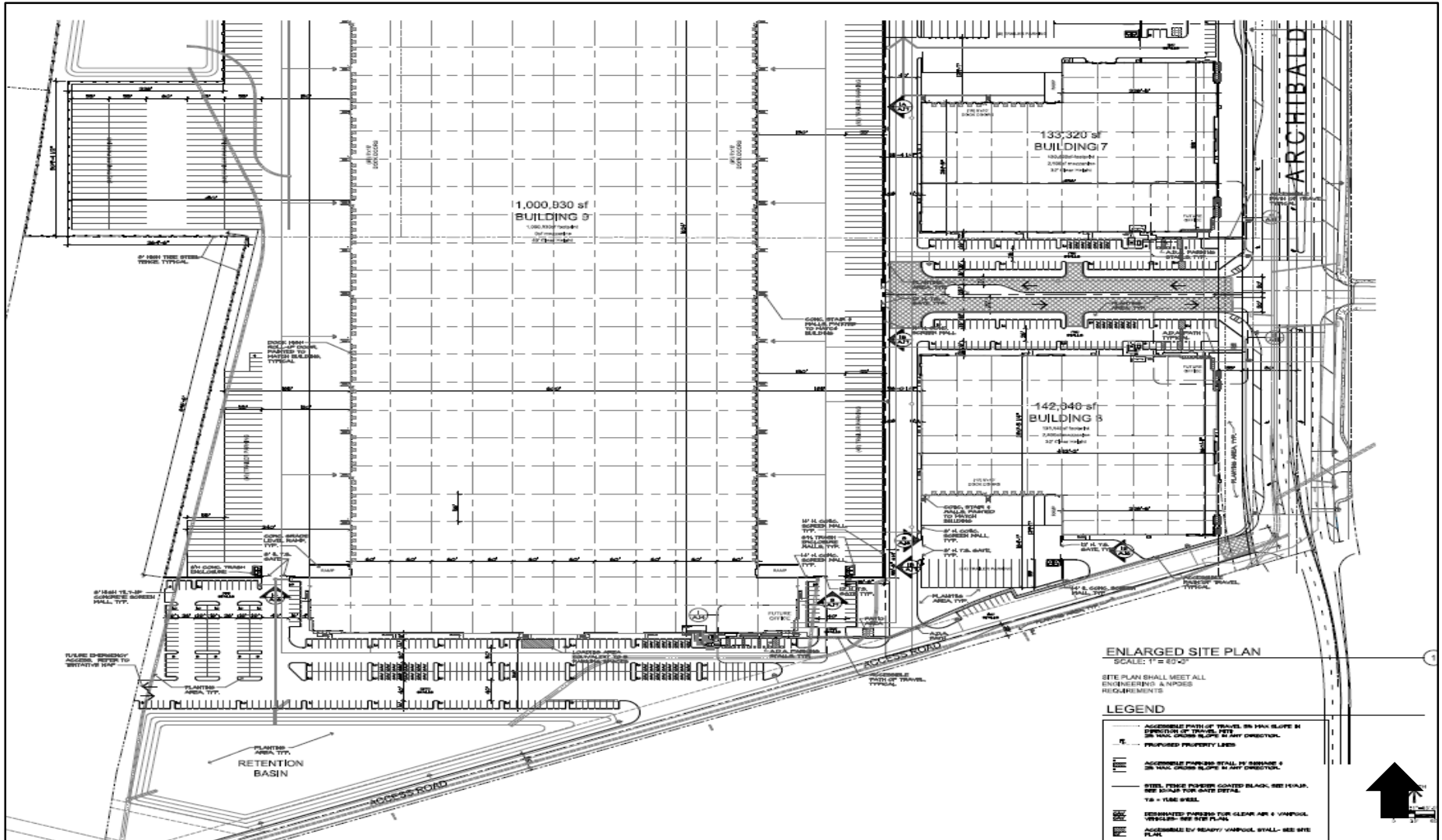


Exhibit C—PROJECT PERSPECTIVES



VIEW FROM CORNER OF MERRILL AVENUE & ARCHIBALD AVENUE



VIEW FROM ARCHIBALD AVENUE LOOKING WEST AT SIGNALIZED INTERSECTION

Exhibit D—LANDSCAPE PLAN



TREES	SYMBOL	TREE NAME	QTY.	WUCOLS
		ACCENT PALM AT VEHICULAR & BUILDING ENTRANCES TRACHYCARPUS FURCATA, CALIFORNIA PAV PALM 18" & 7" H. SKINNED	54	L
		NEW STREET TREE ALONG ARCHIBALD AVE LAGERSTROEMIA WATERMELON RED, CRAFT MYRTLE 36" BOX SIZE @ 36"4" O.C.	37	M
		NEW STREET TREE ALONG MERRILL AVE CERCIS FORBESII PANDY, FOREST PANDY REDBUD 36" BOX SIZE @ 36"9" O.C.	39	M
		FLOWERING ACCENT TREE SUCH AS CERCIS OCCIDENTALIS, WESTERN REDBUD 24" BOX SIZE, DOUBLE STAKE	65	M
		FLOWERING ACCENT TREE ALONG DRIVE WAY LAGERSTROEMIA INDICA, CRAFT MYRTLE 24" BOX SIZE, DOUBLE STAKE	12	M
		LARGE SPECIMEN TREE TYPE SUCH AS QUERCUS AGROFOLIA, COAST LIVE OAK 48" BOX SIZE	67	L
		PARKING LOT SHADE TREE LEMOIS PARVIFOLIA, EVERGREEN ELM 24" BOX SIZE, DOUBLE STAKE INSTALL WITH DEEP ROOT BARRIER PANELS AS REQUIRED.	117	M
		SECONDARY PARKING LOT TREE TETRAENA CONFERTA, BRIGGSIA BOK 15 GAL. SIZE, DOUBLE STAKE	85	M
		EVERGREEN VERTICAL TREE ALONG BUILDING MAGNOLIA MAJESTIC BEAUTY, MAGNOLIA 15 GAL. SIZE, DOUBLE STAKE	113	M
		VERTICAL SCREEN TREE ALONG BUILDING PODOCARPUS GRACILOR, PEPIN PINE 15 GAL. SIZE, DOUBLE STAKE	97	M
		EVERGREEN SCREEN TREE PRUNUS ELAENICA, MORDELLI PINE 24" BOX SIZE, DOUBLE STAKE	222	L
		SCREEN TREE ALONG BASH SLOPES PLATANUS RACEMOSA, CALIFORNIA SYCAMORE 36" BOX SIZE, DOUBLE STAKE	43	M

SHRUBS	SYMBOL	SHRUB NAME	WUCOLS
		DODONAEA VISCOBA PURPUREA, HOPSEED BUSH 5 GAL. SIZE	M
		XYLOCOPA CONGESTURA, BANY LEAF XYLOPSA 5 GAL. SIZE	M
		LEUCOPHYLLUM FRUTESCENS, TEXAS RANGER 5 GAL. SIZE	L
		RHAMNUS OLIVACEA, INDIAN HAWTHORNE 5 GAL. SIZE	M
		WESTRINGIA FRUTICOSA, COAST ROSEMARY 5 GAL. SIZE	L
		LIGUSTRUM TEXANUM, TEXAS PRIVET 5 GAL. SIZE	M
		ROSMARINUS TOBIANUS, ROSEMARY SHRUB 5 GAL. SIZE	L
		CALLISTEMON LITTLE JOHN, DWARF BOTTLE BRUSH 5 GAL. SIZE	L
		DIETERS BICOLOR, MIREA 5 GAL. SIZE	M
		SUIUS JAPONICA, JAPANESE BOXWOOD 5 GAL. SIZE	M

GROUND COVER AND SHRUB MASSES	SYMBOL	GROUND COVER/SHRUB MASS NAME	WUCOLS
		ROSMARINUS O. PROSTRATUS, CREEPING ROSEMARY 1 GAL. SIZE @ 36" O.C.	L
		ACHILLEA MOONSHINE, YARROW 1 GAL. SIZE @ 36" O.C.	L
		SALVIA GREGGII, AUTUMN SAGE 1 GAL. SIZE @ 36" O.C.	L
		MUHLENBERGIA RIGENS, DEER GRASS 1 GAL. SIZE @ 42" O.C.	M
		SALVIA CLEVELANDII, CLEVELAND SAGE 5 GAL. SIZE @ 48" O.C.	L
		BACCHARIS PILULARIS, COYOTE BUSH 1 GAL. SIZE @ 42" O.C.	L
		Typ. erosion control. DROUGHT TOLERANT BANK PLANTING SUCH AS BACCHARIS MIXED WITH ASCORTED GRASSES	M

Exhibit E (Building 1)—BUILDING ELEVATIONS

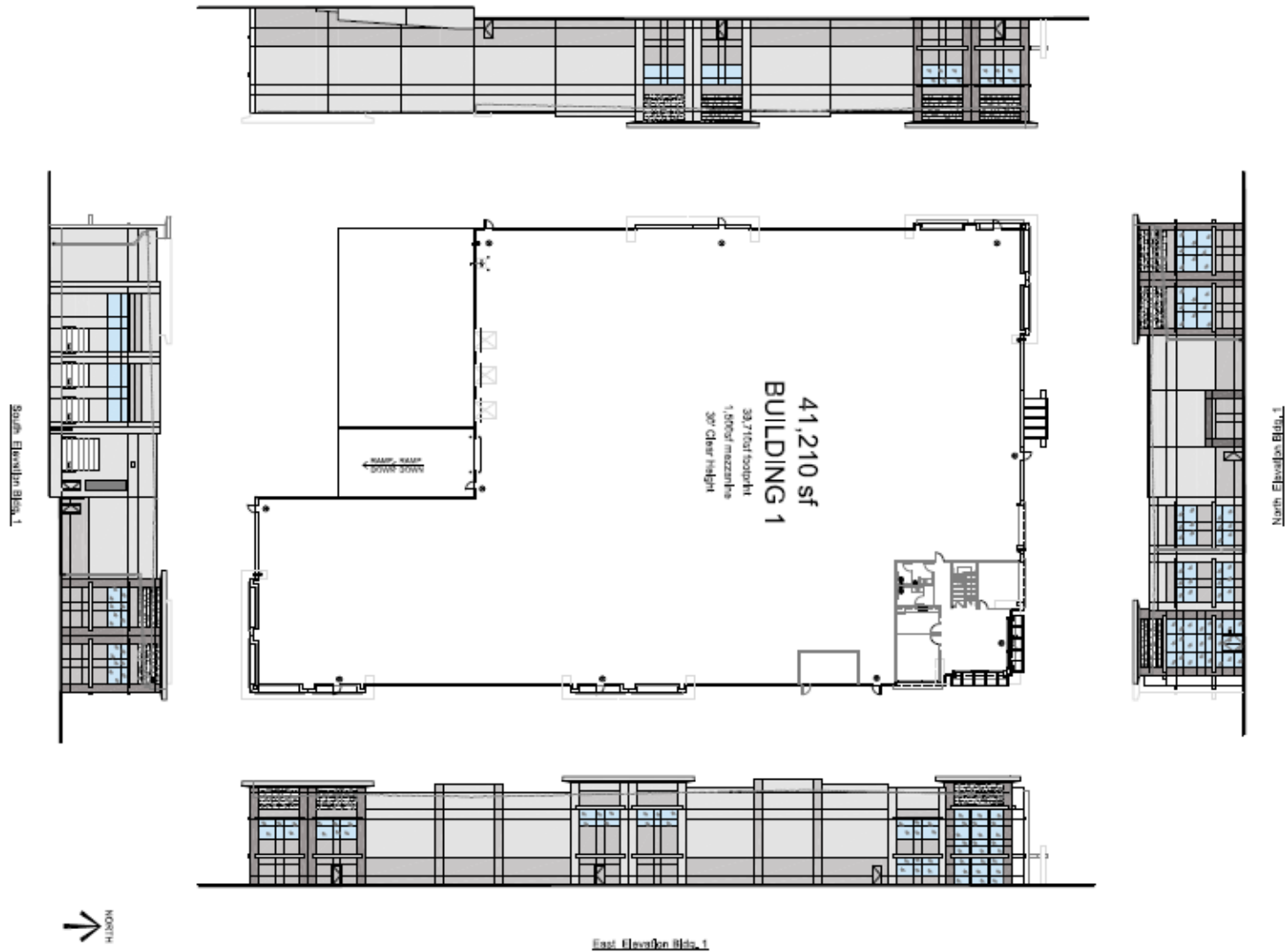


Exhibit F (Building 2)—BUILDING ELEVATIONS

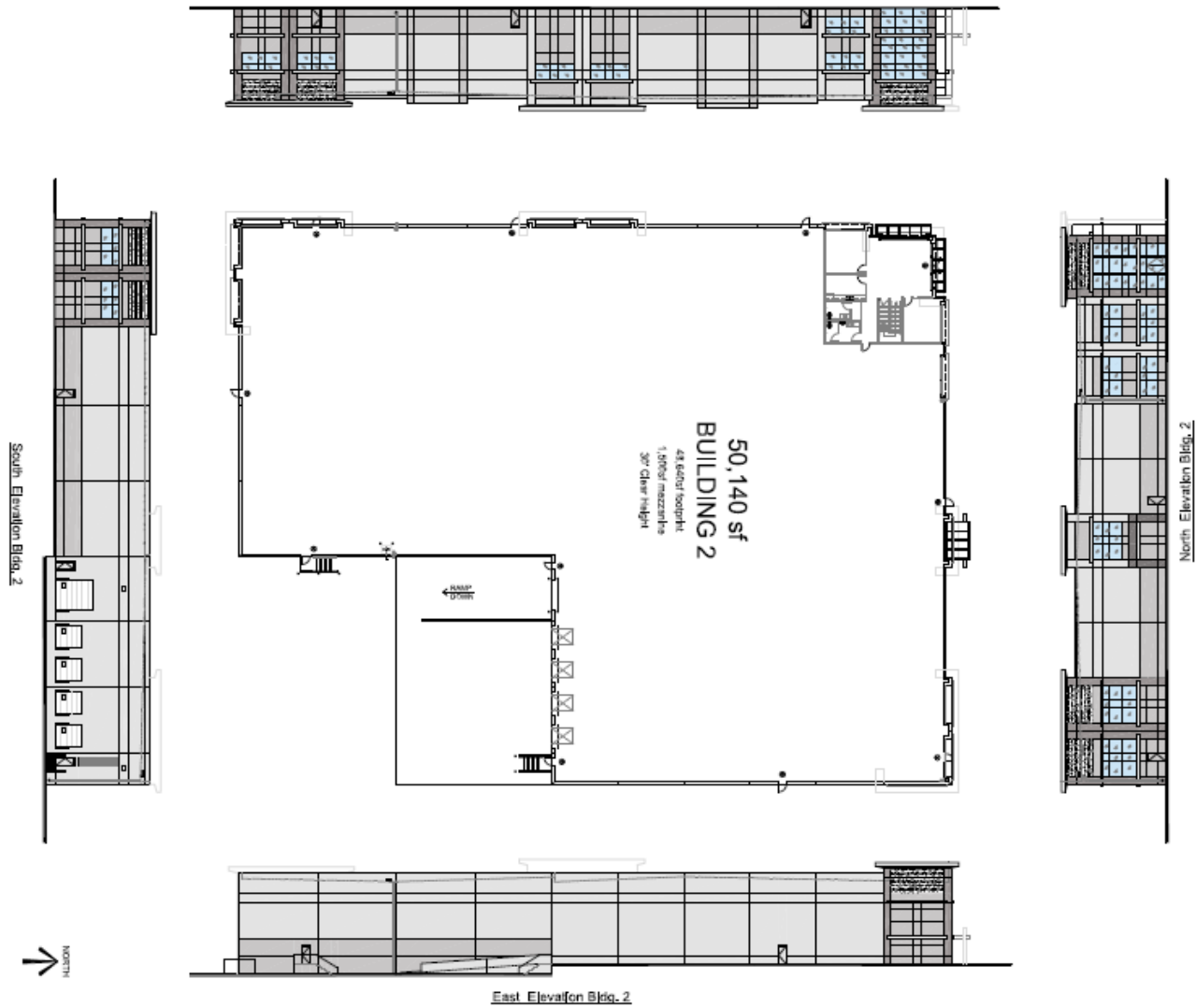


Exhibit G (Building 3)—BUILDING ELEVATIONS

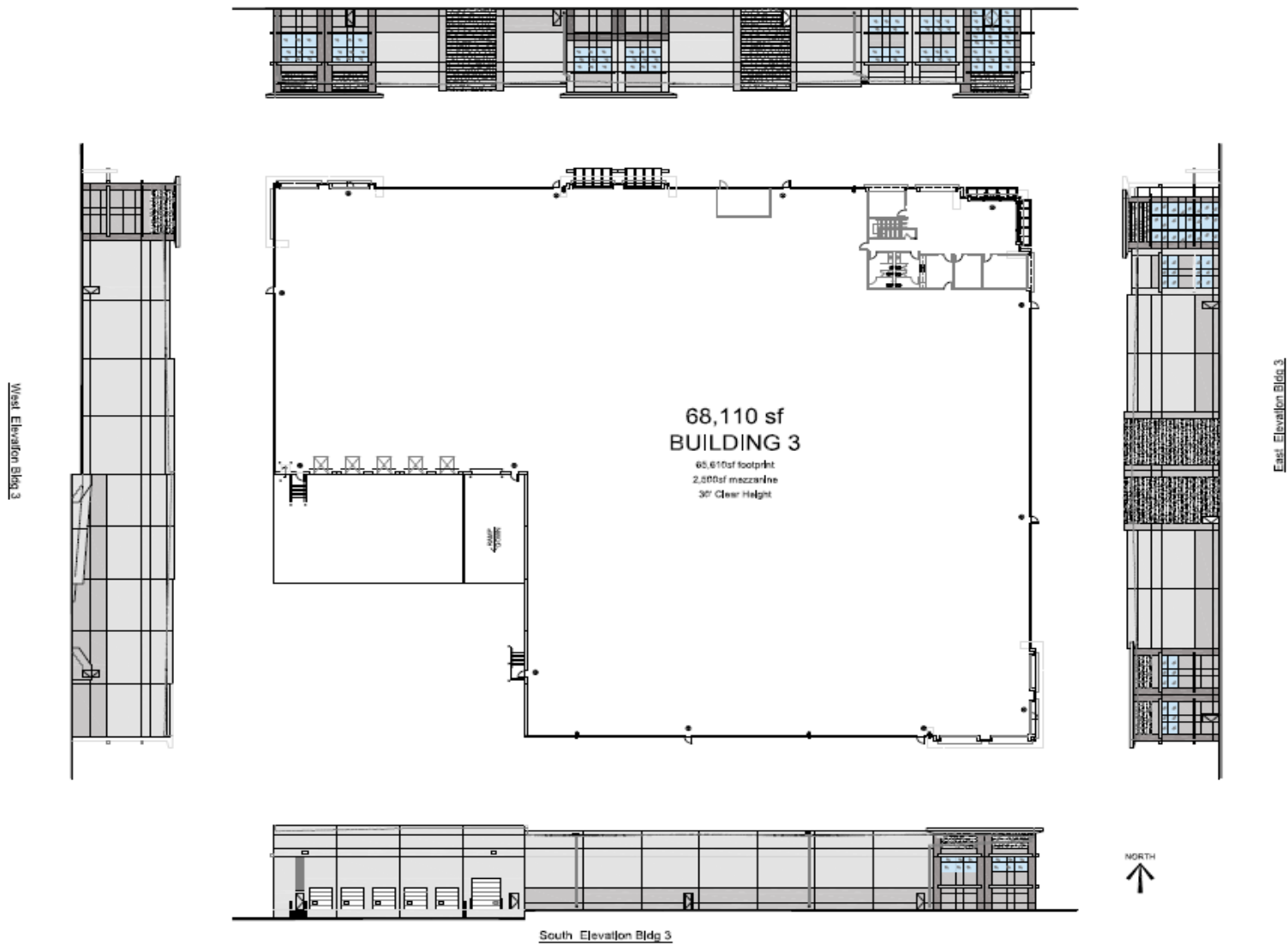


Exhibit H (Building 4)—BUILDING ELEVATIONS

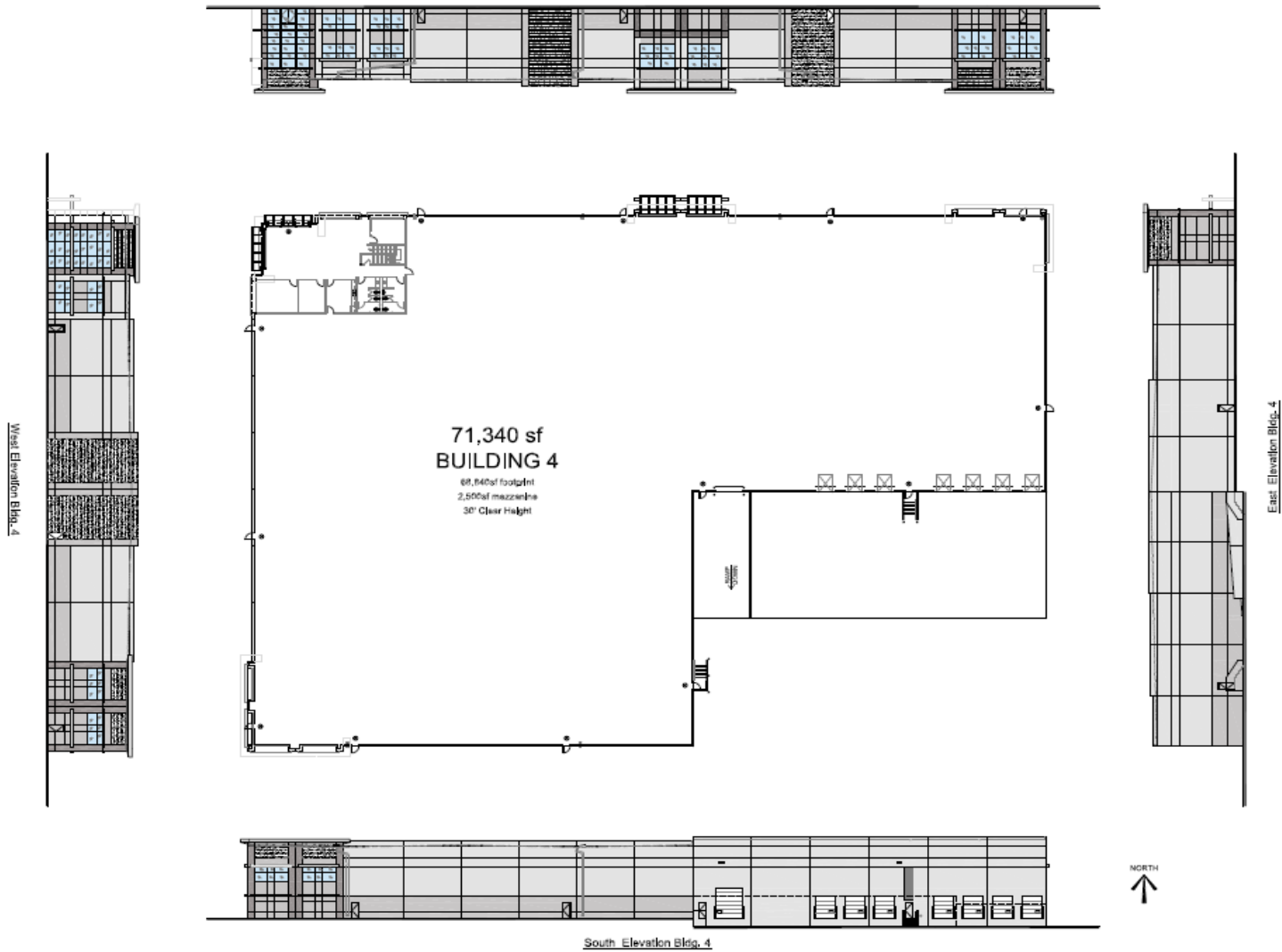


Exhibit I (Building 5)—BUILDING ELEVATIONS

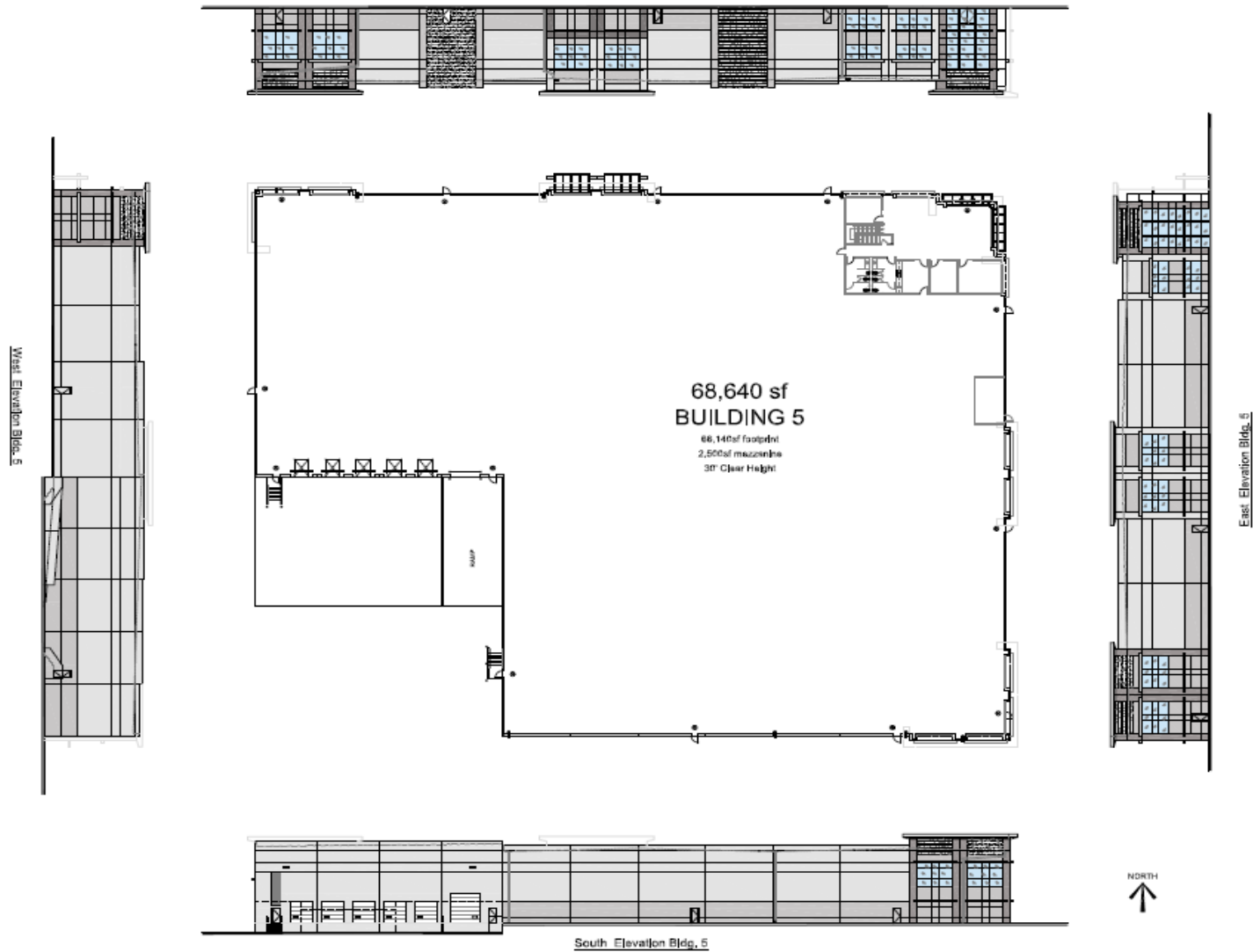


Exhibit J (Building 6)—BUILDING ELEVATIONS

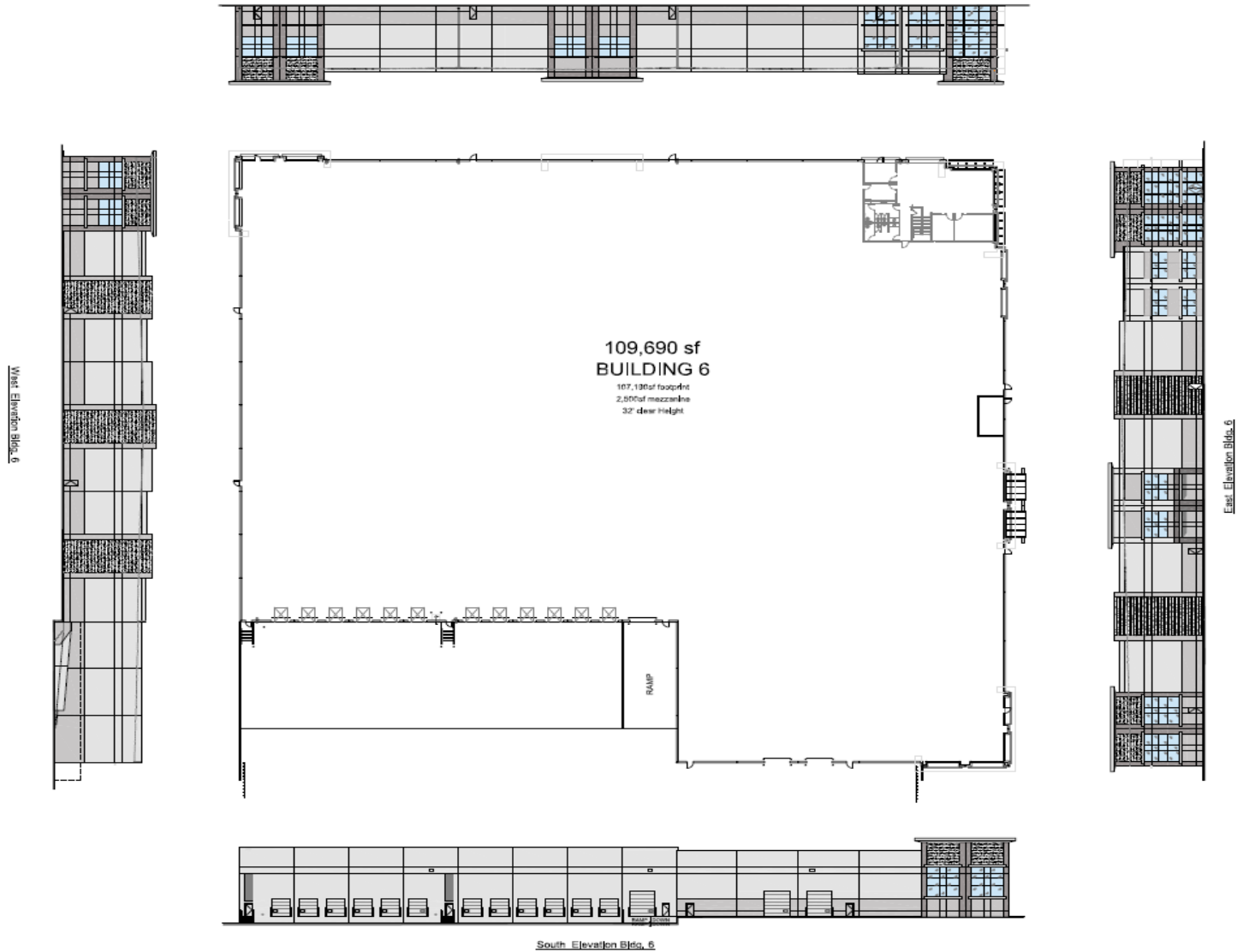


Exhibit K (Building 7)—BUILDING ELEVATIONS

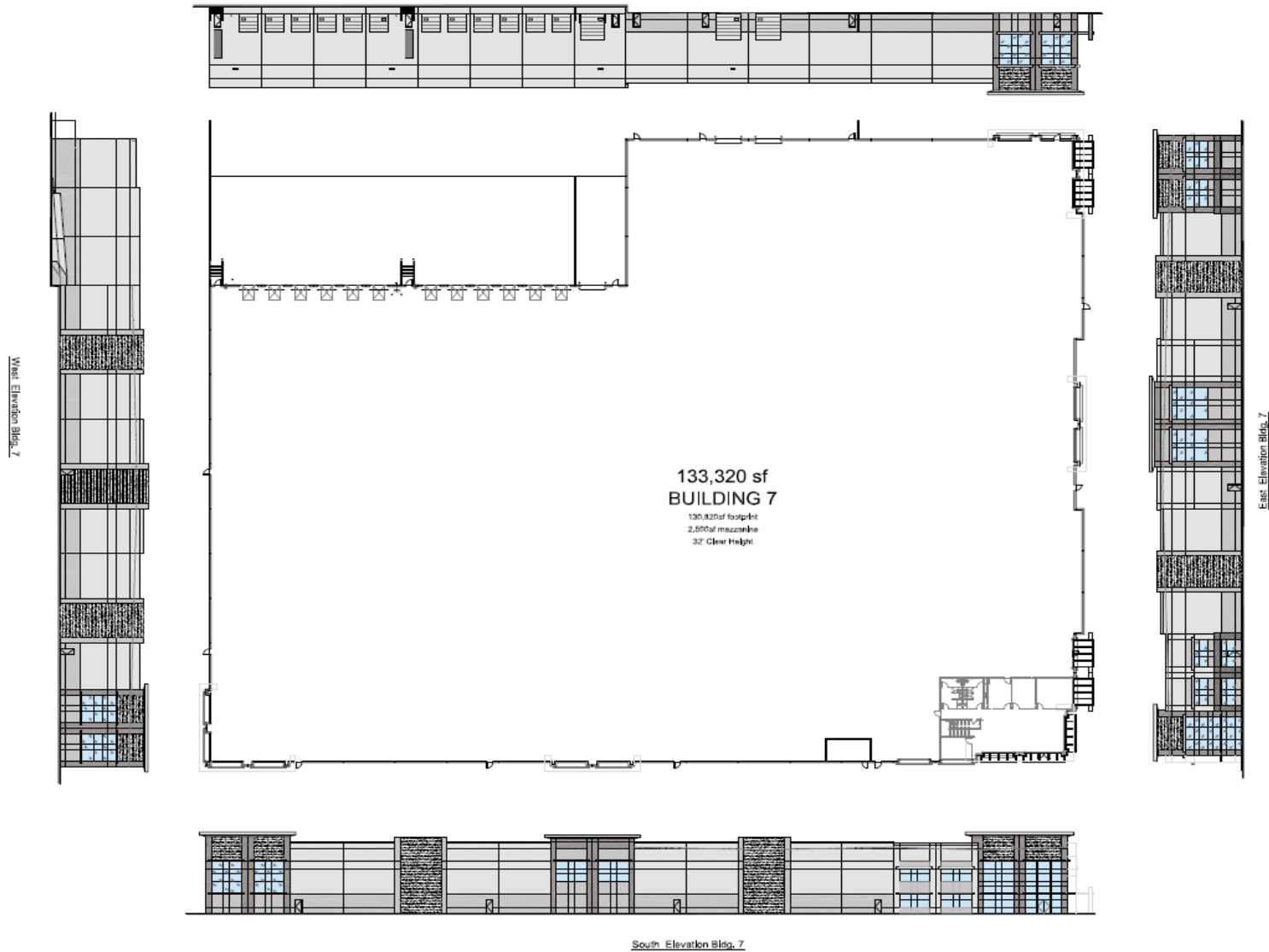


Exhibit L (Building 8)—BUILDING ELEVATIONS

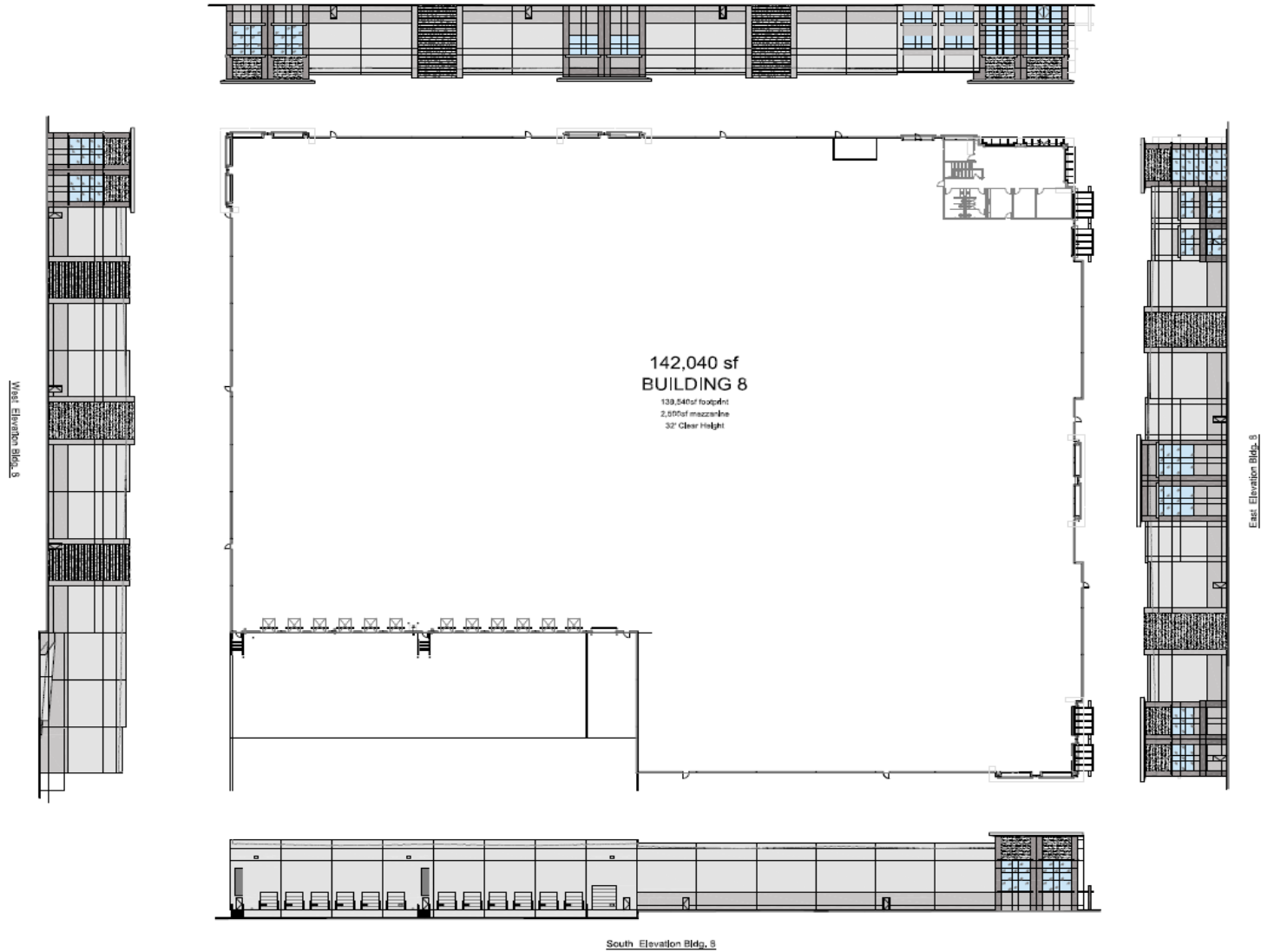


Exhibit M (Building 9)—BUILDING ELEVATIONS

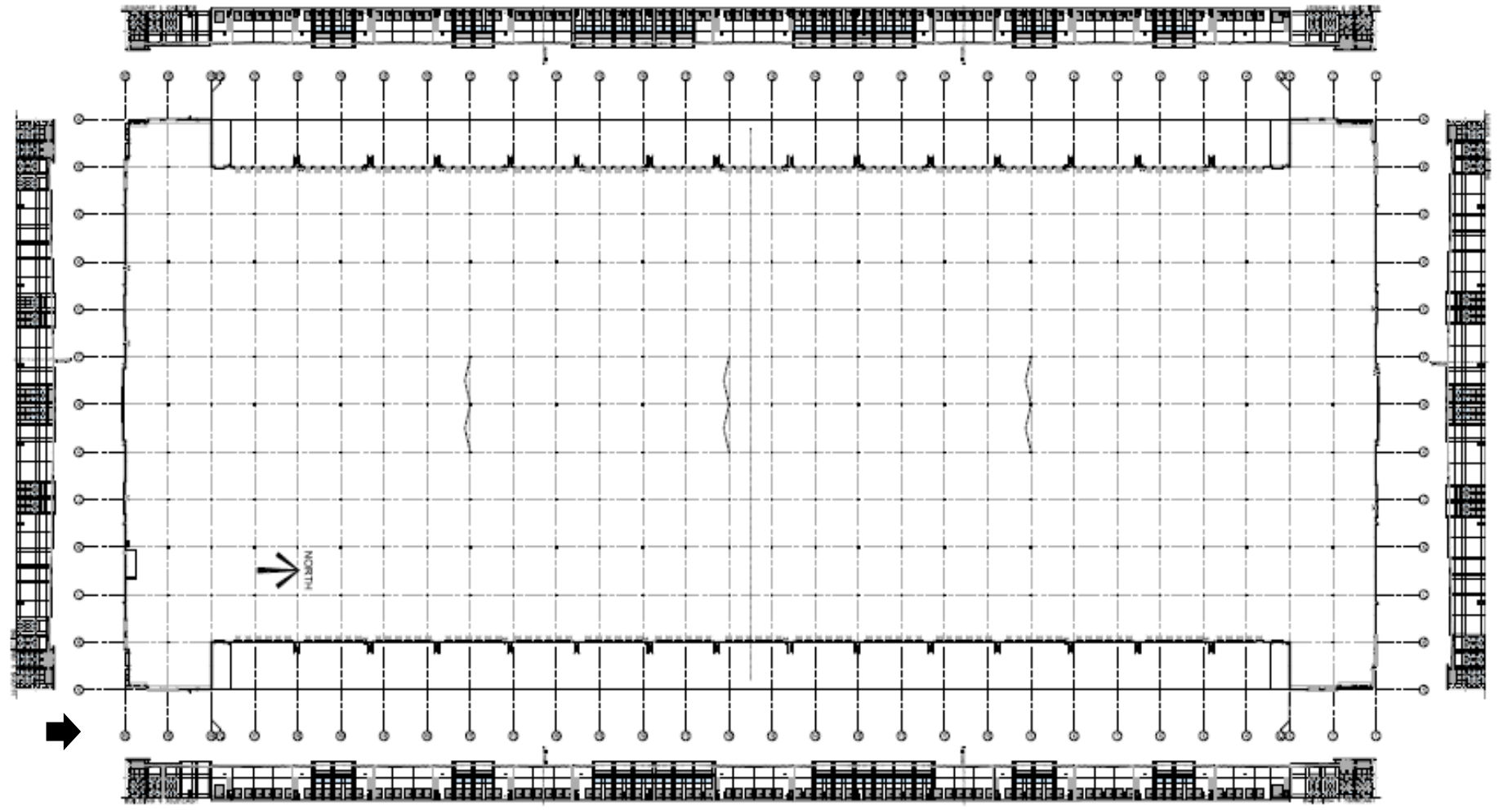


Exhibit N—SUBDIVISION MAP NO. 19904

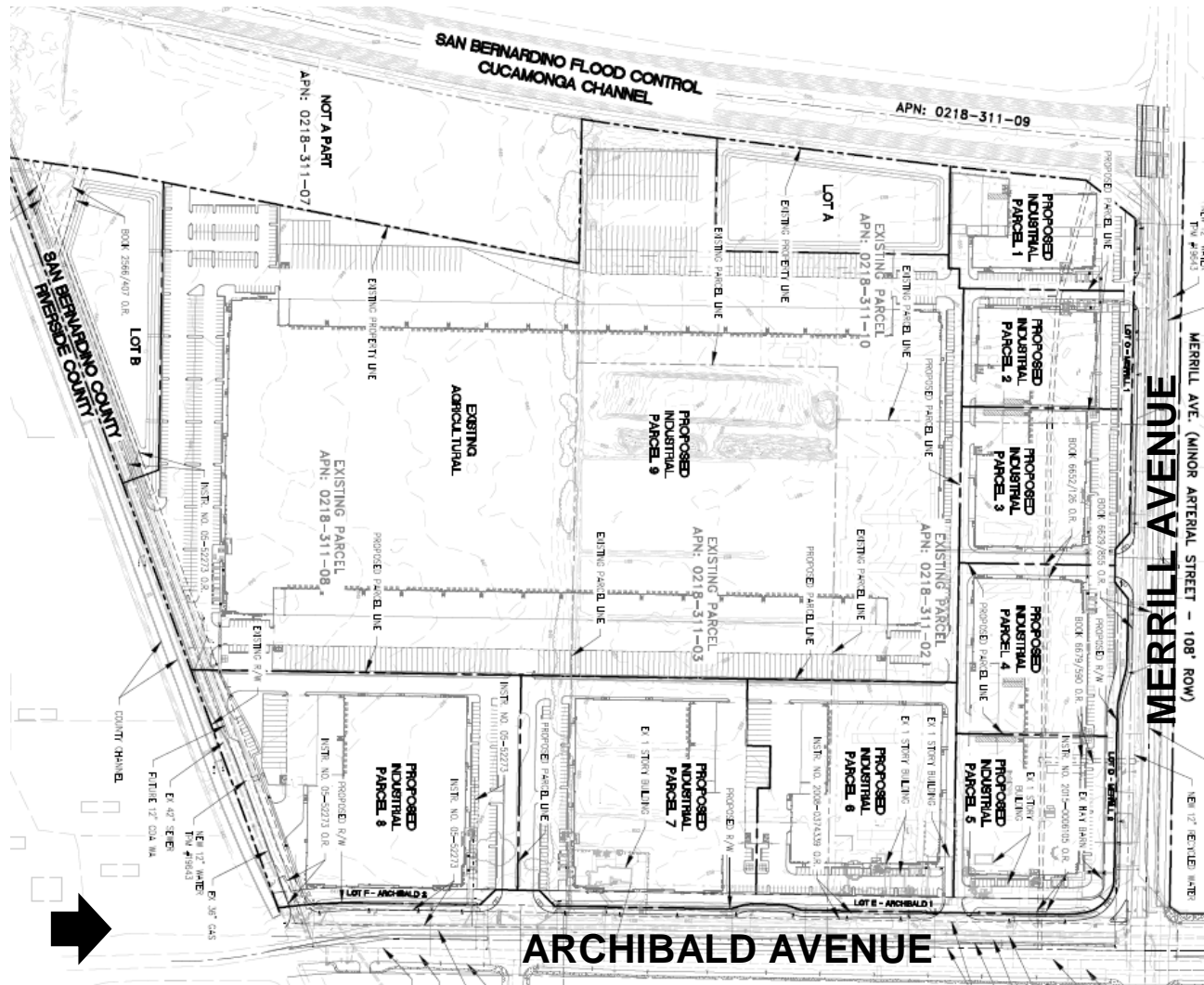


Exhibit O—SUBDIVISION MAP NO. PM 19904

TENTATIVE PARCEL MAP NO. 19904

BEING A SUBDIVISION OF PORTIONS OF GOVERNMENT LOTS 5, 6, 7, & 8 AND A PORTION OF SECTION 22 ALL IN TOWNSHIP 2 SOUTH, RANGE 7 W. S.B. B & M ALL IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

CONCEPTUAL GRADING, UTILITIES, & SITE UTILIZATION MAP

LEGAL DESCRIPTION

PANEL A
 THAT PORTION OF GOVERNMENT LOTS 5, 7 AND 8 AND A PORTION OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO COUNTY AND AREA, IN THE CITY OF ONTARIO, CALIFORNIA, ACCORDING TO THE GOVERNMENT MAP RECORDED AS PAVEMENT ITEM NUMBER 157947.

PANEL B
 THAT PORTION OF GOVERNMENT LOTS 5, 7 AND 8 AND A PORTION OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO COUNTY AND AREA, IN THE CITY OF ONTARIO, CALIFORNIA, ACCORDING TO THE GOVERNMENT MAP RECORDED AS PAVEMENT ITEM NUMBER 157947.

PANEL C
 THAT PORTION OF GOVERNMENT LOTS 5, 7 AND 8 AND A PORTION OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO COUNTY AND AREA, IN THE CITY OF ONTARIO, CALIFORNIA, ACCORDING TO THE GOVERNMENT MAP RECORDED AS PAVEMENT ITEM NUMBER 157947.

PANEL D
 THAT PORTION OF GOVERNMENT LOTS 5, 7 AND 8 AND A PORTION OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO COUNTY AND AREA, IN THE CITY OF ONTARIO, CALIFORNIA, ACCORDING TO THE GOVERNMENT MAP RECORDED AS PAVEMENT ITEM NUMBER 157947.

PANEL E
 THAT PORTION OF GOVERNMENT LOTS 5, 7 AND 8 AND A PORTION OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO COUNTY AND AREA, IN THE CITY OF ONTARIO, CALIFORNIA, ACCORDING TO THE GOVERNMENT MAP RECORDED AS PAVEMENT ITEM NUMBER 157947.

EASEMENT ITEM NOTES

THE INFORMATION CONTAINED HEREIN IS INTENDED TO BE USED FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY OR COMPLETENESS OF INFORMATION.

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PARCEL AREA DATA TABLE						
Parcel No.	Area (Ac.)	Area (Sq. Ft.)	Area (Sq. Ft.)	Area (Sq. Ft.)	Area (Sq. Ft.)	Area (Sq. Ft.)
1	0.15	10,440	10,440	10,440	10,440	10,440
2	0.15	10,440	10,440	10,440	10,440	10,440
3	0.15	10,440	10,440	10,440	10,440	10,440
4	0.15	10,440	10,440	10,440	10,440	10,440
5	0.15	10,440	10,440	10,440	10,440	10,440
6	0.15	10,440	10,440	10,440	10,440	10,440
7	0.15	10,440	10,440	10,440	10,440	10,440
8	0.15	10,440	10,440	10,440	10,440	10,440
9	0.15	10,440	10,440	10,440	10,440	10,440
10	0.15	10,440	10,440	10,440	10,440	10,440
11	0.15	10,440	10,440	10,440	10,440	10,440
12	0.15	10,440	10,440	10,440	10,440	10,440
13	0.15	10,440	10,440	10,440	10,440	10,440
14	0.15	10,440	10,440	10,440	10,440	10,440
15	0.15	10,440	10,440	10,440	10,440	10,440
16	0.15	10,440	10,440	10,440	10,440	10,440
17	0.15	10,440	10,440	10,440	10,440	10,440
18	0.15	10,440	10,440	10,440	10,440	10,440
19	0.15	10,440	10,440	10,440	10,440	10,440
20	0.15	10,440	10,440	10,440	10,440	10,440
21	0.15	10,440	10,440	10,440	10,440	10,440
22	0.15	10,440	10,440	10,440	10,440	10,440
23	0.15	10,440	10,440	10,440	10,440	10,440
24	0.15	10,440	10,440	10,440	10,440	10,440
25	0.15	10,440	10,440	10,440	10,440	10,440
26	0.15	10,440	10,440	10,440	10,440	10,440
27	0.15	10,440	10,440	10,440	10,440	10,440
28	0.15	10,440	10,440	10,440	10,440	10,440
29	0.15	10,440	10,440	10,440	10,440	10,440
30	0.15	10,440	10,440	10,440	10,440	10,440

LEGAL NOTES

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EASEMENT ITEM NOTES (CONT.)

22. AN EASEMENT FOR PUBLIC UTILITIES AND INDUSTRIAL PURPOSES, RECORDED JANUARY 16, 1910 AS BOOK 404, PAGE 200 OF OFFICIAL RECORDS.
 AS RECORDED UNDER THE CONCEPTUAL GRADING, UTILITIES, AND SITE UTILIZATION MAP.

23. AN EASEMENT FOR PUBLIC UTILITIES AND INDUSTRIAL PURPOSES, RECORDED JULY 22, 1910 AS BOOK 404, PAGE 43 OF OFFICIAL RECORDS.
 AS RECORDED UNDER THE CONCEPTUAL GRADING, UTILITIES, AND SITE UTILIZATION MAP.

24. AN EASEMENT FOR PUBLIC UTILITIES AND INDUSTRIAL PURPOSES, RECORDED AUGUST 7, 1947 AS BOOK 2052, PAGE 18 OF OFFICIAL RECORDS.
 AS RECORDED UNDER THE CONCEPTUAL GRADING, UTILITIES, AND SITE UTILIZATION MAP.

25. AN EASEMENT FOR PUBLIC UTILITIES AND INDUSTRIAL PURPOSES, RECORDED MAY 18, 1956 AS BOOK 1823, PAGE 853 OF OFFICIAL RECORDS.
 AS RECORDED UNDER THE CONCEPTUAL GRADING, UTILITIES, AND SITE UTILIZATION MAP.

26. AN EASEMENT FOR PUBLIC UTILITIES AND INDUSTRIAL PURPOSES, RECORDED JANUARY 26, 1957 AS BOOK 4326, PAGE 410 OF OFFICIAL RECORDS.
 AS RECORDED UNDER THE CONCEPTUAL GRADING, UTILITIES, AND SITE UTILIZATION MAP.

27. AN EASEMENT FOR PUBLIC UTILITIES AND INDUSTRIAL PURPOSES, RECORDED MAY 18, 1956 AS BOOK 1823, PAGE 853 OF OFFICIAL RECORDS.
 AS RECORDED UNDER THE CONCEPTUAL GRADING, UTILITIES, AND SITE UTILIZATION MAP.

28. AN EASEMENT FOR PUBLIC UTILITIES AND INDUSTRIAL PURPOSES, RECORDED JANUARY 26, 1957 AS BOOK 4326, PAGE 410 OF OFFICIAL RECORDS.
 AS RECORDED UNDER THE CONCEPTUAL GRADING, UTILITIES, AND SITE UTILIZATION MAP.

29. AN EASEMENT FOR PUBLIC UTILITIES AND INDUSTRIAL PURPOSES, RECORDED JANUARY 26, 1957 AS BOOK 4326, PAGE 410 OF OFFICIAL RECORDS.
 AS RECORDED UNDER THE CONCEPTUAL GRADING, UTILITIES, AND SITE UTILIZATION MAP.

30. AN EASEMENT FOR PUBLIC UTILITIES AND INDUSTRIAL PURPOSES, RECORDED JANUARY 26, 1957 AS BOOK 4326, PAGE 410 OF OFFICIAL RECORDS.
 AS RECORDED UNDER THE CONCEPTUAL GRADING, UTILITIES, AND SITE UTILIZATION MAP.

31. AN EASEMENT FOR PUBLIC UTILITIES AND INDUSTRIAL PURPOSES, RECORDED JANUARY 26, 1957 AS BOOK 4326, PAGE 410 OF OFFICIAL RECORDS.
 AS RECORDED UNDER THE CONCEPTUAL GRADING, UTILITIES, AND SITE UTILIZATION MAP.

32. AN EASEMENT FOR PUBLIC UTILITIES AND INDUSTRIAL PURPOSES, RECORDED JANUARY 26, 1957 AS BOOK 4326, PAGE 410 OF OFFICIAL RECORDS.
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33. AN EASEMENT FOR PUBLIC UTILITIES AND INDUSTRIAL PURPOSES, RECORDED JANUARY 26, 1957 AS BOOK 4326, PAGE 410 OF OFFICIAL RECORDS.
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34. AN EASEMENT FOR PUBLIC UTILITIES AND INDUSTRIAL PURPOSES, RECORDED JANUARY 26, 1957 AS BOOK 4326, PAGE 410 OF OFFICIAL RECORDS.
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35. AN EASEMENT FOR PUBLIC UTILITIES AND INDUSTRIAL PURPOSES, RECORDED JANUARY 26, 1957 AS BOOK 4326, PAGE 410 OF OFFICIAL RECORDS.
 AS RECORDED UNDER THE CONCEPTUAL GRADING, UTILITIES, AND SITE UTILIZATION MAP.

36. AN EASEMENT FOR PUBLIC UTILITIES AND INDUSTRIAL PURPOSES, RECORDED JANUARY 26, 1957 AS BOOK 4326, PAGE 410 OF OFFICIAL RECORDS.
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37. AN EASEMENT FOR PUBLIC UTILITIES AND INDUSTRIAL PURPOSES, RECORDED JANUARY 26, 1957 AS BOOK 4326, PAGE 410 OF OFFICIAL RECORDS.
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38. AN EASEMENT FOR PUBLIC UTILITIES AND INDUSTRIAL PURPOSES, RECORDED JANUARY 26, 1957 AS BOOK 4326, PAGE 410 OF OFFICIAL RECORDS.
 AS RECORDED UNDER THE CONCEPTUAL GRADING, UTILITIES, AND SITE UTILIZATION MAP.

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CONTRACT INFORMATION

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PREPARED UNDER THE SUPERVISION OF
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 WWW.COLONY.COM

COLONY COMMERCE CENTER EAST
MERRILL AVE. AND ARCHIBALD AVE.
TENTATIVE PARCEL MAP NO. 19904
CITY OF ONTARIO

DATE: 10/4/18
 SHEET: 1 OF 8

Exhibit P—SUBDIVISION MAP NO. PM 19904

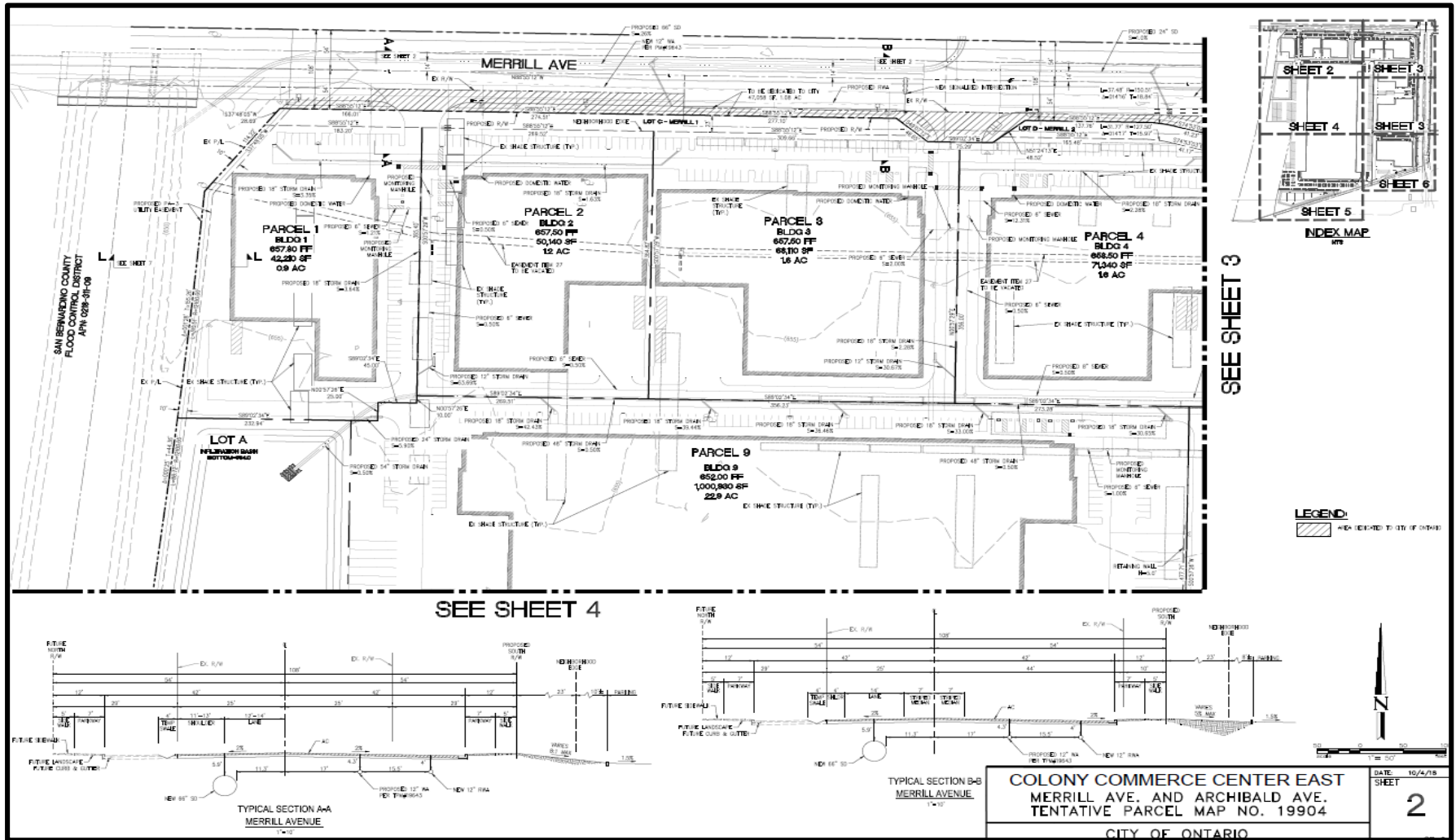


Exhibit Q—SUBDIVISION MAP NO. PM 19904

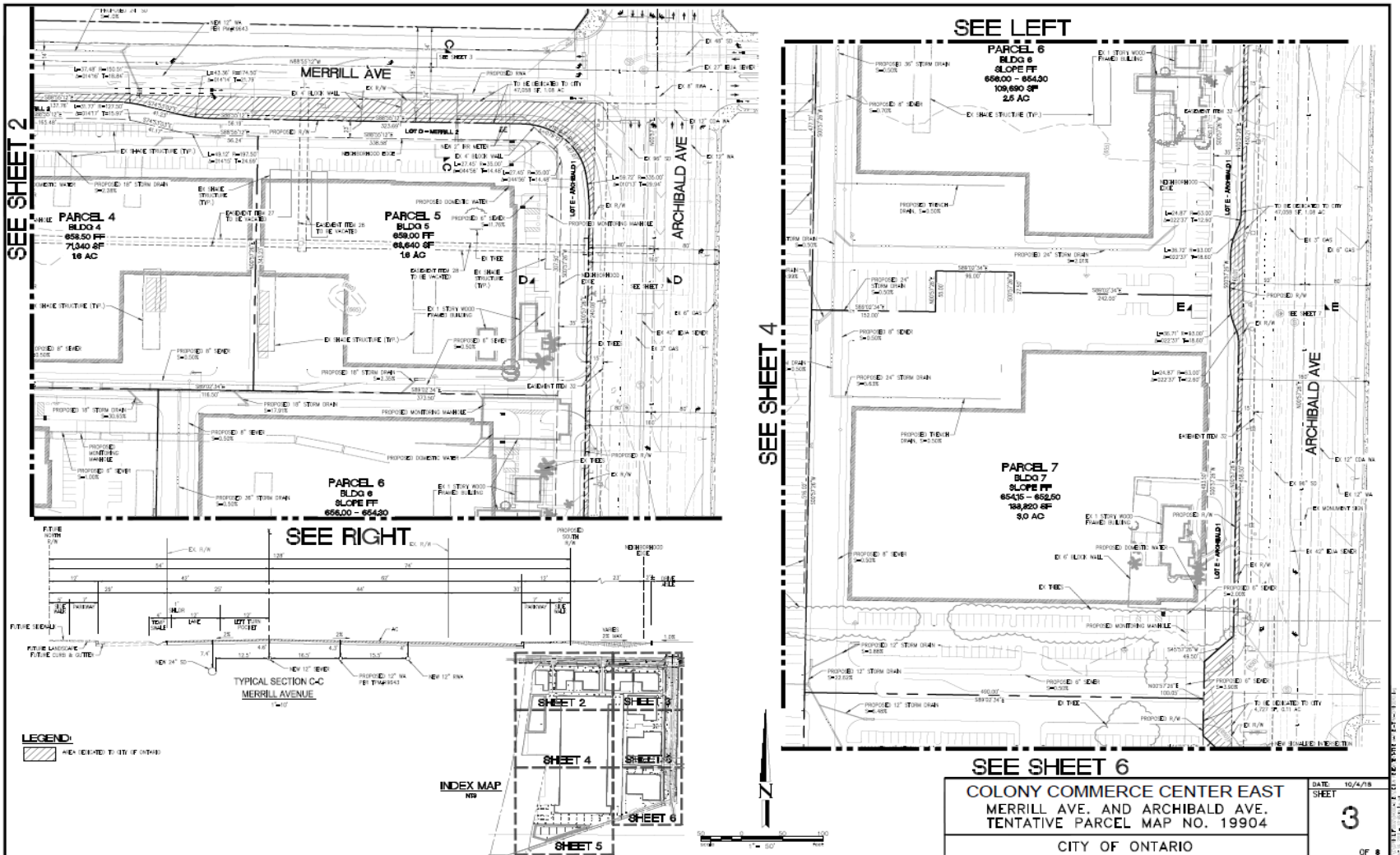


Exhibit R—SUBDIVISION MAP NO. PM 19904

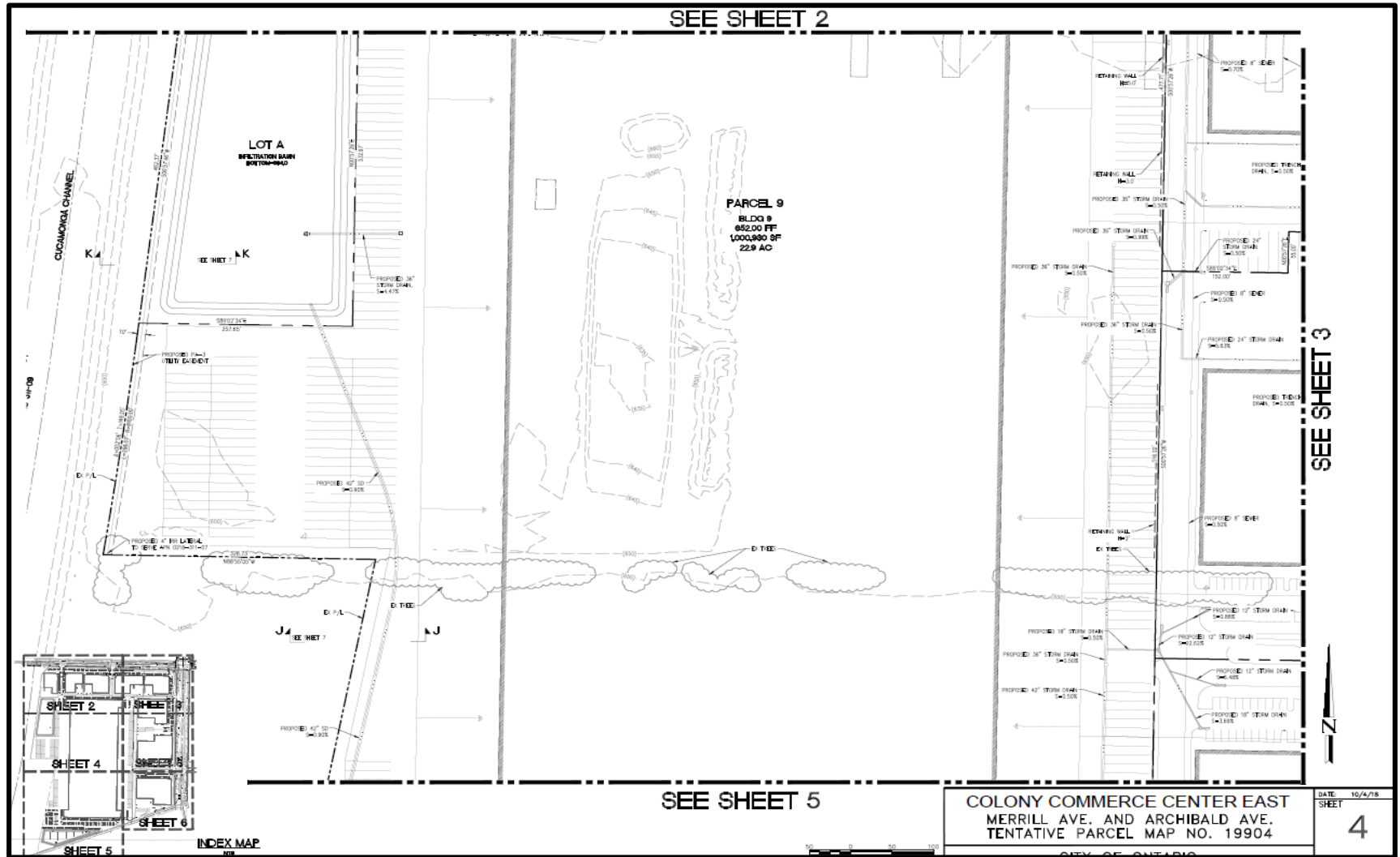


Exhibit S—SUBDIVISION MAP NO. PM 19904

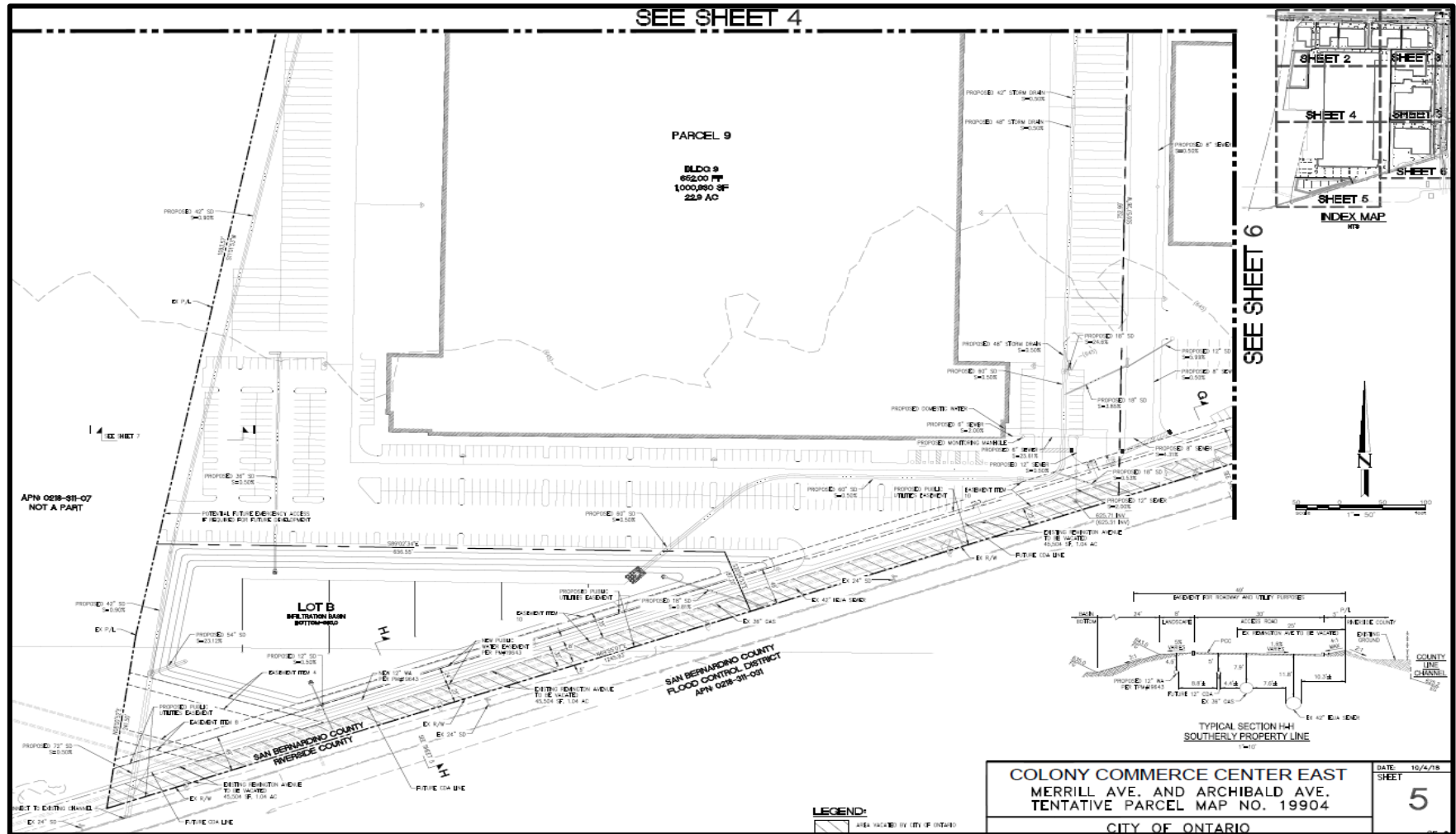


Exhibit T—SUBDIVISION MAP NO. PM 19904

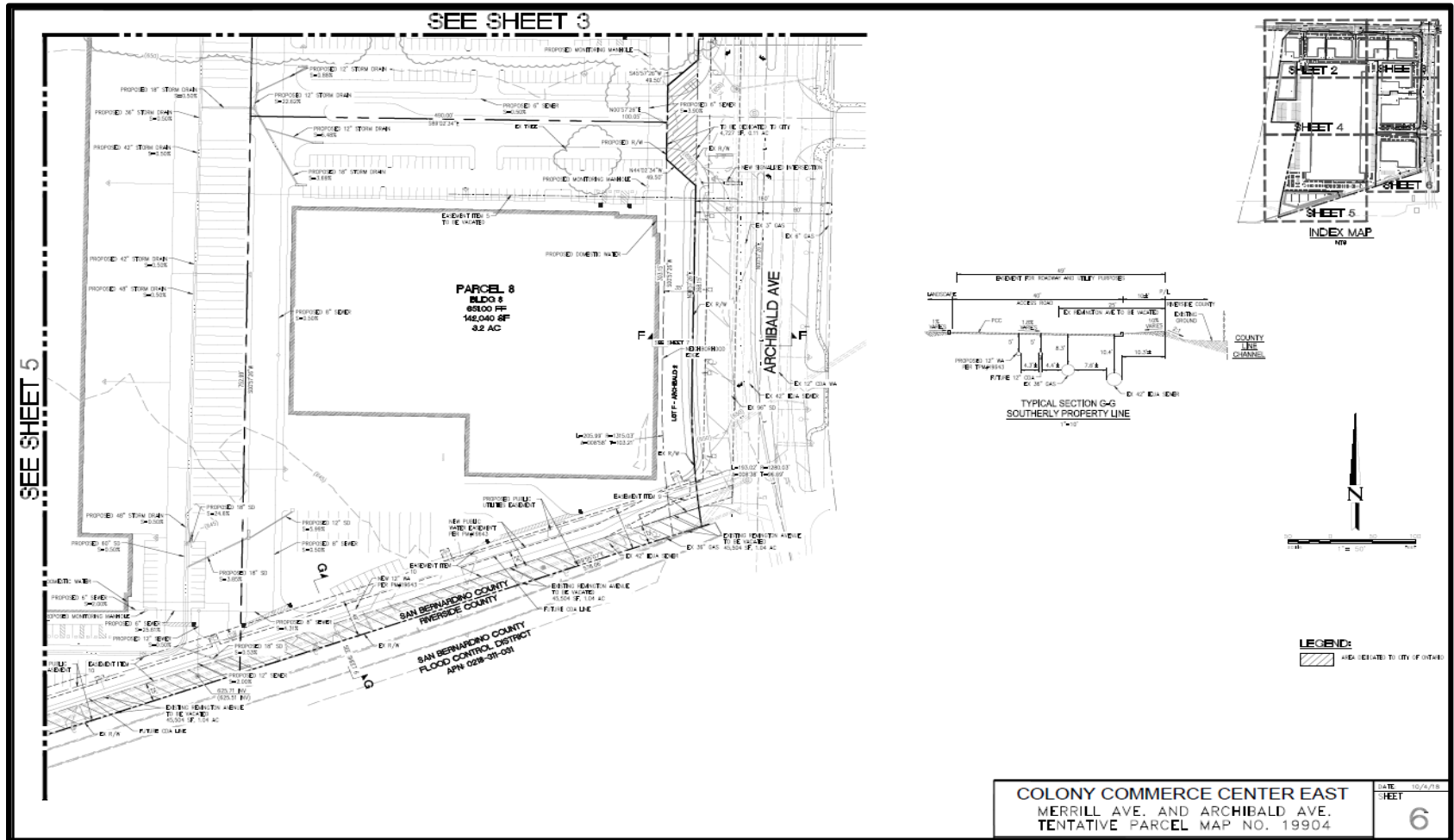
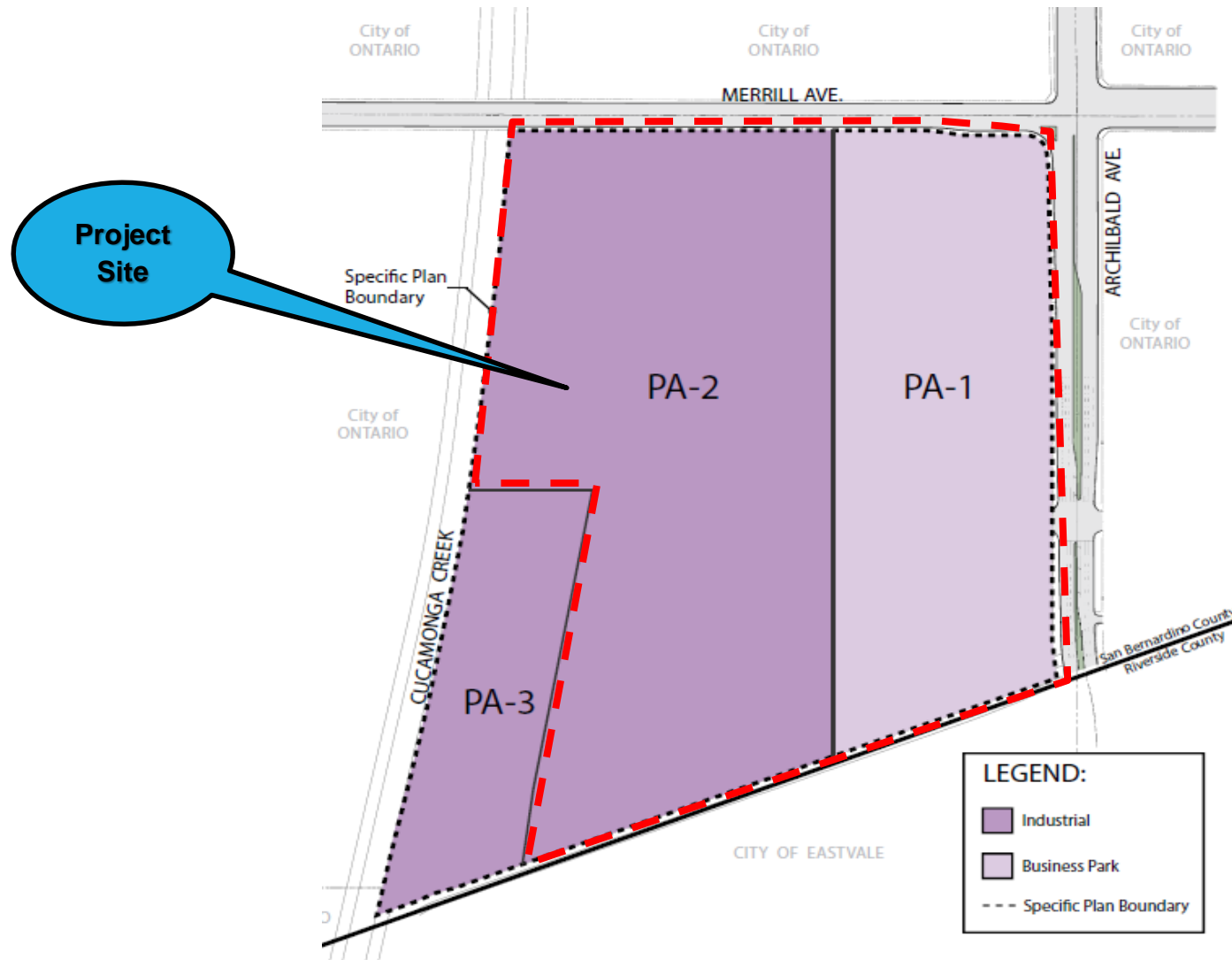


Exhibit U—Specific Plan Planning Areas



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PMTT18-006 (PM 19904), A TENTATIVE PARCEL MAP TO SUBDIVIDE APPROXIMATELY 85 ACRES OF LAND INTO NINE NUMBERED LOTS AND SIX LETTERED LOTS ON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF MERRILL AND ARCHIBARLD AVENUES, WITHIN THE BUSINESS PARK (PLANNING AREA 1) AND INDUSTRIAL (PLANNING AREA 2) LAND USE DESIGNATIONS OF THE COLONY COMMERCE CENTER EAST SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF— APN: 0218-311-02, 0218-311-03, 0218-311-08, 0218-311-10.

WHEREAS, COLONY COMMERCE ONTARIO EAST LP, a Delaware Limited Partnership ("Applicant") has filed an Application for the approval of a Tentative Parcel Map, File No. PMTT18-006, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the project site is comprised of approximately 85 acres of land generally located at the southwest corner of Merrill Avenue and Archibald Avenue, and is designated for Business Park (Planning Area 1) and Industrial (Planning Area 2) land uses by the Colony Commerce Center East Specific Plan. The project site was a former dairy farm and is currently vacant;

WHEREAS, the project site is relatively flat, with a gentle north to south slope of just over one percent. The areas surrounding the project site are characterized by undeveloped lands to the north, west and south, and single-family residential land uses to the east. Additionally, the Cucamonga Creek Flood Control Channel borders the project site on the west, and the San Bernardino/Riverside County line and Riverside County Flood Control Channel borders the project site on the south; and

WHEREAS, a Development Plan (File No. PDEV18-014) to construct nine industrial buildings totaling 1,685,420 square feet on the project site has also been submitted in conjunction with the subject Tentative Parcel Map application; and

WHEREAS, a Development Agreement (File No. PDA18-002) has been filed in conjunction with the Parcel Map application (PMTT18-006) to establish the terms and conditions for the development of Tentative Parcel Map 19904. Approval of Tentative Parcel Map 19904 is contingent upon City Council approval of the Development Agreement (File No. PDA18-002); and

WHEREAS, the applicant is requesting approval to subdivide the project site to facilitate the construction of nine industrial buildings totaling 1,685,420 square feet within the Business Park (Planning Area 1) and Industrial (Planning Area 2) land use designations of the Colony Commerce Center East Specific Plan; and

WHEREAS, the proposed tentative parcel map will subdivide four existing parcels;
and

WHEREAS, Parcels 1 through 9 will be developed with new industrial buildings, comprising 1,685,420 square feet. Lots A and B will be developed with infiltration basins to serve the proposed development. Letter lots C through F, will serve as landscape neighborhood edges and street dedications on Merrill Avenue and Archibald Avenue; and

WHEREAS, the Colony Commerce Center East Specific Plan is composed of approximately 95 acres with three Planning Areas, and has the potential to be developed with approximately 2,340,434 square feet of industrial and business park development;
and

WHEREAS, Planning Area 3, located along the southwest portion of the Specific Plan is 9.65 acres in size and can potentially be developed with 231,195 square feet of industrial development. No formal application has been submitted for Planning Area 3;
and

WHEREAS, according to the development standards of the Specific Plan, the minimum parcel size is one acre. The proposed subdivision will provide a minimum parcel size of 2.26 acres. The largest parcel is 43.99 acres in size; and

WHEREAS, 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 Plans (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; and

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

WHEREAS, on April 17, 2018, the City Council of the City of Ontario conducted a duly noticed public hearing and adopted Resolution 2018-034 certifying the Colony Commerce Center East Specific Plan EIR (SCH#2017031048) and on May 1, 2018, issued Ordinance 3097 approving the Colony Commerce Center East Specific Plan (File No. PSP16-003); and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with File No. PSP16-003, the Colony Commerce Center East Specific Plan for which an Environmental Impact Report (SCH#2017031048) was certified by City Council on April 17, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts; and

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

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Planning Commission the responsibility and authority to review and 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 (hereinafter referred to as "ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on November 19, 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. DAB18-058 recommending the Planning Commission approve the Application; and

WHEREAS, on January 22, 2019, 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 authority for the Project, the Planning Commission has reviewed and considered the information contained in the previous Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with File No. PSP16-003, the Colony Commerce Center East Specific Plan for which an Environmental Impact Report (SCH#2017031048) was certified by City Council on April 17, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts.

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

SECTION 4: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as “ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As

the decision-making authority for the Project, the Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Planning Commission therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(1) ***The proposed Tentative Parcel Map is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable area and specific plans, and planned unit developments.*** The proposed Tentative Parcel Map is located within the Industrial land use district of the Policy Plan Land Use Map, and Business Park (Planning Area 1) and Industrial (Planning Area 2) land use designation of the Colony Commerce Center East 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 the establishment of “[a] dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses” (Goal CD1). Furthermore, the project will promote the City’s policy to “take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods” (Policy CD1-1 *City Identity*); and

(2) ***The design or improvement of the proposed Tentative Parcel Map is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable specific plans and planned unit developments.*** The proposed Tentative Parcel Map is located within the Industrial land use district of the Policy Plan Land Use Map, and Planning Area 1 (Business Park) and Planning Area 2 (Industrial) land use designations of the Colony Commerce Center East 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 provide “[a] high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct (Goal CD2). Furthermore, the project will promote the City’s policy to “collaborate with

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

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

The project site meets the minimum lot area and dimensions of Planning Area 1 (Business Park) and Planning Area 2 (Industrial) land use designations of the Colony Commerce Center East Specific Plan, 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 nine (9) proposed parcels range in size from 2.26 acres to 43.99 acres in size, exceeding the Specific Plan minimum lot area requirement of 1-acre. As a result, the project will be physically suitable for the proposed development; and

(4) ***The site is physically suitable for the density/intensity of development proposed.***

The project site is proposed for industrial and business park development. The project site meets the minimum lot area (1-acre) and dimensions of Planning Area 1 (Business Park) and Planning Area 2 (Industrial) land use designations of the Colony Commerce Center East Specific Plan, and is physically suitable for the proposed intensity of development. Therefore, the site is suitable for the proposed intensity of industrial and business park development; 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 environmental impacts of this project were previously analyzed in conjunction with the Environmental Impact Report prepared for the Colony Commerce Center East Specific Plan, File No. PSP16-003. The Environmental Impact Report (SCH#2017031048) prepared for the project was certified by City Council on April 17, 2018. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts; 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 proposed industrial improvements 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. In addition, the environmental impacts of this project were previously reviewed in conjunction with the Colony Commerce Center

East Specific Plan (File No. PSP16-003), for which an Environmental Impact Report (SCH#2017031048) was certified by City Council on April 17, 2018. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts; 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. In addition, CC&R's will be required to be reviewed and approved by the City Attorney's Office and recorded with the final map, that will outline the responsibilities for the maintenance and upkeep of the site.

SECTION 6: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

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

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

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 22nd day of January, 2019, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Cathy Wahlstrom
Planning Director
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. ____ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on January 22, 2019, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PMTT18-006 (PM 19904)
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: January 22, 2019

File No: PMTT18-006 (PM 19904)

Related File: PDEV18-014

Project Description: A Tentative Parcel Map No. 19904 (**File No. PMTT18-006**) to subdivide approximately 85 acres of land into nine (9) parcels and two (2) letter lots, for property located along the southwest corner of Merrill Avenue and Archibald Avenue within the Business Park and Industrial land use designations of the Colony Commerce Center East Specific Plan. APN's: 0218-311-02, 0218-311-03, 0218-311-08, 0218-311-10; **submitted by CapRock Partners.**

Prepared By: Luis E. Batres, Senior Planner 
Phone: 909.395.2431 (direct)
Email: Lbatres@ontarioca.gov

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

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

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

2.1 Time Limits.

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

2.2 Subdivision Map.

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

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

(c) The subject Tentative Parcel Map for condominium purposes shall require the recordation of a condominium plan concurrent with the recordation of the Final Tract/Parcel Map and CC&Rs.

(d) Pursuant to California Government Section 66474.9, the subdivider agrees that it will defend, indemnify, and hold harmless the City of Ontario or its agents, officers and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer of this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. The City of Ontario shall promptly notify the subdivider of any such claim, action or proceeding and the City of Ontario shall cooperate fully in the defense.

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

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

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

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

2.4 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.

2.5 Environmental Review.

(a) The environmental impacts of this project were reviewed in conjunction with the Colony Commerce Center East Specific Plan (File No. PSP16-003), for which an Environmental Impact Report (SCH# 2017031048) was certified by City Council on May 1, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures of the related EIR shall be a condition of project approval. 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. All previously adopted mitigation measures shall be a condition of project approval, as they are applicable, and are incorporated herein by this reference.

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 Requirements.

(a) The Map and the Development Plan/Site Plan shall be coordinated so that the information provided on each matches.



ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

<input type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> PARCEL MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES	<input type="checkbox"/> TRACT MAP
PROJECT FILE NO. <u>PM 19904</u>		
RELATED FILE NO(S). <u>PDEV 18-014</u>		
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: <u> / / </u>		

CITY PROJECT ENGINEER & PHONE NO: **Jesus Plasencia, 909-395-2128**


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

DAB MEETING DATE: **11/19/18**

PROJECT NAME / DESCRIPTION: **PM-19904, A Tentative Parcel Map to subdivide the project site into nine parcels and six lettered lots within the Colony Commerce Center East Specific Plan area**

LOCATION: **Southwest corner of Archibald and Merrill Avenues**

APPLICANT: **Colony Commerce Ontario East LP**

REVIEWED BY:  11/13/18
Bryan Linley, P.E. Date
Principal Engineer

APPROVED BY:  11/13/18
Khoi Do, P.E. Date
Assistant City Engineer



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

1. PRIOR TO 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: <ul style="list-style-type: none"> a. Archibald Avenue to the ultimate ½ width of right-of-way of 80 feet from centerline (CL) west along the tract frontage. b. Merrill Avenue to the ultimate ½ width of right-of-way of 54 feet from CL north along the tract frontage. c. Lettered lots C and D for the Neighborhood Edge along Merrill Avenue (23 feet wide measured from the ultimate southerly right-to-way) d. Lettered lots E and F for the Neighborhood Edge along Archibald Avenue (35 feet wide measured from the ultimate westerly right-of-way) e. Corner cut-off at the southwest corner of Archibald and Merrill Avenues 	<input type="checkbox"/>
<input checked="" type="checkbox"/>	1.02 Dedicate to the City of Ontario, the following easement(s): Access Road and Public Utility easement along the southerly end of the project site parallel to the vacated portion of Remington Avenue. Proposed easement shall be approximately 49' wide minimum, depending on layout and placement of access road and underground utilities.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	1.03 Restrict vehicular access to the site as follows: <u>Only approved access points per the approved Colony Commerce Center East Specific Plan.</u>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	1.04 Vacate the following street(s) and/or easement(s): Remington Avenue	<input type="checkbox"/>
<input checked="" 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 checked="" 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 checked="" 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.	<input 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.
- 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 an emergency access easement and blanket reciprocal access easement over all parcels in favor of all parcels.
 - 2. The applicant/developer shall provide an emergency access easement and a reciprocal access easement to Archibald Avenue along the southerly end of the project site in favor of Planning Area 3 (APN 0218-311-07).
 - 3. The applicant/developer shall grant a private 10' wide (minimum) recycled water easement, for use and maintenance, in favor of the property owner of Planning Area 3 for a proposed recycled water lateral from the proposed recycled water main in Merrill Avenue.
 - 4. The applicant/developer shall provide a blanket cross lot drainage easement in favor of all parcels including Planning Area 3.

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

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

- 2.01 Record Parcel Map No. 19904 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 will be a recognized parcel in the City of Ontario upon recordation of the final map.



- 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) – Cucamonga Channel connection, County Line Channel connection, and all required improvements within their right-of-way (e.g. Class I Bikeway, landscaping)
 - 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) – Sewer Connection
 - Other: California Department of Public Health – RW Usage/DW Separation Waivers
 Southern California Gas Company – Gas Line Easement encroachment
 City of Eastvale (if necessary) – Archibald Improvements
- 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. Storm Drain Development Impact Fee, approximately \$3,358,531.90, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.**
- 2.16 **Other conditions:**
 - 1. **In the event the potable water system improvements on Merrill, Carpenter, and Remington to be constructed as part of the Caprock West Development (PM 19643) are not operational, the applicant/developer shall provide a second point of connection off Merrill Avenue to the property owner of Planning Area 3 via a private onsite domestic water system.**



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	Archibald Avenue	Merrill Avenue	Private Access Road	
Curb and Gutter	<input checked="" type="checkbox"/> New; 65 ft. West of C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 42 ft. South of 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 checked="" type="checkbox"/> Widen 63-ft from C/L west including pavement transitions	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Widen 40-ft from C/L south including pavement transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input 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
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	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input checked="" type="checkbox"/> Trees <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 checked="" 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 checked="" type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New <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 checked="" 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 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
Recycled Water (see Sec. 2.E)	<input 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 checked="" type="checkbox"/> Modify Existing @ Merrill	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Storm Drain (see Sec. 2.G)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Fiber Optics (see Sec. 2.K)	<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"/> Underground <input type="checkbox"/> Relocate	<input checked="" type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	Removal of existing pavement that is not constructed to ultimate depth	_____	_____
Other Improvements	_____	Widen south side of Merrill Avenue Bridge at Cucamonga Channel	_____	_____

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

1. All on-site utilities, except within public utility easements, shall be privately owned and maintained.
2. The applicant/developer shall install all utilities to be placed under new roadways designed to the ultimate condition.
3. The applicant/developer shall coordinate the timing of improvements on Archibald Avenue and southerly project boundary with the Chino Basin Desalter Authority as they have a planned water line project on these streets.



- 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). This includes, but is not limited to overhead lines on the project site that branch off from the poles along Archibald Avenue and run west parallel of Merrill Avenue.**
- 2.22 **Other conditions:**
 1. **The applicant/developer may be required to grind & overlay existing pavement on Merrill and Archibald Avenue to address utility connections as directed by City staff.**

C. SEWER

- 2.23 **A 42-inch IEUA sewer main is available for connection by this project near the southerly property line within the proposed roadway/public utility easement.**
- 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 sewer lateral from the on-site private sewer system to the 42-inch IEUA sewer main shall be installed per City Standard No. 2003 with a 2% slope and a manhole on private property immediately behind the public utility easement.**
 2. **The Onsite sewer system and building plumbing shall be designed in such a way that the sanitary wastewater flows leave the building separately from non-sanitary wastewater flows (industrial, process, or kitchen, etc.) and the line for non-sanitary wastewater flows can be upgraded in the future to accommodate pretreatment equipment and devices, as required by a Wastewater Discharge Permit.**
 3. **Each connection from the Onsite Sewer System to the Public Sewer System shall have a monitoring manhole prior to the point of connection with the public sewer system.**
 4. **Each Occupant of the building, or units, shall apply for a Wastewater Discharge Permit for their Establishment, and shall comply with all the requirements of their Wastewater Discharge Permit. Requirements of Wastewater Discharge Permit may include, but not limited to including: possibly installing a monitoring manhole, clarifier, or other sewer pretreatment equipment.**
 5. **The applicant shall submit a written request letter to the City for a new Regional Sewer Connection. The request letter shall include: an exhibit that shows the tributary area of the Regional Connection; the proposed sewer system main connection through the proposed Regional Connection; IEUA record drawing number, station number and manhole number or the connection point; and a plan and profile detail of the manhole connection and any modification proposed to the manhole. Once received from the applicant, the City will request the new Regional Connection from IEUA. If approved by IEUA, the applicant shall be responsible for meeting all terms, conditions, standards, and requirements IEUA has for the Regional Connection.**



D. WATER

- 2.27 A 12-inch water main is available for connection by this project in Archibald Avenue. (Ref: Water plan bar code: W13403)
- 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:
 - 1. The applicant/developer shall design and construct the following potable water improvements unless constructed by others:
 - a. Merrill Avenue Water Loop
 - 12-inch 925 PZ Potable Water main in Merrill Avenue connecting from the existing main in Archibald Avenue and extending to Carpenter Avenue.
 - 12-inch 925 PZ Potable Water main in Carpenter Avenue connecting from Merrill Avenue to Remington Avenue.
 - 12-inch 925 PZ Potable Water main in Remington Avenue connecting from the existing main in Archibald Avenue and extending to Carpenter Avenue.
 - b. Eucalyptus Avenue Water Loop
 - 24-inch 925 PZ Potable Water main in Eucalyptus Avenue connecting from the existing main in Archibald Avenue and extending to Carpenter Avenue.
 - 12-inch 925 PZ Potable Water main in Carpenter Avenue connecting from Eucalyptus Avenue to Merrill Avenue.
 - 12-inch 925 PZ Potable Water main in Merrill Avenue connecting from the existing main in Archibald Avenue and extending to Carpenter Avenue.
 - 2. The City may consider deferment of the Eucalyptus Avenue Water Loop subject to terms in the approved Development Agreement. The frontage potable improvements along Merrill and Remington Avenues between Archibald Avenue and just west of the Cucamonga Channel cannot be deferred.
 - 3. Any relocation of existing fire hydrants, including but not limited to those located along Archibald Avenue, must be abandoned back to the existing to main and new laterals shall be installed per City Standard No. 4111.

E. RECYCLED WATER

- 2.30 A 12-inch recycled water main is available for connection by this project in Archibald Avenue. (Ref: Recycled Water plan bar code: P10147)
 - 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) 395-2647 regarding this requirement.
- 2.34 Other conditions:
 - 1. The applicant/developer shall comply with City Ordinance 2689 and make use of recycled water for all approved uses, including but not limited to landscaping irrigation.
 - 2. Install a 12-inch 930 PZ Recycled Water main in Merrill Avenue connecting from the existing main in Archibald Avenue and extending to west of the Cucamonga Creek Channel unless constructed by others.



3. Install a 4" recycled water service and meter box for the benefit of Planning Area 3 (APN 0218-311-07) within the public right-of-way in Merrill Avenue fronting the 10' private utility easement.
4. All irrigation services shall be connected to the proposed 12-inch 930 PZ Recycled Water main in Merrill 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:
1. The applicant/developer shall be responsible to pay their appropriate fair share for traffic impacts identified in Table 1-4 of the approved Traffic Impact Analysis.
 2. The applicant/developer shall be responsible to design and construct the ultimate half street improvements along the project frontage as follows:
 - Archibald Avenue (160' R/W, 130' C/C, 26' Median)
 - Merrill Avenue (108' R/W, 84' C/C), including a striped median, 14' wide westbound lane and 5' wide shoulder.All public utility infrastructure shall be placed under ultimate pavement. Improvements shall include appropriate pavement transitions, signing and striping as deemed necessary by the City Engineer.
 3. Merrill Avenue west of Archibald Avenue is a truck route. The applicant/developer shall design and construct concrete pavement approaches and intersections in accordance with City of Ontario Standard Drawing No. 1207.
 4. Archibald Avenue is a truck route. The applicant/developer shall design and construct concrete pavement approaches and intersections in accordance with City of Ontario Standard Drawing No. 1207. The improvements shall include both northbound and southbound approaches.
 5. The applicant/developer shall be responsible to construct the following traffic signals:
 - Archibald Avenue and the proposed project driveway (~1/4 Mile s/o Merrill Avenue). This will include modifying the existing median, installing a new concrete intersection, and concrete approaches in both directions in accordance with City standard drawings.
 - Merrill Avenue at the proposed project driveway (~900' w/o Archibald Avenue). Coordinate with the developer to the north side of Merrill Avenue for all common improvements including placement of proposed signal.
 - Modify the signal at the intersection of Archibald Avenue at Merrill Avenue.The new traffic signals 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.
 6. The applicant/developer shall be responsible to design and construct the ultimate south half of the Merrill Avenue Bridge over Cucamonga Creek (DIF).
 7. The applicant/developer shall be responsible to design and construct a bus turnout to be located on southbound Archibald Avenue, south of Merrill Avenue.
 8. The applicant/developer shall be responsible to design and construct traffic signal interconnect, LED-type street-lighting, and signing & 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.
 9. Archibald Avenue and Merrill Avenue shall be posted "No Stopping and/or Parking Anytime".



10. The applicant/developer's engineer-of-record shall meet with City Engineering staff prior to starting traffic signal, signing/stripping and/or street lighting design.
11. The applicant/developer shall obtain all rights-of-way necessary to construct all required improvements.
12. The applicant/developer shall be responsible to design and construct street improvements along property frontage. These shall include, but not be limited to, concrete curb and gutter, sidewalk, LED street lights, signing and striping, and parkway landscaping.
13. All landscaping, block walls, and other obstructions shall be compatible with the stopping sight distance requirements per City of Ontario Standard Drawing No. 1309.
14. The applicant/developer shall be responsible to design and construct the Cucamonga Channel Class I Bikeway Trail within the flood control right-of-way as required by the City of Ontario Streetscape Master Plan along the project frontage.

G. DRAINAGE / HYDROLOGY

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

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

- 2.44 401 Water Quality Certification/404 Permit – Submit a copy of any applicable 401 Certification or 404 Permit for the subject project to the City project engineer. Development that will affect any body of surface water (i.e. lake, creek, open drainage channel, etc.) may require a 401 Water Quality Certification from the California Regional Water Quality Control Board, Santa Ana Region (RWQCB) and a 404 Permit from the United States Army Corps of Engineers (USACE). The groups of water bodies classified in these requirements are perennial (flow year round) and ephemeral (flow during rain)



conditions, only) and include, but are not limited to, direct connections into San Bernardino County Flood Control District (SBCFCD) channels.

If a 401 Certification and/or a 404 Permit are not required, a letter confirming this from Applicant's engineer shall be submitted.

Contact information: USACE (Los Angeles District) (213) 452-3414; RWQCB (951) 782-4130.

- 2.45 **Submit a Water Quality Management Plan (WQMP).** This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcounty.gov/dpw/land/npdes.asp>.
- 2.46 **Other conditions:**
 - 1. To ensure regional stormwater permit compliance, the outlets leading to the storm drain system need to be equipped with a treatment device such as a hydrodynamic separator, connector pipe screen, continuous deflective system, or equivalent.

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 on Archibald Avenue.
- 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 Trash Truck Turning Exhibit, revision dated 7/30/2018, shall be updated and revised into a Solid Waste Handling Plan (SWHP) and be submitted with the Precise Grading Plan for review and approval of Ontario Municipal Utilities Company.
 - 2. The SWHP shall demonstrate compliance with the "Solid Waste Handling Plan Requirements".
 - 3. This site shall comply with the requirements of State Assembly Bill AB 1826 and AB 341, the Integrated Waste Department, and the Refuse & Recycling Planning Manual which can be found at <https://www.ontarioca.gov/omuc/integrated-waste>. The City of Ontario is dedicated to meeting its diversion goals, please contact the Integrated Waste Department at (909) 395-2050 to start.



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.).
- 3.07 Other conditions:
 - 1. Successfully pass water system start-up and cross-connection tests.
 - 2. Provide evidence demonstrating training of the on-site supervisor or designee as specified in the Recycled Water Engineer Report.



EXHIBIT 'A'

**ENGINEERING DEPARTMENT
First Plan Check Submittal Checklist**

Project Number: Parcel Map No. 19904

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

DAB CONDITIONS OF APPROVAL

Sign Off

Carolyn Bell
 Carolyn Bell, Sr. Landscape Planner

9/5/18
 Date

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

D.A.B. File No.: PMTT18-006	Related Files:	Case Planner: Luis Batres
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Project Name and Location:
 Colony Commerce Center East
 SWC Archibald and Merrill Ave

Applicant/Representative:
 David Evans and Associates
 17782 17th St ste 200
 Tustin, CA 92780

<input checked="" type="checkbox"/>	A Tentative Tract Map (dated 8/17/18) has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.
<input type="checkbox"/>	A Tentative Tract Map (dated) has not been approved. Corrections noted below are required prior to DAB approval.

CORRECTIONS REQUIRED

On Construction Plans:

- Note for compaction to not be greater than 85% at landscape areas; all finished grades 1 ½" below finished surfaces; landscaped slopes to be max 3:1.
- Show transformers located in planter areas, and dimension set back 5' from paving all sides. Coordinate with landscape plans.
- Show or note backflow devices shall be located in planter areas, and set back min 3' from paving all sides. Locate on level grade. Coordinate with landscape plans.
- Storm water infiltration devices located in landscape areas shall be reviewed and approved by the Landscape Planning Division during plan check and prior to installation.
- Provide a tree inventory for existing trees include genus, species, trunk diameter, canopy width and condition. Show and note existing trees in good condition to remain and note trees proposed to be removed. Include existing trees within 15' of adjacent property that would be affected by new walls, footings or on-site tree planting. Add tree protection notes on construction and demo plans.
- Landscape and irrigation plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
- After a project's entitlement approval, the applicant shall pay all applicable fees at a rate established by resolution of the City Council. Typical fees are:

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

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

CITY OF ONTARIO MEMORANDUM

TO: PLANNING DEPARTMENT, Luis Batres
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: May 7, 2018
SUBJECT: PMTT18-006

-
- 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



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV18-014, A DEVELOPMENT PLAN TO CONSTRUCT NINE INDUSTRIAL BUILDINGS TOTALING 1,685,420 SQUARE FEET ON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF MERRILL AND ARCHIBARLD AVENUES, WITHIN THE BUSINESS PARK (PLANNING AREA 1) AND INDUSTRIAL (PLANNING AREA 2) LAND USE DESIGNATIONS OF THE COLONY COMMERCE CENTER EAST SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-311-02, 0218-311-03, 0218-311-08, 0218-311-10.

WHEREAS, COLONY COMMERCE ONTARIO EAST LP, a Delaware Limited Partnership ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV18-014, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the project site is comprised of approximately 85 acres of land generally located at the southwest corner of Merrill Avenue and Archibald Avenue, and is designated for Business Park (Planning Area 1) and Industrial (Planning Area 2) land uses by the Colony Commerce Center East Specific Plan. The project site was most recently utilized as a dairy farm; however, it is now vacant; and

WHEREAS, the project site is relatively flat, with a gentle north to south slope of just over one percent. The areas surrounding the project site are characterized by undeveloped lands to the north, west and south, and single-family residential land uses to the east. Additionally, the Cucamonga Creek Flood Control Channel borders the project site on the west, and the San Bernardino/Riverside County line and Riverside County Flood Control Channel borders the project site on the south; and

WHEREAS, a Tentative Parcel Map No. 19904 (File No. PMTT18-006) to subdivide approximately 85 acres of land into nine numbered lots and six lettered lots has been submitted in conjunction with the subject development application; and

WHEREAS, a Development Agreement (File No. PDA18-002) has been filed in conjunction with the Development Plan application (File PDEV18-014) to establish the terms and conditions to construct nine industrial buildings totaling 1,685,420 square feet on the project site. Approval of Development Plan application (File PDEV18-014) is contingent upon City Council approval of the Development Agreement (File No. PDA18-002); and

WHEREAS, the Colony Commerce Center East Specific Plan is composed of approximately 95 acres with three Planning Areas, and has the potential to be developed

with approximately 2,340,434 square feet of industrial and business park development;
and

WHEREAS, Planning Area 3, located along the southwest portion of the Specific Plan is 9.65 acres in size and can potentially be developed with 231,195 square feet of industrial development. No formal application has been submitted for Planning Area 3;
and

WHEREAS, the Project proposes nine industrial buildings ranging from 41,210 to 1,000,930 square feet; and

WHEREAS, the contemporary architecture style being proposed for the Project, is in keeping with the City's high standards for new industrial development; and

WHEREAS, 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 Plans (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; and

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

WHEREAS, on April 17, 2018, the City Council of the City of Ontario conducted a duly noticed public hearing and adopted Resolution 2018-034 certifying the Colony Commerce Center East Specific Plan EIR (SCH#2017031048) and on May 1, 2018, issued Ordinance 3097 approving the Colony Commerce Center East Specific Plan (File No. PSP16-003); and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with File No. PSP16-003, the Colony Commerce Center East Specific Plan for which an Environmental Impact Report (SCH#2017031048) was certified by City Council on April 17, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts; and

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

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Planning Commission the responsibility and authority to review and 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 (hereinafter referred to as "ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on November 19, 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. DAB18-059 recommending the Planning Commission approve the Application; and

WHEREAS, on January 22, 2019, 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 authority for the Project, the Planning Commission has reviewed and considered the information contained in the previous Certified EIR and supporting documentation.

Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with File No. PSP16-003, the Colony Commerce Center East Specific Plan for which an Environmental Impact Report (SCH#2017031048) was certified by City Council on April 17, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Transportation, Division of Aeronautics. As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(1) ***The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed Project is located within the Industrial land use district of the Policy Plan Land Use Map, and Planning Areas 1 (Business Park) & Planning Area 2 (Industrial) zoning districts of the Colony Commerce Center East Specific Plan 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 Planning Area 1 (Business Park) & Planning Area 2 (Industrial) zoning districts of the Colony Commerce Center East Specific Plan, including standards relative to the particular land use proposed (industrial), as-well-as building intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions; 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 Planning Commission has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the Colony Commerce Center East Specific Plan are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; [iv] the project will be in harmony with the area in which it is located; and [v] the project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of the Ontario Plan, and the Colony Commerce Center East Specific 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 Colony Commerce Center East Specific Plan that are applicable to the proposed project, including building intensity, building and parking setbacks, building height, amount of off-street parking and loading spaces, parking lot dimensions, design and landscaping, bicycle parking, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the particular land use being proposed (industrial). As a result of this review, the Planning Commission has determined that the project, when implemented in conjunction with the conditions of approval, will be consistent with the development standards and guidelines described in the Colony Commerce Center East Specific Plan.

SECTION 6: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as “Attachment A,” and incorporated herein by this reference.

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

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

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 22nd day of January, 2019, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Cathy Wahlstrom
Planning Director
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. ____ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on January 22, 2019, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PDEV18-014
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: January 22, 2019
File No: PDEV18-014
Related Files: PMTT18-006 (TPM 19904)

Project Description: A Development Plan (File No. PDEV18-014) to construct nine (9) industrial buildings totaling 1,685,420 square feet on approximately 85 acres of land, on property located along the southwest corner of Merrill Avenue and Archibald Avenue within the Business Park (Planning Area 1) and Industrial (Planning Area 2) land use designations of the Colony Commerce Center East Specific Plan. (APN's: 0218-311-02, 0218-311-03, 0218-311-08, 0218-311-10); **submitted by Colony Commerce Ontario East LP, a Delaware Limited Partnership.**

Prepared By: Luis E. Batres, Senior Planner 
Phone: 909.395.2431
Email: Lbatres@ontarioca.gov

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

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

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

2.1 Time Limits.

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

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

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

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

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

2.3 Landscaping.

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

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

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

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

(e) The applicant shall work with staff during the plan check process to finalize all the areas that will be required to have decorative 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 All metal/wrought iron fencing for the project shall be powder coated to prevent rust.

2.6 (Revised) Portions of the north and west side fencing for Building 1 (truck court area), shall be replaced with an 8' tall decorative tilt-up screen wall to screen views from Merrill Avenue. Applicant shall work with staff during the plan check process.

2.7 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).

2.8 Outdoor Loading and Storage Areas.

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

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

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

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

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

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

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

Screen Wall Height	Minimum Gate Height
14 feet:	10 feet
12 feet:	9 feet
10 feet:	8 feet
8 feet:	8 feet
6 feet:	6 feet

2.9 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) Applicant shall work with staff during the plan check process to add decorative up and down lighting at key architectural and landscape locations to enhance the project during the p.m. hours. A separate lighting exhibit shall be submitted during the plan check process that shows all the proposed locations. Color cut-sheets of the fixtures shall also be submitted during the plan check process for review and approval. Once approved, they shall be included on the construction plans for plan check.

(d) (Revised) Wall packs will not be allowed within public views.

(e) All office towers shall feature decorative sconce lighting fixtures at key locations. Color cut-sheets of the fixtures shall also be submitted during the plan check process for review and approval. Once approved, they shall be included on the construction plans for plan check.

(f) Color cut sheets shall be submitted to the Planning Department during the plan check process for all exterior lighting fixtures, and the applicant shall work with staff to select all the fixtures for the project. Once approved, they shall be included on the construction plans for plan check.

2.10 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.

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

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

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

2.14 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.

2.15 Environmental Review.

(a) The environmental impacts of this project were reviewed in conjunction with the Colony Commerce Center East Specific Plan (File No. PSP16-003), for which an Environmental Impact Report (SCH# 2017031048) was certified by City Council on May 1, 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. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval, and are incorporated herein by this reference.

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

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

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

2.17 Additional Fees.

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

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

2.18 Additional Requirements.

(a) (Revised) All fencing along the west property line shall be replaced with an 8' tall decorative metal/wrought iron fence (except for those portions of those portions of Building 1, they shall comply as requested previously). Any existing fencing along the south property line that requires repair due to damage or wear and tear, shall be repaired or replaced to industry standards.

(b) All proposed glazing shall be located at rear of wall panels, to add more shadows and interest to the buildings.

(c) (Revised) All wall panel areas proposing to have paint in place of glazing shall be inset several inches or shall be framed with larger reveals to better frame the areas, to add more interest to the buildings, as discussed on the November 19th meeting.

(d) (Revised) Building 5, the applicant shall work with staff during the plan check process to add more roof articulation to the south elevation, as discussed on the November 19th meeting.

(e) (Revised) Building 6, the applicant shall work with staff during the plan check process to increase the height of the second and third panels along the South Elevation, as discussed on the November 19th meeting.

(f) (Revised) Building 7, the applicant shall work with staff during the plan check process to add more roof articulation along the North Elevation and to convert one of the panels along the north elevation to feature the sandblasted concrete multi-reveal feature, as discussed on the November 19th meeting.

(g) (Revised) Building 8, the applicant shall work with staff during the plan check process to modify two panels along the south elevation, to add the sandblast and multi-reveal accent feature, to add more interest, as discussed on the November 19th meeting.

(h) (Revised) Building 9, the applicant shall work with staff during the plan check process to add the sandblast and multi-reveal accent feature along the upper portion of the towers, to the non-office tower elements along the east elevation, which will be visible from Archibald Avenue, as discussed on the November 19th meeting.

(i) The applicant shall work with staff during the plan check process to add a decorative color band around the edge of all patio/leisure areas.

(j) The applicant shall work with staff during the plan check process to add a darker color paving to all outside office plaza areas and patio/leisure areas.

(k) The Subdivision Map and the Development Plan/site plan shall be coordinated so that the information provided matches.

(l) A Sign Program shall be submitted for the entire project and must be approved by the City prior to any signs being approved.



ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

<input type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> PARCEL MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES	<input type="checkbox"/> TRACT MAP
PROJECT FILE NO. <u>PM 19904</u> RELATED FILE NO(S). <u>PDEV 18-014</u>		
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: <u> / / </u>		

CITY PROJECT ENGINEER & PHONE NO: **Jesus Plasencia, 909-395-2128**

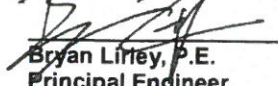
CITY PROJECT PLANNER & PHONE NO: **Luis Batres, 909-395-2431**

DAB MEETING DATE: **11/19/18**

PROJECT NAME / DESCRIPTION: **PM-19904, A Tentative Parcel Map to subdivide the project site into nine parcels and six lettered lots within the Colony Commerce Center East Specific Plan area**

LOCATION: **Southwest corner of Archibald and Merrill Avenues**

APPLICANT: **Colony Commerce Ontario East LP**

REVIEWED BY: 
Bryan Lirley, P.E.
Principal Engineer 11/13/18
Date

APPROVED BY: 
Khoi Do, P.E.
Assistant City Engineer 11/13/18
Date



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

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

- 1.01 Dedicate to the City of Ontario, the right-of-way, described below:
 - a. Archibald Avenue to the ultimate ½ width of right-of-way of 80 feet from centerline (CL) west along the tract frontage.
 - b. Merrill Avenue to the ultimate ½ width of right-of-way of 54 feet from CL north along the tract frontage.
 - c. Lettered lots C and D for the Neighborhood Edge along Merrill Avenue (23 feet wide measured from the ultimate southerly right-to-way)
 - d. Lettered lots E and F for the Neighborhood Edge along Archibald Avenue (35 feet wide measured from the ultimate westerly right-of-way)
 - e. Corner cut-off at the southwest corner of Archibald and Merrill Avenues
- 1.02 Dedicate to the City of Ontario, the following easement(s): Access Road and Public Utility easement along the southerly end of the project site parallel to the vacated portion of Remington Avenue. Proposed easement shall be approximately 49' wide minimum, depending on layout and placement of access road and underground utilities.
- 1.03 Restrict vehicular access to the site as follows: Only approved access points per the approved Colony Commerce Center East Specific Plan.
- 1.04 Vacate the following street(s) and/or easement(s): Remington Avenue
- 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.



- 1.09 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 an emergency access easement and blanket reciprocal access easement over all parcels in favor of all parcels.
 2. The applicant/developer shall provide an emergency access easement and a reciprocal access easement to Archibald Avenue along the southerly end of the project site in favor of Planning Area 3 (APN 0218-311-07).
 3. The applicant/developer shall grant a private 10' wide (minimum) recycled water easement, for use and maintenance, in favor of the property owner of Planning Area 3 for a proposed recycled water lateral from the proposed recycled water main in Merrill Avenue.
 4. The applicant/developer shall provide a blanket cross lot drainage easement in favor of all parcels including Planning Area 3.

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

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

- 2.01 Record Parcel Map No. 19904 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 will be a recognized parcel in the City of Ontario upon recordation of the final map.



- 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) – Cucamonga Channel connection, County Line Channel connection, and all required improvements within their right-of-way (e.g. Class I Bikeway, landscaping)
 - 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) – Sewer Connection
 - Other: California Department of Public Health – RW Usage/DW Separation Waivers
 Southern California Gas Company – Gas Line Easement encroachment
 City of Eastvale (if necessary) – Archibald Improvements
- 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. Storm Drain Development Impact Fee, approximately \$3,358,531.90, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.**
- 2.16 **Other conditions:**
 - 1. **In the event the potable water system improvements on Merrill, Carpenter, and Remington to be constructed as part of the Caprock West Development (PM 19643) are not operational, the applicant/developer shall provide a second point of connection off Merrill Avenue to the property owner of Planning Area 3 via a private onsite domestic water system.**



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	Archibald Avenue	Merrill Avenue	Private Access Road	
Curb and Gutter	<input checked="" type="checkbox"/> New; 65 ft. West of C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 42 ft. South of 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 checked="" type="checkbox"/> Widen 63-ft from C/L west including pavement transitions	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Widen 40-ft from C/L south including pavement transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input 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
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	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input checked="" type="checkbox"/> Trees <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 checked="" 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 checked="" type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New <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 checked="" 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 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
Recycled Water (see Sec. 2.E)	<input 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 checked="" type="checkbox"/> Modify Existing @ Merrill	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify	<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 checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
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"/> Underground <input type="checkbox"/> Relocate	<input checked="" type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	Removal of existing pavement that is not constructed to ultimate depth	_____	_____
Other Improvements	_____	Widen south side of Merrill Avenue Bridge at Cucamonga Channel	_____	_____

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

1. All on-site utilities, except within public utility easements, shall be privately owned and maintained.
2. The applicant/developer shall install all utilities to be placed under new roadways designed to the ultimate condition.
3. The applicant/developer shall coordinate the timing of improvements on Archibald Avenue and southerly project boundary with the Chino Basin Desalter Authority as they have a planned water line project on these streets.



- 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). This includes, but is not limited to overhead lines on the project site that branch off from the poles along Archibald Avenue and run west parallel of Merrill Avenue.**
- 2.22 **Other conditions:**
 - 1. **The applicant/developer may be required to grind & overlay existing pavement on Merrill and Archibald Avenue to address utility connections as directed by City staff.**

C. SEWER

- 2.23 **A 42-inch IEUA sewer main is available for connection by this project near the southerly property line within the proposed roadway/public utility easement.**
- 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 sewer lateral from the on-site private sewer system to the 42-inch IEUA sewer main shall be installed per City Standard No. 2003 with a 2% slope and a manhole on private property immediately behind the public utility easement.**
 - 2. **The Onsite sewer system and building plumbing shall be designed in such a way that the sanitary wastewater flows leave the building separately from non-sanitary wastewater flows (industrial, process, or kitchen, etc.) and the line for non-sanitary wastewater flows can be upgraded in the future to accommodate pretreatment equipment and devices, as required by a Wastewater Discharge Permit.**
 - 3. **Each connection from the Onsite Sewer System to the Public Sewer System shall have a monitoring manhole prior to the point of connection with the public sewer system.**
 - 4. **Each Occupant of the building, or units, shall apply for a Wastewater Discharge Permit for their Establishment, and shall comply with all the requirements of their Wastewater Discharge Permit. Requirements of Wastewater Discharge Permit may include, but not limited to including: possibly installing a monitoring manhole, clarifier, or other sewer pretreatment equipment.**
 - 5. **The applicant shall submit a written request letter to the City for a new Regional Sewer Connection. The request letter shall include: an exhibit that shows the tributary area of the Regional Connection; the proposed sewer system main connection through the proposed Regional Connection; IEUA record drawing number, station number and manhole number or the connection point; and a plan and profile detail of the manhole connection and any modification proposed to the manhole. Once received from the applicant, the City will request the new Regional Connection from IEUA. If approved by IEUA, the applicant shall be responsible for meeting all terms, conditions, standards, and requirements IEUA has for the Regional Connection.**



D. WATER

- 2.27 A 12-inch water main is available for connection by this project in Archibald Avenue. (Ref: Water plan bar code: W13403)
- 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:
 - 1. The applicant/developer shall design and construct the following potable water improvements unless constructed by others:
 - a. Merrill Avenue Water Loop
 - 12-inch 925 PZ Potable Water main in Merrill Avenue connecting from the existing main in Archibald Avenue and extending to Carpenter Avenue.
 - 12-inch 925 PZ Potable Water main in Carpenter Avenue connecting from Merrill Avenue to Remington Avenue.
 - 12-inch 925 PZ Potable Water main in Remington Avenue connecting from the existing main in Archibald Avenue and extending to Carpenter Avenue.
 - b. Eucalyptus Avenue Water Loop
 - 24-inch 925 PZ Potable Water main in Eucalyptus Avenue connecting from the existing main in Archibald Avenue and extending to Carpenter Avenue.
 - 12-inch 925 PZ Potable Water main in Carpenter Avenue connecting from Eucalyptus Avenue to Merrill Avenue.
 - 12-inch 925 PZ Potable Water main in Merrill Avenue connecting from the existing main in Archibald Avenue and extending to Carpenter Avenue.
 - 2. The City may consider deferment of the Eucalyptus Avenue Water Loop subject to terms in the approved Development Agreement. The frontage potable improvements along Merrill and Remington Avenues between Archibald Avenue and just west of the Cucamonga Channel cannot be deferred.
 - 3. Any relocation of existing fire hydrants, including but not limited to those located along Archibald Avenue, must be abandoned back to the existing to main and new laterals shall be installed per City Standard No. 4111.

E. RECYCLED WATER

- 2.30 A 12-inch recycled water main is available for connection by this project in Archibald Avenue. (Ref: Recycled Water plan bar code: P10147)
 - 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) 395-2647 regarding this requirement.
- 2.34 Other conditions:
 - 1. The applicant/developer shall comply with City Ordinance 2689 and make use of recycled water for all approved uses, including but not limited to landscaping irrigation.
 - 2. Install a 12-inch 930 PZ Recycled Water main in Merrill Avenue connecting from the existing main in Archibald Avenue and extending to west of the Cucamonga Creek Channel unless constructed by others.



3. Install a 4" recycled water service and meter box for the benefit of Planning Area 3 (APN 0218-311-07) within the public right-of-way in Merrill Avenue fronting the 10' private utility easement.
4. All irrigation services shall be connected to the proposed 12-inch 930 PZ Recycled Water main in Merrill 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:
1. The applicant/developer shall be responsible to pay their appropriate fair share for traffic impacts identified in Table 1-4 of the approved Traffic Impact Analysis.
 2. The applicant/developer shall be responsible to design and construct the ultimate half street improvements along the project frontage as follows:
 - Archibald Avenue (160' R/W, 130' C/C, 26' Median)
 - Merrill Avenue (108' R/W, 84' C/C), including a striped median, 14' wide westbound lane and 5' wide shoulder.All public utility infrastructure shall be placed under ultimate pavement. Improvements shall include appropriate pavement transitions, signing and striping as deemed necessary by the City Engineer.
 3. Merrill Avenue west of Archibald Avenue is a truck route. The applicant/developer shall design and construct concrete pavement approaches and intersections in accordance with City of Ontario Standard Drawing No. 1207.
 4. Archibald Avenue is a truck route. The applicant/developer shall design and construct concrete pavement approaches and intersections in accordance with City of Ontario Standard Drawing No. 1207. The improvements shall include both northbound and southbound approaches.
 5. The applicant/developer shall be responsible to construct the following traffic signals:
 - Archibald Avenue and the proposed project driveway (~1/4 Mile s/o Merrill Avenue). This will include modifying the existing median, installing a new concrete intersection, and concrete approaches in both directions in accordance with City standard drawings.
 - Merrill Avenue at the proposed project driveway (~900' w/o Archibald Avenue). Coordinate with the developer to the north side of Merrill Avenue for all common improvements including placement of proposed signal.
 - Modify the signal at the intersection of Archibald Avenue at Merrill Avenue.The new traffic signals 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.
 6. The applicant/developer shall be responsible to design and construct the ultimate south half of the Merrill Avenue Bridge over Cucamonga Creek (DIF).
 7. The applicant/developer shall be responsible to design and construct a bus turnout to be located on southbound Archibald Avenue, south of Merrill Avenue.
 8. The applicant/developer shall be responsible to design and construct traffic signal interconnect, LED-type street-lighting, and signing & 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.
 9. Archibald Avenue and Merrill Avenue shall be posted "No Stopping and/or Parking Anytime".



10. The applicant/developer's engineer-of-record shall meet with City Engineering staff prior to starting traffic signal, signing/stripping and/or street lighting design.
11. The applicant/developer shall obtain all rights-of-way necessary to construct all required improvements.
12. The applicant/developer shall be responsible to design and construct street improvements along property frontage. These shall include, but not be limited to, concrete curb and gutter, sidewalk, LED street lights, signing and striping, and parkway landscaping.
13. All landscaping, block walls, and other obstructions shall be compatible with the stopping sight distance requirements per City of Ontario Standard Drawing No. 1309.
14. The applicant/developer shall be responsible to design and construct the Cucamonga Channel Class I Bikeway Trail within the flood control right-of-way as required by the City of Ontario Streetscape Master Plan along the project frontage.

G. DRAINAGE / HYDROLOGY

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

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

- 2.44 401 Water Quality Certification/404 Permit – Submit a copy of any applicable 401 Certification or 404 Permit for the subject project to the City project engineer. Development that will affect any body of surface water (i.e. lake, creek, open drainage channel, etc.) may require a 401 Water Quality Certification from the California Regional Water Quality Control Board, Santa Ana Region (RWQCB) and a 404 Permit from the United States Army Corps of Engineers (USACE). The groups of water bodies classified in these requirements are perennial (flow year round) and ephemeral (flow during rain)



conditions, only) and include, but are not limited to, direct connections into San Bernardino County Flood Control District (SBCFCD) channels.

If a 401 Certification and/or a 404 Permit are not required, a letter confirming this from Applicant's engineer shall be submitted.

Contact information: USACE (Los Angeles District) (213) 452-3414; RWQCB (951) 782-4130.

- 2.45 **Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcounty.gov/dpw/land/npdes.asp>.**
- 2.46 **Other conditions:**
1. **To ensure regional stormwater permit compliance, the outlets leading to the storm drain system need to be equipped with a treatment device such as a hydrodynamic separator, connector pipe screen, continuous deflective system, or equivalent.**

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 on Archibald Avenue.**
- 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 Trash Truck Turning Exhibit, revision dated 7/30/2018, shall be updated and revised into a Solid Waste Handling Plan (SWHP) and be submitted with the Precise Grading Plan for review and approval of Ontario Municipal Utilities Company.**
 2. **The SWHP shall demonstrate compliance with the "Solid Waste Handling Plan Requirements".**
 3. **This site shall comply with the requirements of State Assembly Bill AB 1826 and AB 341, the Integrated Waste Department, and the Refuse & Recycling Planning Manual which can be found at <https://www.ontarioca.gov/omuc/integrated-waste>. The City of Ontario is dedicated to meeting its diversion goals, please contact the Integrated Waste Department at (909) 395-2050 to start.**



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.).
- 3.07 Other conditions:
 - 1. Successfully pass water system start-up and cross-connection tests.
 - 2. Provide evidence demonstrating training of the on-site supervisor or designee as specified in the Recycled Water Engineer Report.



EXHIBIT 'A'

**ENGINEERING DEPARTMENT
First Plan Check Submittal Checklist**

Project Number: Parcel Map No. 19904

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

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



- 21. **Three (3) copies of Final Map/Parcel Map**
- 22. **One (1) copy of approved Tentative Map**
- 23. **One (1) copy of Preliminary Title Report (current within 30 days)**
- 24. **One (1) copy of Traverse Closure Calculations**
- 25. **One (1) set of supporting documents and maps (legible copies): referenced improvement plans (full size), referenced record final maps/parcel maps (full size, 18"x26"), Assessor's Parcel map (full size, 11"x17"), recorded documents such as deeds, lot line adjustments, easements, etc.**
- 26. **Two (2) copies of Engineering Report and an electronic file (include PDF format electronic submittal) for recycled water use**
- 27. **Other:** _____

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT



Project File No.: PMTT18-006, PDEV18-014

Address: SWC Merrill Avenue & Archibald Avenue

APN: 218-311-07, 218-311-10, 218-311-08, 218-311-03, 218-311-02

Existing Land Use: Vacant

Proposed Land Use: A Tentative Tract Map subdivide 85 acres into 9 parcels & a Development Plan to construct 9 industrial buildings totaling 1,685,420 SF

Site Acreage: 85 acres Proposed Structure Height: 45 FT

ONT-IAC Project Review: n/a

Airport Influence Area: ONT & Chino

Reviewed By:

Lorena Mejia

Contact Info:

909-395-2276

Project Planner:

Luis Batres

Date: 10/2/18

CD No.: 2018-033 Rev. 1

PALU No.: n/a

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

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

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

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

Allowable Height: 90 FT - 130 FT

CONSISTENCY DETERMINATION

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

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

The project is located within Safety Zone 6 the Chino Airport Influence Area, the project shall comply with the attached conditions.

Airport Planner Signature: _____

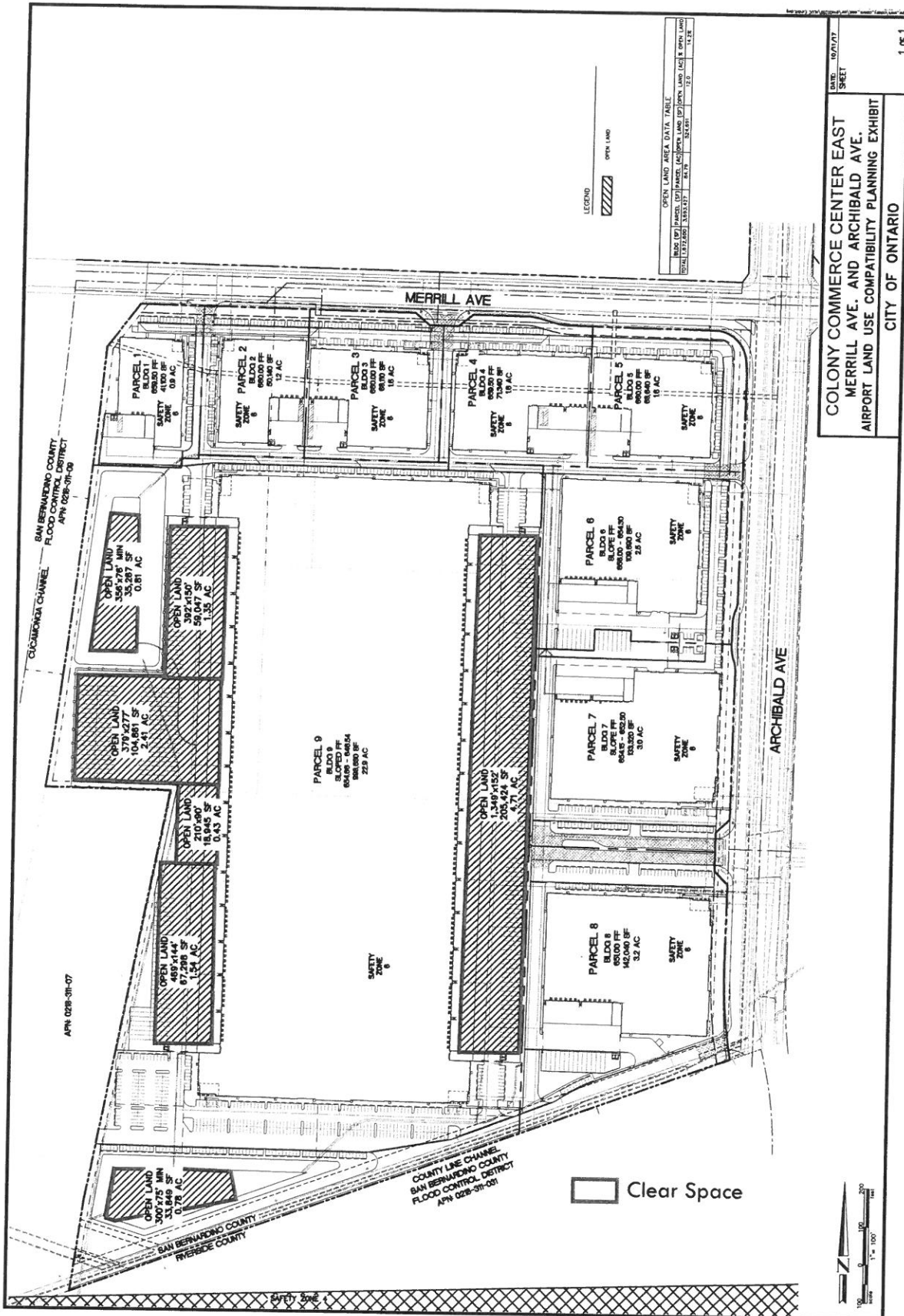
AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT

CD No.: 2018-033

PALU No.: _____

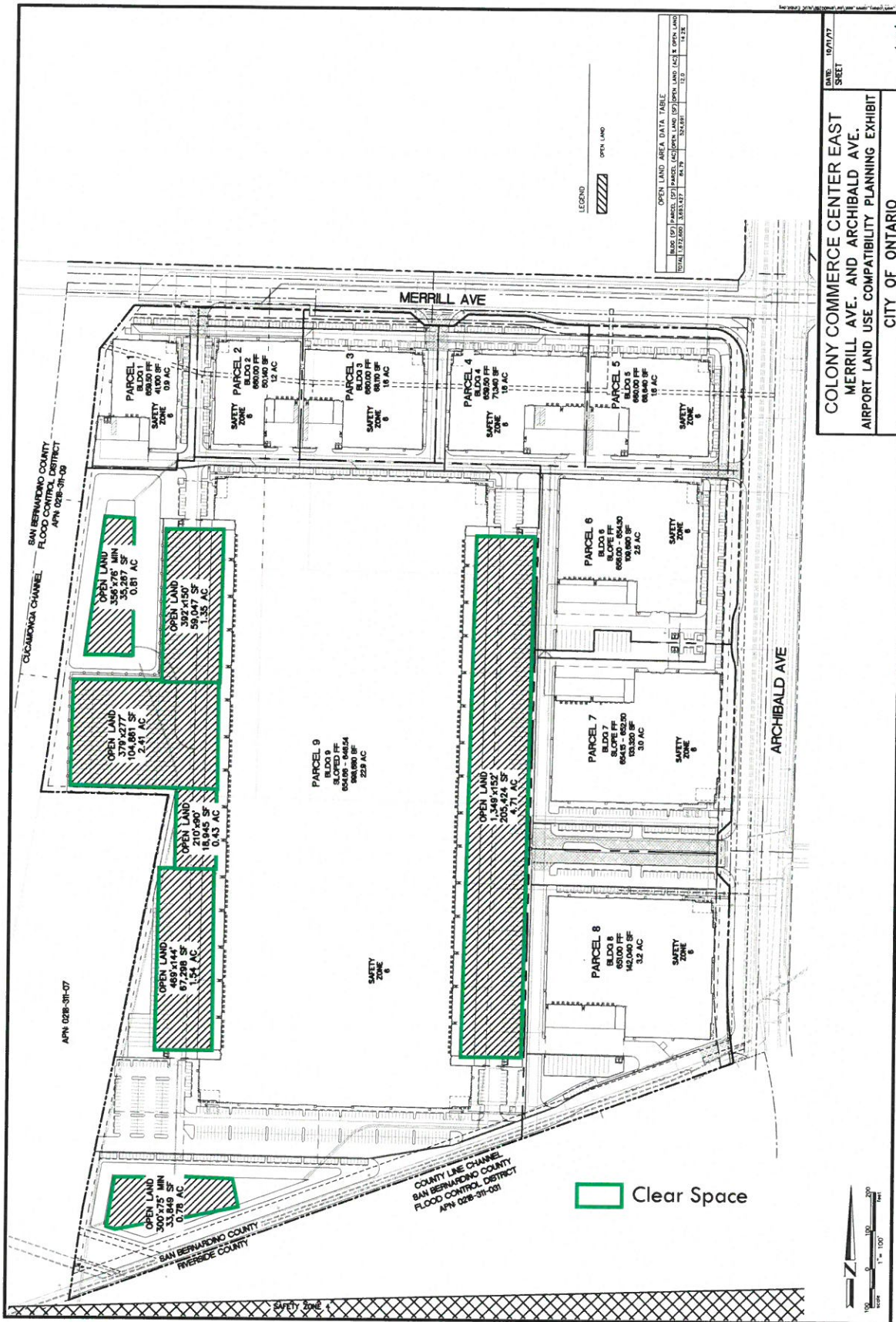
PROJECT CONDITIONS

1. The project shall maintain a minimum of 10% open land for the project net area, 8.3 acres of open land required.
2. Open Land must have a minimum dimensions of (75 feet by 300 feet). Open Land area must be free of structures and other major obstacles such as walls, large trees or poles (greater than 4 inches in diameter, measured 4 feet above the ground), and overhead wires.
3. On-site detention basins are acceptable locations to meet open land requirements. The on-site detention basins shall not have any large boulders or obstructions contained within them. The basins shall not contain any plant species that attract birds to the site and plant material shall be limited to low shrubs, groundcover and grasses within the basin.
4. The attached open space exhibit identifies the on-site detention basins for being the primary acceptable locations to meet open land requirements. The on-site detention basin shall not have any large boulders or obstructions contained within them. In addition, trees surrounding the basin on the shall have a mature height of 20-25ft. The basins shall not contain any plant species that attract birds to the site.
5. The attached open land exhibit also identifies the interior truck yard as an acceptable location for meeting the open land requirements. The area within the truck yard designated for open land shall be free of permanent structures and other major obstacles such as walls, large trees or poles (greater than 4 inches in diameter, measured 4 feet above the ground), and overhead wires.
6. The maximum height limit for the project site is 90 feet and as such, any construction equipment such as cranes or any other equipment/permanent structures exceeding 90 feet in height will need a determination of "No Hazard" from the FAA. An FAA Form 7460-1 for any temporary objects will need be filed with the FAA and approved prior to operating such equipment on the project site during construction.



COLONY COMMERCE CENTER EAST SPECIFIC PLAN
 Draft EIR
 City of Ontario

FIGURE 5.8-1
Caltrans Division of Aeronautics
Safety Zone 6T Required Open Space Area



COLONY COMMERCE CENTER EAST SPECIFIC PLAN
 Draft EIR
 City of Ontario

FIGURE 5.8-1
 Caltrans Division of Aeronautics
 Safety Zone 6T Required Open Space Area

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

10/2/18
 Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner		Phone: (909) 395-2237
D.A.B. File No.: PDEV18-014 Rev 2		Case Planner: Luis Batres
Project Name and Location: 9 Industrial Buildings – Colony Commerce Center EAST SWC Archibald and Merrill		
Applicant/Representative: Cap Rock Partners / Caldwell Land Solutions 118 Patton Way Tustin CA 92782		
<input checked="" type="checkbox"/>	A Preliminary Landscape Plan (dated 8/17/18) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.	
<input type="checkbox"/>	A Preliminary Landscape Plan (dated 8/17/18) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval.	

Civil/ Site Plans

1. Change sheets 1,3, and 5 and Sht 12 sections L and K showing the west property line, change 'existing' class 1 bikeway to 'proposed 12' multi-purpose trail' and new landscape and irrigation within the 30' easement include existing fence. Plans for multi-purpose trail shall match the city standards and Ontario Ranch Streetscape Master Plan with connections to adjacent streets.
2. Dimension a 5' setback for transformers from paving for landscape screening. Identify the vault or utility adjacent to the transformers and show a 3' setback from paving for landscape screening.
3. Dimension a 3' setback for backflow devices located in planter areas. Move backflow devices to min 20' away from corner paving to allow for ornamental landscape.
4. Move irrigation meter shown in SW corner Sht 7 to right of way area.
5. 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.
6. Show parking lot island tree planters 1 for every 10 parking spaces and at each row end. Missing at the transformer island planters
7. A.14 show a min 12" wide planter (excluding footings) along the face of the ramp at building 9 entry.

Landscape Plans

8. Show the Cucamonga creek trail along west side of property (where property line abuts the FC easement with CA native landscape and irrigation. Show trail connection to Merrill Ave and per the Ontario Ranch Streetscape Master Plan. Plans shall be also approved by the SBCFCD.
9. Show the multi-purpose trail on Archibald Ave west side. See civil plans sheet 11. Landscape shall match the Ontario Ranch Streetscape Master Plan.
10. Show 5' and 10' planters along south PL per civil plans section G and H.
11. Provide a tree inventory for existing trees include genus, species, trunk diameter, canopy width and condition. Show and note existing trees in good condition to remain and note trees proposed to be removed. Include existing trees within 15' of adjacent property that would be affected by new walls, footings or on-site tree planting. Add tree protection notes on construction and demo plans.
12. Move trees on the basin slopes to the top of slope, above the max water line level.
13. Show backflows with setbacks noted above with 3' high strappy leafed screening coordinated

with the planting plan. Show trash enclosures and transformers with setbacks noted above with 4-5' high evergreen screening coordinated with the planting plan.

14. Show trees, especially along perimeter planters, generally spaced 30' apart.
15. Provide separate plant legends on CD's for north / east facing areas, south / west areas.
16. Check WUCOLs designations for low and moderate water plants. Use moderate water users only in part shade and on the north and east sides of buildings, low water users elsewhere.
17. Show parkway plants to be 18" high or less.
18. Street trees per the Ontario Ranch Streetscape Master Plan on Archibald: Crepe Myrtle in parkway, clusters of Fraxinus 'Raywood', Lagerstroemia and Afghan Pine. Show the sidewalk with a 5' planter and then the 8' DG trail. Layout shall match the Ontario Ranch Street Tree Master Plan with pattern, spacing and tree type.
19. Street trees per the Ontario Ranch Streetscape Master Plan on Merrill; Quercus agrifolia and Cercis Forest Pansy on Merrill. Layout shall match the Ontario Ranch Street Tree Master Plan with pattern, spacing and tree type.
20. Provide agronomical soil tests at 12" depth and include independent lab report on landscape construction plans. Sewage sludge or biosolids are not allowed. Note "Contractor shall install amendments per plan and then take a new soil test and provide report to landscape architect and city inspector to verify amendments installed are satisfactory prior to planting. Landscape architect shall verify report with amendments receipts on certificate of compliance.
21. Call out all fences and walls, materials proposed and heights.
22. Show concrete mowstrips to identify property lines along open areas, separate ownership or maintenance areas.
23. Show minimum on-site tree sizes per the Landscape Development standards, 5% 48" box, 10% 36 box, 30% 24" box, 55% 15 gallon. Use large box size for larger trees.
24. Show 25% of trees as California native (Platanus racemosa, Quercus agrifolia, Quercus wislizenii, Quercus douglasii, Cercis occidentalis, etc.) in appropriate locations.
25. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
26. Provide phasing map for multi-phase projects.
27. Add Note to Grading and Landscape Plans: Landscape areas where compaction has occurred due to grading activities and where trees or storm water infiltration areas are located shall be loosened by soil fracturing. For trees a 12'x12'x18" deep area; for storm water infiltration the entire area shall be loosened. Add the following information on the plans: The back hoe method of soil fracturing shall be used to break up compaction. A 4" layer of Compost is spread over the soil surface before fracturing is begun. The back hoe shall dig into the soil lifting and then drop the soil immediately back into the hole. The bucket then moves to the adjacent soil and repeats. The Compost falls into the spaces between the soil chunks created. Fracturing shall leave the soil surface quite rough with large soil clods. These must be broken by additional tilling. Tilling in more Compost to the surface after fracturing per the soil report will help create an A horizon soil. Imported or reused Topsoil can be added on top of the fractured soil as needed for grading. The Landscape Architect shall be present during this process and provide certification of the soil fracturing. For additional reference see Urban Tree Foundation – Planting Soil Specifications.
28. 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. Fees are:

Plan Check—5 or more acres	\$2,326.00
Inspection—Construction (up to 3 inspections per phase)	<u>\$278.00</u>
Total.....	2,604.00
Field Inspections (3) – any 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: Luis Batres, Senior Planner
Planning Department

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

DATE: May 9, 2018

SUBJECT: PDEV18-014 - A Development Plan to construct nine industrial buildings totaling 1,685,420 square feet on 85 acres of land, in conjunction with a Tentative Parcel Map (TPM 19904) to subdivide the project site into nine parcels and two lettered (common) lots generally located at the southwest corner of Archibald Avenue and Merrill Avenue, within the Business Park and Industrial Land Use districts of the Colony Commerce Center East Specific Plan.

-
- 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
- B. Type of Roof Materials: Panelized
- C. Ground Floor Area(s): Varies between 41,210 Sq. Ft and 1,000,930 Sq. Ft.
- D. Number of Stories: One
- E. Total Square Footage: Total Project: 1,685,420 Sq. Ft.
- F. 2016 CBC Occupancy Classification(s): Not Listed

CONDITIONS OF APPROVAL:

1.0 GENERAL

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

2.0 FIRE DEPARTMENT ACCESS

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

3.0 WATER SUPPLY

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2016 California Fire Code, Appendix B, is 4000 gallons per minute (g.p.m.) for 4 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- ☒ 3.3 Buildings that exceed 100,000 square feet in floor area shall provide an onsite looped fire protection water line around the building(s.) The loops shall be required to have two or more points of connection from a public circulating water main.
- ☒ 3.4 The water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

4.0 FIRE PROTECTION SYSTEMS

- ☒ 4.1 On-site private fire hydrants are required per Standard #D-005, and identified in accordance with Standard #D-002. Installation and locations(s) are subject to the approval of the Fire Department. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.2 Underground fire mains which cross property lines shall be provided with CC & R, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of fire department plan check. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- ☒ 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard Choose an item.. All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.5 Fire Department Connections (FDC) shall be located on the address side of the building within one hundred fifty feet (150') of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and fire department connections per Standard #D-007. Raised curbs adjacent to Fire Department connection(s) shall be painted red, five feet either side, per City standards.
- ☒ 4.6 A fire alarm system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 72. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.

- ☒ 4.7 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.

5.0 BUILDING CONSTRUCTION FEATURES

- ☒ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- ☒ 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1 6.06 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- ☒ 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- ☒ 5.4 Multiple unit building complexes shall have building directories provided at the main entrances. The directories shall be designed to the requirements of the Fire Department, see Section 9-1 6.06 of the Ontario Municipal Code and Standard #H-003.
- ☒ 5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.
- ☒ 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.

6.0 OTHER SPECIAL USES

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

- ☒ 6.3 Underground fuel tanks, their associated piping and dispensers shall be reviewed, approved, and permitted by Ontario Building Department, Ontario Fire Department, and San Bernardino County Fire Department Hazardous Materials Division. In fueling facilities, an exterior emergency pump shut-off switch shall be provided.



CITY OF ONTARIO

MEMORANDUM

TO: Luis Batres, Planning Department

FROM: Douglas Sorel, Police Department

DATE: May 16, 2018

SUBJECT: PDEV18-014 – A DEVELOPMENT PLAN TO CONSTRUCT NINE INDUSTRIAL BUILDINGS AT ARCHIBALD AND MERRILL

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

- Required lighting for all walkways, driveways, doorways, parking areas, and other areas used by the public shall be provided and operate on photosensor. Photometrics shall be provided to the Police Department. Photometrics shall include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- Rooftop addresses shall be installed on the building as stated in the Standard Conditions. The numbers shall be at a minimum 3 feet tall and 1 foot wide, in reflective white paint on a flat black background, and oriented with the bottom of the numbers towards the addressed street. It is recommended that the numbers on the largest building be at least 6 feet tall and 2 feet wide.
- The Applicant shall comply with all construction site security requirements as stated in the Standard Conditions.

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

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Luis Batres
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: May 7, 2018
SUBJECT: PDEV18-014

-
- 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



PLANNING COMMISSION STAFF REPORT

January 22, 2019

FILE NO.: PDA18-002

SUBJECT: A Development Agreement between the City of Ontario and Colony Commerce Ontario East LP, a Delaware limited partnership, to establish the terms and conditions for the development of Tentative Parcel Map 19904 (File No. PMTT18-006), located at the southwest corner of Merrill Avenue and Archibald Avenue within the Business Park (Planning Area 1) and Industrial (Planning Area 2) land use designations of the Colony Commerce Center East Specific Plan (APNs: 0218-311-02, 0218-311-03, 0218-311-08, and 0218-311-10). **Submitted by Colony Commerce Ontario East LP. City Council action is required.**

PROPERTY OWNER: Colony Commerce Ontario East LP

RECOMMENDED ACTION: That the Planning Commission recommend City Council adoption of an ordinance approving the Development Agreement, File No. PDA 18-002, between Colony Commerce Ontario East LP, a Delaware limited partnership, and the City of Ontario.

PROJECT SETTING: The project site is comprised of approximately 85 acres of land located at the southwest corner of Merrill Avenue and Archibald Avenue, within the Business Park (Planning Area 1) and Industrial (Planning Area 2) land use designations of the Colony Commerce Center East Specific Plan, and is depicted in Figure 1: Project Location, left. The project site gently slopes from north to south and is vacant, and was previously used for diary/agriculture uses.

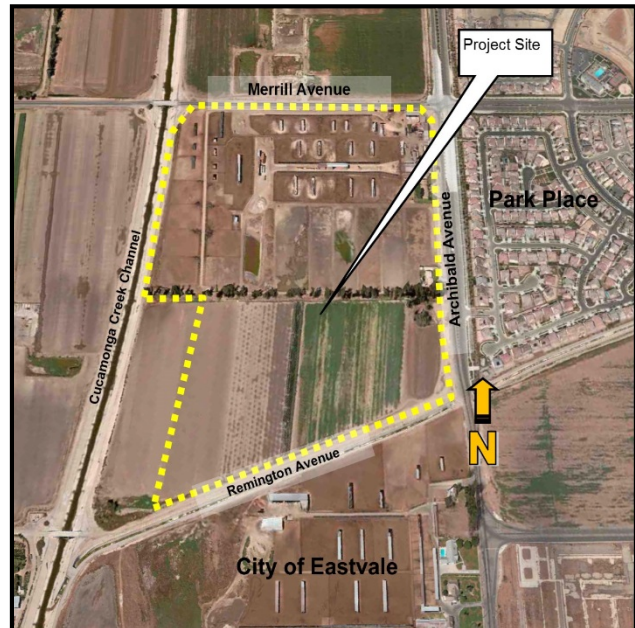


Figure 1: Project Location

PROJECT ANALYSIS:

[1] Background — On May 1, 2018, the City Council approved the Colony Commerce Center East Specific Plan and

Case Planner:	Derrick Womble
Planning Director Approval:	
Submittal Date:	3/26/2018

Hearing Body	Date	Decision	Action
DAB	N/A	N/A	N/A
PC	1/22/2019		Recommend
CC	2/19/2019		Final

certified the Environmental Impact Report (EIR) for the Specific Plan. The Specific Plan establishes the land use designations, development standards, design guidelines and infrastructure improvements for 94.94 acres of land, which includes the potential development of 2,340,434 square feet of industrial development.

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

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

The proposed Development Agreement is based upon the model Development Agreement that was developed in coordination with the City Attorney and legal counsel for NMC Builders. This model Development Agreement is consistent with the provisions of the Construction Agreement. The terms of the agreement between NMC Builders’ members requires that members of the LLC enter into Development Agreements that are consistent with the provisions of the Construction Agreement.

[2] Staff Analysis — The Development Agreement proposes to include 85 acres of land within the Business Park (Planning Area 1) and Industrial (Planning Area 2) land use designations of the Colony Commerce Center East Specific Plan, as shown on the attached Exhibit “A”. The Agreement grants the Owner a vested right to develop Tentative Parcel Map 19904 as long as the Owner complies with the terms and conditions of the Colony Commerce Center East Specific Plan and Environmental Impact Report. Tentative Parcel Map 19904 (see Exhibit “B”) is located at the southwest corner of Merrill Avenue and Archibald Avenue and proposes to subdivide approximately 85 acres of land into nine numbered parcels and six letter lots to facilitate a Development Plan (File No. PDEV18-014) which proposes to construct nine industrial buildings totaling 1,685,420 square feet.

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

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

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

[1] City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Maintain the Current High Level of Public Safety
- Operate in a Businesslike Manner
- Pursue City's Goals and Objectives by Working with Other Governmental Agencies
- Focus Resources in Ontario's Commercial and Residential Neighborhoods
- 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:

- Infrastructure
 - Infrastructure systems that are properly sized to support approved land uses and their occupancy and are maintained in a timely fashion through funding by user groups.

[3] Governance.

Decision Making:

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

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

[4] Policy Plan (General Plan)

Land Use Element – Balance

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

- LU1-3 Adequate Capacity. We require adequate infrastructure and services for all development.

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

Land Use Element — Phased Growth

- Goal LU4: Development that provides short-term value only when the opportunity to achieve our Vision can be preserved.

- LU4-1 Commitment to Vision. We are committed to achieving our vision but realize that it may take time and several interim steps to get there.

- LU4-3 Infrastructure Timing. We require that the necessary infrastructure and services be in place prior to or concurrently with development.

Community Design Element — Protection of Investment

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

➤ CD5-2 Improvements to property and Infrastructure. We provide programs to improve property and Infrastructure

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

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport (ONT) and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT. The project site is also located within the Airport Influence of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with the Colony Commerce Center East Specific Plan (File No. PSP16-003), for which an Environmental Impact Report (SCH# 2017031048) was certified by City Council on May 1, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures of the related EIR shall be a condition of project approval.

Exhibit "A"

Colony Commerce Center East Specific Plan Land Use Map

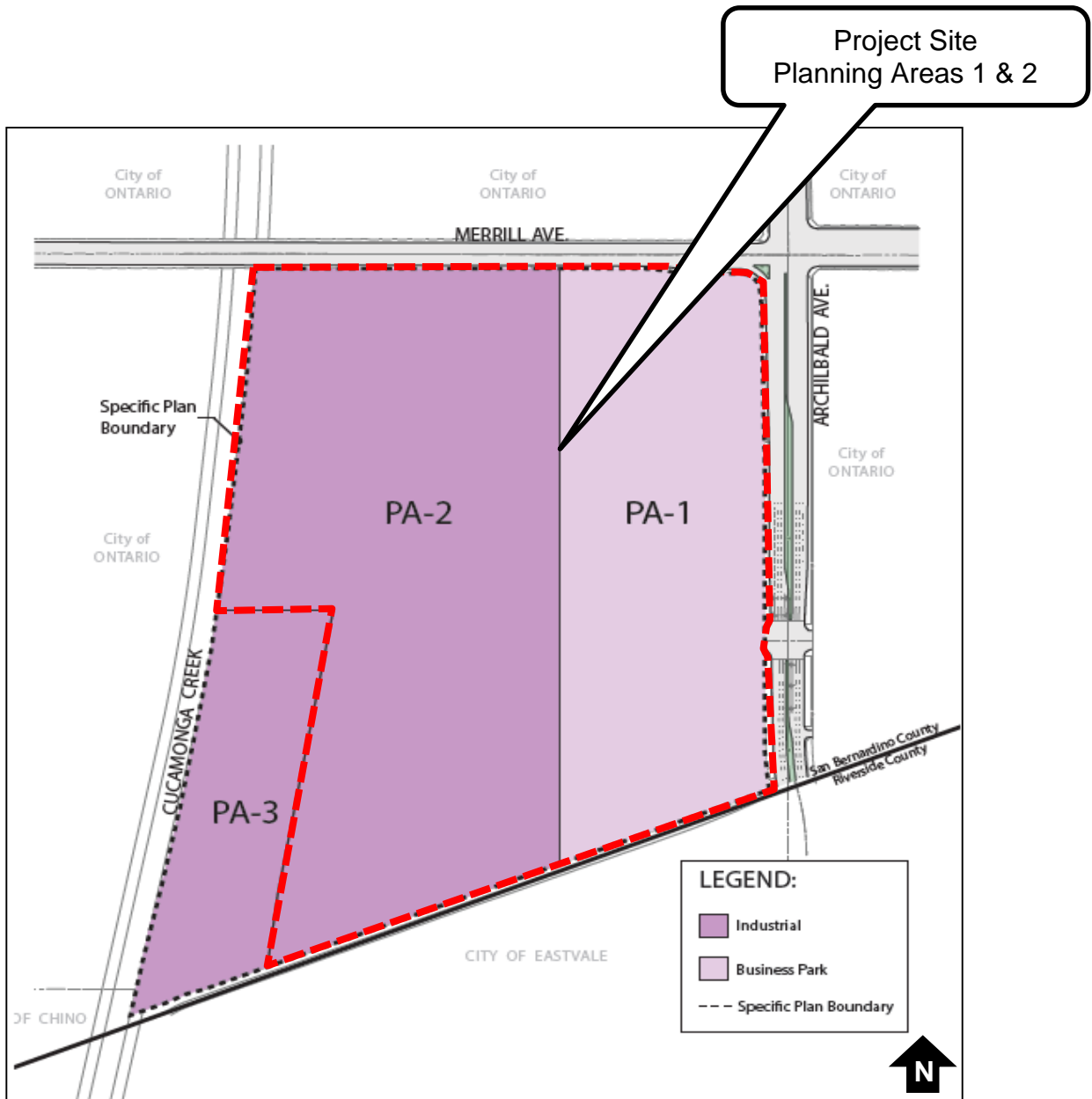
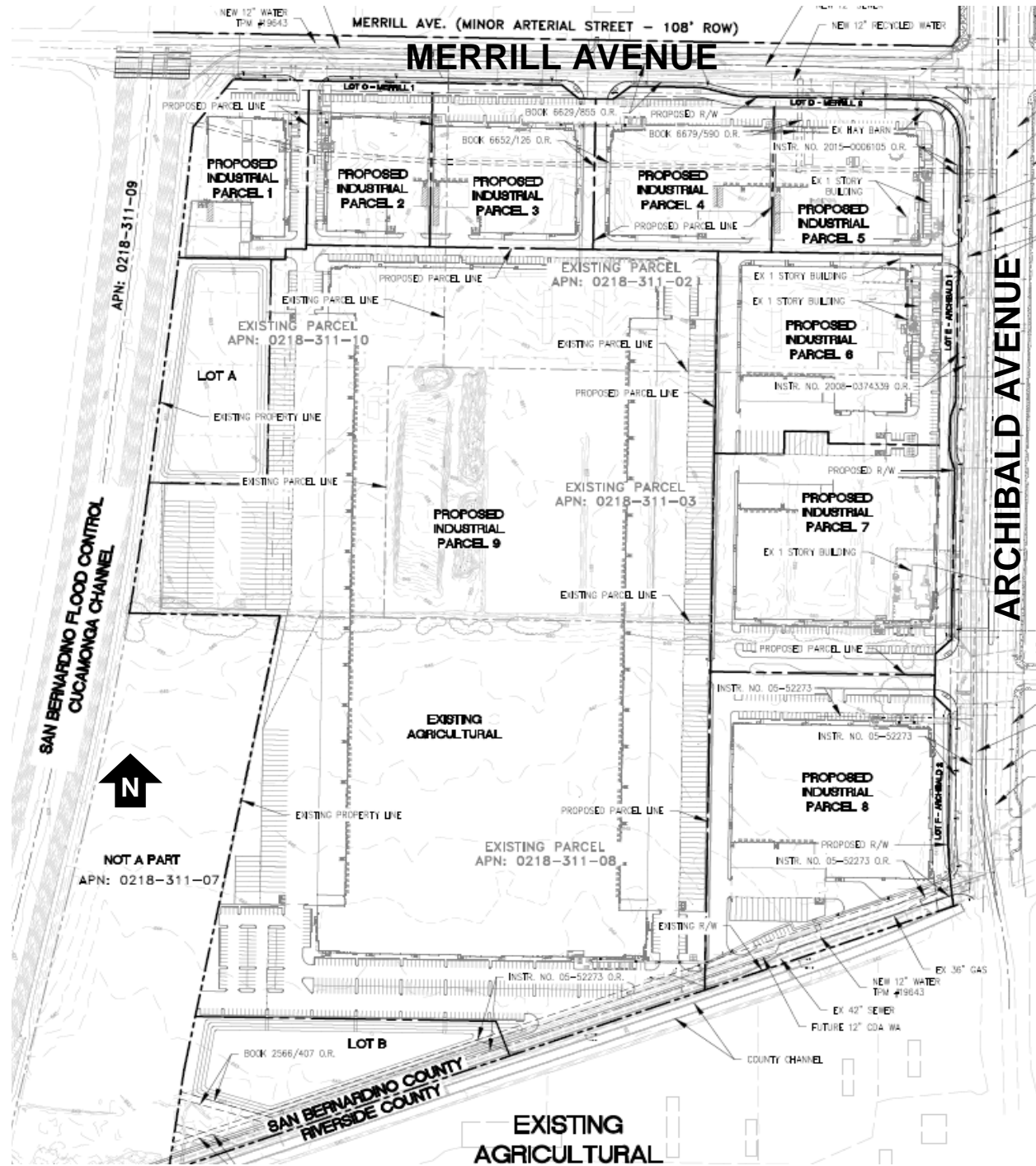


Exhibit "B"

Tentative Parcel Map No. 19904



RESOLUTION NO. PC19-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE A DEVELOPMENT AGREEMENT (FILE NO. PDA18-002) BETWEEN THE CITY OF ONTARIO AND COLONY COMMERCE ONTARIO EAST LP, A DELAWARE LIMITED PARTNERSHIP, TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE PARCEL MAP 19904 (FILE NO. PMTT18-006), LOCATED AT THE SOUTHWEST CORNER OF MERRILL AVENUE AND ARCHIBALD AVENUE WITHIN THE BUSINESS PARK (PLANNING AREA 1) AND INDUSTRIAL (PLANNING AREA 2) LAND USE DESIGNATIONS OF THE COLONY COMMERCE CENTER EAST SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF (APNS: 0218-311-02, 0218-311-03, 0218-311-08, and 0218-311-10)

WHEREAS, California Government Code Section 65864 now provides, in pertinent part, as follows:

“The Legislature finds and declares that:

(a) The lack of certainty in the approval process of development projects can result in a waste of resources, escalate the cost of housing and other developments to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.

(b) Assurance to the Applicant for a development project that upon approval of the project, the Applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.”

WHEREAS, California Government Code Section 65865 provides, in pertinent part, as follows:

“Any city ... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property as provided in this article ...”

WHEREAS, California Government Code Section 65865.2. provides, in part, as follows:

“A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property, the density of intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for discretionary actions shall not prevent development of the land for the uses and to the density of intensity of development set forth in this Agreement ...”

WHEREAS, on April 4, 1995, the City Council of the City of Ontario adopted Resolution No. 95-22 establishing procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, on September 10, 2002, the City Council of the City of Ontario adopted Resolution No. 2002-100, which revised the procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, attached to this resolution, marked Exhibit “A” and incorporated herein by this reference, is the proposed Development Agreement between Colony Commerce Ontario East LP, a Delaware limited partnership, and the City of Ontario, File No. PDA18-002, concerning approximately 85 acres of land located at the southwest corner of Merrill Avenue and Archibald Avenue within the Business Park (Planning Area 1) and Industrial (Planning Area 2) land use designations of the Colony Commerce Center East Specific Plan and as legally described in the attached Development Agreement. Hereinafter in this Resolution, the Development Agreement is referred to as the “Development Agreement”; and

WHEREAS, on March 27, 2018, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution PC18-029 recommending City Council certification of the Colony Commerce Center East Specific Plan EIR (SCH#2017031048) and issued Resolution PC18-030 recommending to City Council approval of the Colony Commerce Center East Specific Plan (File No. PSP16-003); and

WHEREAS, on April 17, 2018, the City Council of the City of Ontario conducted a duly noticed public hearing and adopted Resolution 2018-034 certifying the Colony Commerce Center East Specific Plan EIR (SCH#2017031048) and on May 1, 2018, issued Ordinance 3097 approving the Colony Commerce Center East Specific Plan (File No. PSP16-003); and

WHEREAS, the environmental impacts of this project were analyzed in the Colony Commerce Center East Specific Plan (File No. PSP16-003) EIR (SCH#2017031048) that was adopted and certified by the City Council on April 17, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All mitigation measures shall be a condition of project approval and are incorporated herein by reference; and

WHEREAS, a Tentative Parcel Map No. 19904 (File No. PMTT18-006) to subdivide approximately 85 acres of land into nine numbered lots and six lettered lots has been submitted in conjunction with the subject Development Agreement application; and

WHEREAS, a Development Plan (File No. PDEV18-014) to construct nine industrial buildings totaling 1,685,420 square feet on the project site has also been submitted in conjunction with the subject Development Agreement application; and

WHEREAS, on January 22, 2019 the Planning Commission of the City of Ontario conducted a hearing to consider the Agreement, and concluded said hearing on that date; and

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

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Ontario as follows:

SECTION 1. Environmental Determination and Findings. As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the previously adopted Colony Commerce Center East Specific Plan EIR (SCH#2017031048) and supporting documentation. Based upon the facts and information contained in the Colony Commerce Center East Specific Plan EIR (SCH#2017031048) and supporting documentation, the Planning Commission finds as follows:

- a. The environmental impacts of this project were reviewed in conjunction with File No. PSP16-003, the Colony Commerce Center East Specific Plan for which an Environmental Impact Report (SCH#2017031048) was certified by City Council on May 1, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts; and
- b. The previous Colony Commerce Center East Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- c. The previous Colony Commerce Center East Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and
- d. The previous Colony Commerce Center East Specific Plan EIR reflects the independent judgment of the Planning Commission; and
- e. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and are incorporated herein by reference.

SECTION 2: Subsequent or Supplemental Environmental Review Not Required. Based on the information presented to the Planning Commission, and the

specific findings set forth in Section 1, above, the Planning Commission finds that the preparation of a subsequent or supplemental EIR is not required for the Project, as the Project:

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

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

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

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

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

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

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

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

SECTION 4: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility

Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the recommending body for the Project, the Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5).). The project site is also located within the Airport Influence of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics. As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 5. Concluding Facts and Reasons. Based upon substantial evidence presented to the Planning Commission during the above-referenced hearing on January 22, 2019, 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 85 acres of land located at the southwest corner of Merrill Avenue and Archibald Avenue, within the Business Park (Planning Area 1) and Industrial (Planning Area 2) land use designations of the Colony Commerce Center East Specific Plan. The project site gently slopes from north to south and is vacant and previously used for dairy/agriculture uses.

b. The majority of the site is currently in agricultural use, including two active dairy farms, row crops, and a hay and alfalfa wholesaler. The remainder of the site is vacant land that was previously used for agriculture; and

c. The property to the north of the Project site is within Planning Area 1 (Conventional Small Lot) of the Subarea 29 Specific Plan, and is presently improved with agriculture uses. The property to the east is within the Planning Areas 6 and 7 (Conventional Medium Lot and Conventional Large Lot, respectively) of the Subarea 29 Specific Plan, and are developed with single family homes. The property to the south is located within the City of Eastvale, and contains a dairy use. The property to the west is developed with the Cucamonga Creek Flood Control Channel; and

d. The Development Agreement establishes parameters for the development Planning Areas 1 and 2 of the Colony Commerce Center East Specific Plan for industrial development. The Development Agreement also grants Colony Commerce Ontario East LP., 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 West Ontario Commerce Center Specific Plan.

e. The Development Agreement proposes to include approximately 85 acres of land within Business Park (Planning Area 1) and Industrial (Planning Area 2) land use designation Colony Commerce Center East Specific Plan; and

f. The Agreement grants Colony Commerce Ontario East LP., a vested right to develop Tentative Parcel Map 19904 as long as Colony Commerce Ontario East LP., complies with the terms and conditions of the Colony Commerce Center East Specific Plan and EIR. Tentative Parcel Map 19904 is located at the southwest corner of Merrill Avenue and Archibald Avenue and proposes to subdivide approximately 85 acres of land into nine parcels and six letter lots to facilitate a Development Plan (File No. PDEV18-014) which proposes to construct nine (9) industrial buildings totaling 1,685,420 square feet; and

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

h. 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

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

j. This Development Agreement will not be materially injurious or detrimental to the adjacent properties and will have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were analyzed in the EIR (SCH#2017031048) prepared for the Colony Commerce Center East Specific Plan (File No. PSP16-003) and certified by the City Council on April 17, 2018. 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, 4 and 5 above, the Planning Commission hereby RECOMMENDS APPROVAL of the Development Agreement to the City Council subject to each and every condition set forth in the Colony Commerce Center East Specific Plan and EIR, incorporated by this reference.

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

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

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 22nd day of January 2019, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Cathy Wahlstrom
Planning Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC19-XX, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on January 22, 2019, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

Exhibit "A"
Development Agreement
Between
The City of Ontario and
Colony Commerce Ontario East LP, a Delaware limited partnership,
File No. PDA18-002
(Document follows this page)

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

City of Ontario
303 East "B" Street
Ontario California, California 91764
Attn: City Clerk

Exempt from Fees Per Gov. Code § 6301

Space above this line for Recorder's Use Only

DEVELOPMENT AGREEMENT

By and Between

City of Ontario, a California municipal corporation,

and

Colony Commerce Ontario East LP

a Delaware Limited Partnership

_____, 2019

San Bernardino County, California

DEVELOPMENT AGREEMENT NO. PDA18-002

This Development Agreement (hereinafter "Agreement") is entered into effective as of the ____ day of _____, 2019 by and among the City of Ontario, a California municipal corporation (hereinafter "CITY"), and Colony Commerce Ontario East LP, a Delaware Limited Partnership (hereinafter "OWNER"):

RECITALS

WHEREAS, CITY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Section 65864, et seq. of the Government Code and Section 4.01.015 of the Ontario Development Code; and

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

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

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

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

WHEREAS, all of the procedures of the California Environmental Quality Act have been met with respect to the Project and the Agreement in that Colony Commerce Center East Specific Plan Environmental Impact Report (State Clearinghouse No. 2017031048 (the "FEIR")). The City Council found and determined that the FEIR was prepared in accordance with the requirements of the California Environmental Quality Act and adequately describes the impacts of the project described in the FEIR, which included consideration of this Agreement; and

WHEREAS, this Agreement and the Project are consistent with the CITY's Comprehensive General Plan and the Colony Commerce Center East Specific Plan; and

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

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

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

WHEREAS, OWNER has incurred and will in the future incur substantial costs in order to assure development of the Property in accordance with this Agreement; and

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

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

WHEREAS, Owner's Property is within the modified boundaries defined in Exhibit A of the Construction Agreement between the CITY and NMC Builders and the Property covered by this Agreement is what is known as a "Phase 2 Water Property" as such, shall be required to provide funding for CITY's future construction of the "Phase 2 Water Improvements" which will result in the availability of additional Net MDD Water Availability required for the development as shown on Exhibit "I-1";and

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

COVENANTS

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

1. DEFINITIONS AND EXHIBITS.

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

1.1.1 "Agreement" means this Development Agreement.

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

1.1.3 “Construction Agreement” means that certain Agreement for the Financing and Construction of Phases I and II Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony, entered into between the CITY and NMC Builders as of the 4th day of October, 2005, and all future amendments thereto and including the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve and Easterly Portion of the New Model Colony entered into between the CITY and NMC Builders as of the 21st day of August, 2012, and that certain Amendment to the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony entered into between the CITY and NMC Builders, LLC as of the 19th day of September, 2017.

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

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

- (a) general plans, specific plans and specific plan amendments;
- (b) tentative and final subdivision, and parcel maps and Development Plans;
- (c) development plan review.

1.1.6 “Development Exaction” means any requirement of CITY in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests.

1.1.7 “Development Impact Fee” means a monetary exaction, other than a tax or special assessment, whether characterized as a fee or a tax and whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on an ad hoc basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, and, for purposes of this Agreement only, includes fees collected under development agreements adopted pursuant to Article 2.5 of the Government Code (commencing with Section 65864) of Chapter 4. For purposes of this Agreement only, "Development Impact Fee" shall not include processing fees and charges imposed by CITY to cover the estimated actual costs to CITY of processing applications for Development Approvals or for monitoring

compliance with any Development Approvals granted or issued, including, without limitation, fees for zoning variances; zoning changes; use permits; building inspections; building permits; filing and processing applications and petitions filed with the local agency formation commission or conducting preliminary proceedings or proceedings under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5 of the Government Code; the processing of maps under the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code; or planning services under the authority of Chapter 3 (commencing with Section 65100) of Division 1 of Title 7 of the Government Code, fees and charges as described in Sections 51287, 56383, , 65104, 65456, 65863.7, 65909.5, 66013, 66014, and 66451.2 of the Government Code, Sections 17951, 19132.3, and 19852 of the Health and Safety Code, Section 41901 of the Public Resources Code, and Section 21671.5 of the Public Utilities Code, as such codes may be amended or superseded, including by amendment or replacement.

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

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

1.1.10 “Eucalyptus Avenue Water Loop” means the a.) Twenty-Four (24) inch water line Improvements along Eucalyptus Avenue from Archibald Avenue to Carpenter Avenue; b.) Twelve (12) inch water line Improvements along Carpenter Avenue from Eucalyptus Avenue to Merrill Avenue and; c.) Twelve (12) inch water line Improvements along Merrill Avenue from Carpenter Avenue to Archibald Avenue.

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

1.1.12 “Existing Land Use Regulations” means all Land Use Regulations in effect on the date of the first reading of the Ordinance adopting and approving this Agreement. Existing Land Use Regulations includes the Regulations incorporated herein as Exhibit “D” and all other Land Use Regulations that are in effect and a matter of public record on such date.

1.1.13 “General Plan” means The Ontario Plan adopted on January 26, 2010.

1.1.14 “Improvement” or “Improvements” means those public improvements required to support the development of the Project as described in the Tentative Parcel Map conditions for Parcel Map No. 19904 as further described in Exhibit “F-1”, “F-1a”, “F-1b”, “F-2”, “F-3”, “F-4”, “F-5” and “F-6” (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 "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.

1.1.17 "Net MDD" means net maximum daily water demand

1.1.18 "NMC Builders" means the consortium of investors and developers responsible for the construction of infrastructure within the New Model Colony incorporated as NMC Builders, LLC.

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

1.1.20 "Phase 2 Water EDUs" means the number of equivalent dwelling units or non-residential square footage assigned to OWNER upon payment to CITY of the Phase 2 Water Participation Fee for the Project and evidenced by the issuance by CITY of a Certificate of Phase 2 Net MDD Availability in the form attached as Exhibit G.

1.1.21 "Phase 2 Water Improvements" means the future water infrastructure Improvements required for the issuance by CITY of the "Water Availability Equivalents" (WAE) for the Project.

1.1.22 "Phase 2 Water Participation Fee" means the fee paid to City upon City approval of the first Development Entitlement for the Project, to fund the Property's respective share of the projected costs of the design and construction of the Phase 2 Water Improvements by City. The Phase 2 Water Participation Fee shall be the calculated amount of the Regional Water DIF for the Project based upon the number of square feet or 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 “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.

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

1.1.25 “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.

1.1.26 “Amendment to the Construction Agreement” means the amendment to the Construction Agreement modifying the boundaries of the property in Exhibit A of such Construction Agreement to include the Property covered by this Agreement and to provide for the additional funds required for CITY’s future construction of the “Phase 2 Water Improvements” described in a modification to Exhibit C-3 of the Construction Agreement.

1.1.27 “Specific Plan” means that certain specific plan adopted by the City Council, and entitled, “Colony Commerce Center East Specific Plan.”

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

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

1.1.30 “Water Availability Equivalent (WAE)” means a designated portion of the total Net MDD made available through the construction of each Phase described in the Water Phasing Plan of the Construction Agreement. The number of Water Availability Equivalents (of portions thereof) required for the approval of Parcel Map 19904 shall be based upon water demand factors and assumptions listed in the Construction Agreement.

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

Exhibit “A” — Legal Description of the Property.

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

Exhibit “C” — Existing Development Approvals.

Exhibit “D” — Existing Land Use Regulations.

Exhibit “E” — (Not Used)

Exhibit “F” — Infrastructure Improvements Exhibits

- Exhibit F-1 Required Street and Circulation Infrastructure Improvements
- Exhibit F-1a Streets and Circulation Improvements
- Exhibit F-1b Merrill Avenue Bridge Improvements
- Exhibit F-2 Water Improvements
- Exhibit F-3 Sewer Improvements
- Exhibit F-4 Recycled Water Improvements
- Exhibit F-5 Storm Drain Improvements
- Exhibit F-6 Fiber Optic Communications System Improvements

Exhibit "G" – Form of Certificate of Net MDD to be issued by CITY

Exhibit "H" – Form of Certificate of DIF Credit to be issued by CITY

Exhibit "I-1" – Ontario Ranch Water Supply Phasing Plan

Exhibit "I-2" – Water Demand Equivalents by Land Use

Exhibit "J" - Form of Disclosure letter

2. GENERAL PROVISIONS.

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

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

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

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

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

2.4 Assignment.

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

(a) 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 (Exhibit "J"). OWNER may wish to provide the attached Disclosure Letter (Exhibit I) as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq.

(b) Concurrent with any such sale, transfer or assignment, or within fifteen (15) business days thereafter, OWNER shall notify CITY's City Manager, in writing, of such sale, transfer or assignment and shall provide CITY with: (1) an executed agreement, in a form reasonably acceptable to CITY, by the purchaser, transferee or assignee and providing therein that the purchaser, transferee or assignee expressly and unconditionally assumes all the duties and obligations of OWNER under this Agreement with respect to the portion of the Property so sold, transferred or assigned.

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

(d) Notwithstanding the foregoing OWNER shall have the right to assign this Agreement to an Owner Affiliate subject to the notice requirements to CITY as described in Paragraph (b) of Section 2.4.1. above. The term Owner Affiliate shall mean any of the following:

- (1) any general or limited partnership in which OWNER is the managing general partner.
- (2) any limited liability company in which OWNER is the managing member.

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

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

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

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

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

(d) The purchaser, transferee or assignee provides CITY with security equivalent to any security previously provided by OWNER (if any) to secure performance of its obligations hereunder which are to be performed upon portion of the Property sold, transferred or assigned .

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

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

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

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

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

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

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

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

2.4.6 Partial Assignment and Assumption. CITY and OWNER agree OWNER may partially assign obligations and rights under this Development Agreement, and all amendments hereto, to a purchaser, transferee or assignee of a lot, which has been subdivided subject to provisions of a partial assignment and assumption agreement in a form approved by CITY. Any such completed and executed Partial Assignment and Assumption of Development Agreement shall be submitted to CITY for approval pursuant to Section 2.4.1 of the Development Agreement. Within thirty (30) days following such submittal, CITY shall review, and if the above conditions are satisfied shall approve the partial assignment and release and notify the purchaser, transferee or assignee in writing thereof. No such release approved pursuant to this Subsection 2.4.6 shall cause, or otherwise affect, a release of OWNER from the duties and obligations under this Development Agreement that are retained by OWNER and excluded from the transfer or assignment.

2.5 Amendment or Cancellation of Agreement. This Agreement may be amended or cancelled in whole or in part only in the manner provided for in Government Code Section 65868. 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. 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. If the CITY initiates the proposed amendment to, or cancellation of, in whole or in part, this Agreement, CITY shall first give notice to the OWNER of its intention to initiate such proceedings at least sixty (60) days in advance of the giving the public notice of intention to consider the amendment or cancellation.

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

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

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

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

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

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 Development Impact Fees, public facility funding fees paid pursuant to Sections 4.2 or 4.4 of this Agreement by OWNER to CITY on which construction has not yet begun shall be refunded to OWNER by CITY within thirty (30) days.

2.7 Notices.

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

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

If to CITY:

Scott Ochoa, City Manager
City of Ontario
303 East "B" Street
Ontario California, California 91764
with a copy to:

John Brown, City Attorney
Best Best & Krieger
2855 East Guasti Road, Suite 400
Ontario CA 91761

If to OWNER:

Colony Commerce Ontario East LP
1001 Square Victoria, C-500.
Montreal, Quebec H2Z 2B5
Canada

Attn: Claude Lavigne, Senior Vice President, Investments, Industrial, North America
Email: Claude.Lavigne@ivanhoecambridge.com

with a copy to:

Colony Commerce Ontario East LP
1001 Square Victoria, C-500
Montreal, Quebec, H2Z 2B5
Canada
Attn: Denis Boulianne, GC
Email: denis.boulianne@ivanhoecambridge.com

with a copy to

Goodwin Proctor LLP
601 S. Figueroa, 43rd Floor
Los Angeles, CA
Attn: Dean Pappas, Esq.
Email: dpappas@goodwinlaw.com

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

3. DEVELOPMENT OF THE PROPERTY.

3.1 Rights to Develop. Subject to the terms of this Agreement including the Reservations of Authority in Section 3.4, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the Development Plan. The Project shall remain subject to all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan.

3.2 Effect of Agreement on Land Use Regulations. Except as otherwise provided under the terms of this Agreement including the Reservations of Authority in Section 3.4, the rules, regulations and official policies governing permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings, and the design, improvement and construction standards and specifications applicable to development of the Property shall be the Existing Land Use Regulations. In connection with any Subsequent Development Approval, CITY shall exercise discretion in accordance with the same manner as it exercises its discretion under its police powers, including the Reservations of Authority set forth herein; provided however, that such discretion shall not prevent development of the Property for the uses and to the density or intensity of development set forth in this Agreement.

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

3.3.1 Infrastructure Improvement Exhibit. Attached hereto as Exhibits "F1, F-1a, F-1b, F-2, F-3, F-4, F-5 and F-6" collectively are a description of the Infrastructure Improvements needed for the development of the Property ("the Infrastructure Improvement Exhibits").

3.4 Reservations of Authority.

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

(a) Processing fees by CITY to cover costs of processing applications for development approvals or for monitoring compliance with any development approvals;

(b) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records and any other matter of procedure;

(c) Regulations, policies and rules governing engineering and construction standards and specifications applicable to public and private improvements, including all uniform codes adopted by the CITY and any local amendments to those codes adopted by the CITY; provided however that, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the standards and specifications that are expressly identified in the Specific Plan and the building codes in effect as of the Effective Date;

(d) Regulations that may conflict with this Agreement and the Development Plan but that are reasonably necessary to protect the occupants of the Project and/or of the immediate community from a condition perilous to their health or safety;

(e) Regulations that do not conflict with those rules, regulations and policies set forth in this Agreement or the Development Plan and which do not impose additional obligations, costs, and expenses on Owner or the Project;

(f) Regulations that may conflict but to which the OWNER consents.

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

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

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

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

3.5.1 OWNER agrees that development of the Project shall require the construction of street improvements as described in Exhibit F-1a, including design and construction of street improvements on Merrill Avenue from Archibald Avenue to the

Cucamonga Creek Channel; design and construction of modifications to an existing signalized intersection on Archibald Avenue and Merrill Avenue; and design and construction of full signalized intersection improvements at Merrill Avenue and the entrance to the Property to the extent not constructed by others; and design and construction of the full signalized intersection improvements at Archibald Avenue and the entrance to the Property. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue an occupancy permit for any buildings on the Property prior to substantial completion of the street Improvements as described in Exhibit F-1a. For purposes of the foregoing, street improvements shall be deemed Substantially Complete if the final lift of pavement has not been completed (i.e., Owner may install the final lift after completion of all other construction). CITY agrees that OWNER may request that CITY issue temporary certificates of occupancy on a building-by-building basis prior to Substantial Completion of the street improvements. OWNER agrees that the street improvements shall be completed and subject to final acceptance by CITY prior to the release of any security for the construction of the street improvements

3.5.2 OWNER agrees that development of the Project shall require the design and construction of the widening of the Merrill Avenue bridge over the Cucamonga Creek Channel as described in Exhibit F-1b to the extent not designed and/or constructed by others. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue an occupancy permit for any buildings prior to the completion of the designs and the commencement of construction of the widening of the existing Merrill Avenue Bridge Improvements (Merrill Bridge) as shown in Exhibit F-1b. The Merrill Bridge Improvements shall consist of widening the south side of the existing bridge to its ultimate width with all striping transitions to existing conditions occurring east of the west end of the bridge and utilities as described in Exhibit F-1b. If OWNER has not commenced construction on the Merrill Bridge Improvements prior to OWNER requesting an occupancy permit for any buildings on the Property, OWNER shall provide proof to the satisfaction of the CITY, that OWNER has exercised one of the following two options:

- a. OWNER has entered into a cost sharing agreement for the construction and completion of the Merrill Avenue Bridge Improvements by other developer(s) and OWNER has fully funded OWNER'S obligations under the subject cost sharing agreement; or
- b. OWNER has deposited an amount acceptable to CITY for future construction of the Merrill Avenue Bridge Improvements into an Escrow Account ("Escrow Account") in which CITY has sufficient authority necessary to use such funds deposited by OWNER to commence and complete the construction of the Merrill Avenue Bridge Improvements. OWNER to provide Escrow Instructions acceptable to the City Attorney for CITY.

To the extent that the Merrill Avenue Bridge Improvements are not constructed by others, OWNER agrees that, upon issuance of the required permits for the construction of the Merrill Avenue bridge Improvements by the County of San Bernardino and the Army Corp of Engineers, OWNER shall complete the design and construct to completion the Merrill Avenue bridge Improvements. OWNER agrees that OWNER shall complete the construction of the Merrill Avenue bridge Improvements prior to the expiration of any temporary certificate of occupancy issued by CITY for any structure on the Property.

3.5.3 OWNER agrees that development of the Property shall require the extension of permanent master planned water utility Improvements as described in Exhibit F-2, including, either the construction of the Eucalyptus Avenue Water Loop or an alternative on-site water storage tank system acceptable to CITY, and consisting minimally of the construction of the extension of permanent master planned water utility Improvements from two (2) points of connection to serve the Property. OWNER and CITY agree that CITY may issue grading, building and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY upon completion of sufficient water and recycled water improvements to serve the Property from at least one point of connection. Except as provided for below in Section 3.5.3.1, OWNER agrees that OWNER shall not request and CITY shall not issue any occupancy permits for any buildings on the Property until the completion of the water improvements described in Exhibit F-2. Such Water Improvements shall either include the design and construction of an on-site water storage system acceptable to CITY to meet fire flow demands for the entire Property or OWNER's agreement and determination, in writing, to CITY that OWNER shall be subject to CITY's determination that the Eucalyptus Avenue Water Improvements shall be constructed by OWNER as provided for below in Sections 3.5.3.1 through 3.5.3.5. CITY agrees that OWNER may request a temporary occupancy permit for a building and, if OWNER requests that a temporary certificate of occupancy be issued for a building prior to the completion of the extension of permanent master planned water utility Improvements from two (2) points of connection to serve the Property that CITY may consider such request and may issue temporary certificates of occupancy on a building-by-building basis prior to completion of the water improvements if there is available permanent water and recycled water service from a minimum of one point of connection and sufficient water is available for fire protection purposes for any buildings under construction. OWNER and CITY agree that all or a portion of the water utility Improvements described in Exhibit F-2 may be constructed by others. If such water utility Improvements are constructed by others and completed and accepted by CITY prior to OWNER's request to CITY of the required grading, building or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct those water utility Improvements constructed and completed by others and accepted by CITY.

3.5.3.1 OWNER agrees that either the extension of permanent master planned water utility Improvements or an alternative on-site water storage tank system acceptable to CITY, shall be required to provide sufficient fire flow to serve the Property. OWNER also agrees that the extension of such permanent master planned water utility Improvements may require OWNER to design and construct the Eucalyptus Avenue Water Loop or such alternative on-site water storage tank

system. The Eucalyptus Avenue Water Loop shall consist of: a.) 24-inch water line in Eucalyptus Avenue from a connection at Archibald Avenue to Carpenter Avenue and b.) 12-inch water line in Carpenter Avenue from a connection to the water line in Eucalyptus Avenue to Merrill Avenue and c.) 12 inch water line in Merrill Avenue from Carpenter Avenue to a connection at Archibald Avenue. OWNER shall be required to design and initiate construction of the Eucalyptus Avenue Water Loop, or any remaining portion of such Eucalyptus Avenue Water Loop, to the extent that construction of such remaining portion has not been initiated by others.

3.5.3.2 OWNER and CITY agree that a determination shall be made by CITY, that others have initiated construction of the Eucalyptus Avenue Water Loop to serve the Project. If CITY determines that others have not initiated construction of the Eucalyptus Avenue Water Loop to serve the Project, CITY shall notify OWNER and OWNER shall be required to design, or complete any existing designs, and initiate construction of the Eucalyptus Avenue Water Loop to serve the Project. If CITY determines that others have initiated construction of, at a minimum, the portion of the Eucalyptus Avenue Water Loop required to provide additional fire flow to the Project, then CITY shall notify OWNER and OWNER shall be eligible to request and CITY may issue additional building permits and additional certificates of occupancy for buildings for the Project. CITY shall make such determination prior to:

- a.) issuance of a building permit for any building or buildings where the total square footage of the buildings for the Project exceeds 1,100,000 Square Feet or;
- b.) within two (2) years of the issuance of a building permit for the first structure for the Project, whichever occurs first.

3.5.3.3 CITY may also provide such determination prior to the above events if requested by OWNER and CITY concurs that the construction of the Eucalyptus Avenue Water Loop has been initiated by others. If CITY has issued a building permit for any buildings for the Project (less than 1,100,000 square feet) for the Project and others have not initiated construction of the Eucalyptus Avenue Water Loop prior to the expiration of the two (2) year period after the issuance of the first building permit, OWNER may request that such determination be deferred by CITY for a period of an additional six (6) months.

3.5.3.4 CITY and OWNER agrees if the CITY determines that the Eucalyptus Avenue Water Loop has not been initiated or constructed by others and OWNER requests that the CITY issue additional building permits for any building or buildings for the Project exceeds 1,100,000 square feet or a period of two (2) years since the issuance of the first building permit for the Project, or any extended period, has expired, then OWNER shall be required to design and construct the Eucalyptus Avenue Water Loop. If CITY determines that construction of the Eucalyptus Avenue Water Loop has not been initiated and OWNER completes the

design and initiates construction of the Eucalyptus Avenue Water Loop, OWNER may request and CITY may issue a temporary occupancy permit for any buildings constructed on the Project and OWNER may request and CITY may issue addition building permits for buildings exceeding 1,100,000 for the Property, subject to OWNER's deposit of funds to an Escrow Account mutually controlled by OWNER and CITY, in an amount determined by CITY to be sufficient to complete the construction of the Eucalyptus Avenue Water Loop, and subject to CITY's further determination that there is sufficient fire flow to serve the additional buildings. The Escrow Instructions shall be prepared by OWNER and accepted by CITY. CITY agrees that OWNER's deposit to the Escrow Account may be used by OWNER to compensate consultants and contractors for the design and construction of the Eucalyptus Avenue Water Loop.

3.5.3.5 CITY agrees that a portion of the Eucalyptus Avenue Water Loop consisting of the portion of the Eucalyptus Avenue Water Loop along Eucalyptus Avenue from the connection at Archibald Avenue to Carpenter Avenue is eligible for DIF reimbursement. If OWNER designs and constructs this portion of the Eucalyptus Avenue Water Loop, then CITY shall directly reimburse OWNER for the actual eligible costs for design and construction of this portion of the Eucalyptus Avenue Water Loop up to the amount in the CITY's DIF Program. Such reimbursement shall be subject to a separate DIF Credit and Reimbursement Agreement between OWNER and CITY and in the form acceptable to OWNER and CITY. CITY shall reimburse OWNER within 30 business days of completion and acceptance the portion of the Eucalyptus Avenue Water Loop.

3.5.4 OWNER agrees that development of the Property requires the construction of connections to permanent master planned sewer Improvements as described in Exhibit F-3 which have been completed and accepted by City. OWNER and CITY agree that the sewer Improvements described in Exhibit F-3 have been constructed by others. OWNER shall be required to construct the required connections to the permanent master planned sewer improvements constructed and completed by others and accepted by CITY, prior to and as a condition precedent to, issuance of a building permit for the Property.

3.5.5 OWNER agrees that development of the Property shall require the extension of permanent master planned recycled water utility Improvements as described in Exhibit F-4 consisting generally of the construction of the extension of permanent master planned recycled water utility Improvements to serve the Property. OWNER and CITY agree that CITY may issue grading, building and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY upon completion of sufficient water and recycled water improvements to serve the Property from at least one point of connection and OWNER agrees that OWNER shall not request and CITY shall not issue any occupancy permit for any buildings on the Property until the completion of the water improvements described in Exhibit F-4 CITY agrees that OWNER may request a temporary occupancy permit for a building and, if

OWNER requests that a temporary certificate of occupancy be issued for a building prior to the completion of the extension of permanent master planned recycled water utility Improvements to serve the Property that CITY may consider such request and may issue temporary certificates of occupancy on a building-by-building basis prior to completion of the recycled water improvements if there is available permanent recycled water service connection and sufficient recycled water is available. OWNER and CITY agree that all, or a portion of, the permanent master planned recycled water utility Improvements described in Exhibit F-4 may be constructed by others. If such recycled water utility Improvements are constructed by others and completed and accepted by CITY prior to OWNER's request to CITY of the required grading, building or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct those permanent master planned recycled water utility Improvements.

3.5.6 OWNER agrees that development of the Project shall require the construction of storm drain Improvements from the Property to the connection with the existing Storm Drain facilities in Archibald Avenue and in Merrill Avenue as described in Exhibit F-5. OWNER shall be responsible for the design and construction of the necessary extension of storm drain facilities, as described in Exhibit F-5 to the extent not constructed by others. To the extent not constructed by others OWNER shall construct and complete the storm drain improvements as described in Exhibit F-5 prior to, and as a condition precedent to, OWNER requesting a building permit for the construction of a structure on the Property.

3.5.7 OWNER agrees that development of the Project shall require the design and construction of Fiber Optic Communications Improvements in Merrill Avenue and Archibald Avenue as described in Exhibit F-6 to connect the Property to the Fiber Optic Communication System. OWNER shall be responsible for the design and construction of the necessary extension of Fiber Optic Communications conduit as described in Exhibit F-6, prior to and as a condition precedent to, OWNER requesting a building permit for the construction of a structure on the Property.

3.6 Acquisition of Offsite Provision of Real Property Interests. In any instance where OWNER is required by any Development Approval or Land Use Regulation and the Construction Agreement to construct any public improvement on land not owned by OWNER ("Offsite Improvements"), the CITY and OWNER shall cooperate in acquiring the necessary legal interest ("Offsite Property") in accordance with the procedures set forth in Section 2.4 of the Construction Agreement. This section 3.6 is not intended by the parties to impose upon the OWNER an enforceable duty to acquire land or construct any public improvements on land not owned by OWNER, except to the extent that the OWNER elects to proceed with the development of the Project, and then only in accordance with valid conditions imposed by the CITY upon the development of the Project under the Subdivision Map Act or other legal authority.

3.6.1 CITY Acquisition of Non-Construction Agreement Offsite Property. In the event OWNER is required to construct any public improvements on land not owned by OWNER, but such requirement is not based upon the Construction Agreement, Sections

3.6.1 and 3.6.2 shall control the acquisition of the necessary property interest(s) (“Non-Construction Agreement Offsite Property”). If the OWNER is unable to acquire such Non-Construction Agreement Offsite Property, and following the written request from the OWNER to CITY, CITY agrees to use reasonable and diligent good faith efforts to acquire the Non-Construction Agreement Offsite Property from the owner or owners of record by negotiation to the extent permitted by law and consistent with this Agreement. If CITY is unable to acquire the Non-Construction Agreement Offsite Property by negotiation within thirty (30) days after OWNER’S written request, CITY shall, initiate proceedings utilizing its power of eminent domain to acquire that Non-Construction Agreement Subject Property at a public hearing noticed and conducted in accordance with California Code of Civil Procedure Section 1245.235 for the purpose of considering the adoption of a resolution of necessity concerning the Non-Construction Agreement Offsite Property, subject to the conditions set forth in this Section 3.6.1 The CITY and OWNER acknowledge that the timelines set forth in this Section 3.6.1 represent the maximum time periods which CITY and OWNER reasonably believe will be necessary to complete the acquisition of any Non-Construction Agreement Offsite Property. CITY agrees to use reasonable good faith efforts to complete the actions described within lesser time periods, to the extent that it is reasonably able to do so, consistent with the legal constraints imposed upon CITY.

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

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

regulations of other public agencies provided such cooperation is not in conflict with any laws, regulations or policies of the CITY.

3.8 Tentative Parcel Maps; Extension. With respect to applications by OWNER for tentative parcel maps for portions of the Property, CITY agrees that OWNER may file and process tentative maps in accordance with Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the California Government Code and the applicable provisions of CITY's subdivision ordinance, as the same may be amended from time to time. In accordance with the provisions of Section 66452.6 of the Government Code, each tentative subdivision map or tentative parcel map, heretofore or hereafter approved in connection with development of the Property, shall be deemed to have been granted an extension of time to and until the expiration, cancellation, or termination of this Agreement.

3.9 Specific Plan Charge. Pursuant to Government Code section 65456, the City Council may consider adopting a specific plan charge upon persons seeking CITY approvals that are required to be consistent with the Specific Plan. Any such charges shall, in the aggregate, defray, but not exceed, the estimated cost of preparation, adoption, and administration of the Specific Plan, including costs incurred pursuant to the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.). As nearly as can be estimated, the charges shall be a prorated amount in accordance with the applicant's relative benefit derived from the Specific Plan. If such charges are adopted, the CITY shall use such charges to reimburse the OWNER who originally paid the cost of preparing the Specific Plan, including costs incurred pursuant to the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) to the extent the OWNER paid more than its relative benefit from the Specific Plan. Such charges, if adopted, shall be imposed on persons seeking CITY approvals that are required to be consistent with the Specific Plan, to the extent such person(s) has/have not entered into a reimbursement agreement with, and satisfactory to, the person(s) originally responsible for the cost of preparing the Specific Plan, including costs incurred pursuant to CEQA.

4. PUBLIC BENEFITS.

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

4.2 Development Impact Fees.

4.2.1 Amount of Development Impact Fee. Development Impact Fees (DIF) shall be paid by OWNER. The Development Impact Fee amounts to be paid by OWNER shall be the amounts that are in effect at the time such amounts are due. Nothing contained in this Agreement shall affect the ability of the CITY to impose new Development Impact

Fees or amend the amounts of existing Development Impact Fees. Additionally, nothing contained in this Agreement shall affect the ability of other public agencies that are not controlled by CITY to impose and amend, from time to time, Development Impact Fees established or imposed by such other public agencies, even though such Development Impact Fees may be collected by CITY.

4.2.2 Time of Payment. The Development Impact Fees required pursuant to Subsection 4.2.1 shall be paid to CITY prior to the issuance of building permit for each applicable residential or other building (subject to the application/use of available fee deferrals or credits), except for the Open Space and Habitat Acquisition Development Impact fee, which shall be paid by OWNER to CITY prior to the issuance of a grading permit

4.3 Responsibility for Construction of Public Improvements.

4.3.1 Timely Construction of Public Infrastructure. The phasing of the area wide infrastructure construction within the Ontario Ranch area shall be as approved by the CITY. OWNER shall be responsible for the timely construction and completion of all public infrastructure required for the Project as shown on the attached Exhibits “F-1” through “F-6” and any and all tentative parcel map conditions. Unless otherwise specified in the Parcel Map conditions, and subject to the provisions of Section 3.6, all other required Improvements for each Parcel Map, shall be completed and operational prior to, and as a condition precedent to, OWNER requesting and CITY’s granting of a final occupancy permit for any buildings to be constructed on the Property. All Infrastructure and Improvements shall be completed as required by the Subdivision Agreement/Parcel Map conditions for Parcel Map No.19904.

4.3.2 Availability and Use of Recycled Water. OWNER agrees that recycled water shall be available and utilized by OWNER for all construction-related water uses including prior to, and during, any grading of the Property.

4.3.3 Construction of DIF Program Infrastructure To the extent OWNER is required to construct and completes construction of public improvements that are included in CITY’s Development Impact Fee Program CITY agrees that CITY shall issue DIF Credit and DIF Reimbursement in accordance with the provisions of a separate Fee Credit Agreement between CITY and OWNER. Limitations on the use of DIF Credit issued to OWNER to offset OWNER’s DIF payment obligations shall also be subject to the provisions of a separate Fee Credit Agreement. OWNER may also be eligible to receive reimbursement from DIF collected by CITY and paid by other development that benefits from OWNER’s construction of DIF Program Infrastructure. Any such DIF Reimbursement shall be subject to a Fee Credit Agreement between CITY and OWNER. CITY and OWNER agree that the Fee Credit Agreement between CITY and OWNER shall comply with CITY’s adopted policies applicable to such agreements.

4.4 Public Services Funding Fee.

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

4.4.2 Public Services Funding Fee Amount. OWNER shall pay a Public Services Funding fee in a single installment payment in the amount of Sixty One Cents (\$.61) per square foot of each non-residential building. The single installment for non-residential uses shall be due and payable on a building-by-building basis prior to the issuance of the building permit for a non-residential building. The amount of the Single Installment for non-residential uses shall automatically increase by percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year on January 1st of each year, beginning on January 1, 2020. OWNER may exercise the option to pay any single installment amounts for the remainder of the non-residential square footage within the Project on or before December 31st, before the Single Installment amount is automatically increased.

4.5 Net MDD/Water Availability Equivalents.

4.5.1 Effectiveness of Agreement. Notwithstanding anything else set forth in this Agreement, CITY and OWNER each acknowledge, confirm, and agree, that (i) the City approval of this Agreement and (ii) the effectiveness of this Agreement, in each case, is conditioned upon OWNER’s admission to NMC Builders as a “Member” thereof pursuant to the terms and conditions of the operating agreement of NMC Builders. OWNER and CITY agree that OWNER shall become a Member of NMC Builders within 30 days of the effective date of this Agreement.

4.5.2 Assigned Net MDD/Water Availability Equivalents. OWNER acknowledges that the City has agreed with NMC Builders to reserve exclusively for Members of NMC Builders, including OWNER, Net MDD made available through the construction of water system improvements funded by NMC Builders and/or OWNER. OWNER acknowledges that the provisions of the Construction Agreement Amendment require that the City shall not issue building permits or certificates of occupancy for the area of development within the New Model Colony served by the water system improvements funded by NMC Builders, except to the bearer of a Certificate of Net MDD Water Availability.

4.5.3 Requirement for NMC Builders LLC Membership as a Phase 2 Water Member. OWNER and CITY agree that OWNER’s’ payment to CITY required by Section 4.5.3 below represents OWNER’s contribution to the funding required for the future construction of the Phase 2 Water Improvements and the availability of additional Net MDD Water Availability required for the development of the Property described in Exhibit A of this Agreement.

4.5.4 CITY issuance of Water Availability Equivalents. Within 30 days after the effectiveness of this Development Agreement OWNER shall pay or have paid to City the applicable Phase 2 Water Participation Fee. The Phase 2 Water Participation Fee shall

be the calculated based on the amount of the Regional Water DIF for the applicable land use category and the square footage of the applicable buildings. The applicable planning areas of the Colony Commerce Center East Specific Plan to be developed by OWNER equals 1,685,420 Square Feet. The calculated amount of the Phase 2 Water Participation Fee shall be paid to City within 30 days after the effective date of this 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 Parcel 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 to the Construction Agreement "Water Demand Equivalents by Land Use" for each land use category. Additionally, within five (5) business days of CITY's receipt of OWNER's payment as required under this Section 4.5.2, CITY shall issue a certificate of DIF Credit against OWNER's DIF obligations in the Regional Water DIF Category.

4.5.4.1 The parties acknowledge that OWNER is expected to receive assignment of a DIF credit Certificate in the Regional Water DIF category from an affiliated entity that has been issued by CITY.

CITY and OWNER agree that OWNER may possess a Certificate of DIF Credit in the Regional Water DIF category previously issued by CITY to an affiliated entity. CITY agrees that OWNER may utilize such Certificate of DIF Credit in the Regional Water DIF category in-lieu of paying to CITY the full amount of OWNER's applicable Phase 2 Water Participation Fee for the Project. OWNER and CITY agree that the amount of such assigned Certificate of DIF Credit in the Regional Water category may not be sufficient for full payment of both installments of OWNER's projected Phase 2 Water Participation Fee and that OWNER shall pay the net remaining amount due to CITY as required by Section 4.5.3. OWNER shall be entitled to apply the amount of any assigned Certificate of DIF Credit to the First Installment and the Second Installment payments as applicable, until the amount of the Phase 2 Water Participation fee exceeds the amount of OWNER's Certificate of DIF Credit.

4.5.5 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.

4.6 Compliance with Public Benefits Requirements.

4.6.1 Failure to Provide Public Benefits. In the event OWNER fails or refuses to comply with any condition referenced in Section 4.1 through 4.5, or challenges (whether administratively or through legal proceedings) the imposition of such conditions, OWNER shall be deemed in default of this Agreement pursuant to Section 8 hereof, thereby entitling the City to any and all remedies available to it, including, without limitation, the right of the City to withhold OWNER's Project-related building permits, certificates of occupancy, or discretionary approvals, without liability. Nothing herein shall waive Owner's right to assert a default (or failure to perform) by the City has excused Owner's performance under this Agreement.

5. FINANCING OF PUBLIC IMPROVEMENTS.

5.1 Financing Mechanism(s). OWNER agrees that, prior to the recordation of any Parcel Map, the property subject to such Parcel Map shall be included in a CFD to finance City services through annual special taxes that will initially be \$.30 per square foot for non-residential buildings. These amounts shall be subject to an automatic increase at a rate not to exceed four (4%) percent per year. Depending on the fiscal year that the CFD is formed and the CFD tax is levied, the annual special taxes may be higher. CITY shall be the sole and exclusive lead agency in the formation of any CFD, assessment district or other public financing mechanism within the Property; provided however, that the proceeds of any such CFD, assessment district, or financing mechanism may be used, subject to restrictions that may be imposed by applicable law, for the purposes of acquiring, constructing or maintaining public facilities to be owned or operated by other public agencies, including, without limitation those facilities owned or operated by a school district. The parties hereto, by this provision, shall not prohibit or otherwise limit the CITY's ability to take any and all necessary steps requisite to the formation of the CFD to finance City services through annual special taxes as set forth in this Section 5.1. Formation of any CFD, assessment district or other public financing mechanism within the Property, shall be subject to CITY's ability to make all findings required by applicable law and complying with all applicable legal procedures and requirements including, without limitation, CITY's public financing district policies as such policies may be amended from time to time. Notwithstanding the foregoing, it is acknowledged and agreed by the parties that nothing contained in this Agreement shall be construed as requiring CITY or the City Council to form any such district.

6. REVIEW FOR COMPLIANCE.

6.1 Periodic and Special Reviews.

6.1.1 Time for and Initiation of Periodic Review. The CITY shall review this Agreement every twelve (12) months from the Effective Date in order to ascertain the good faith compliance by the OWNER with the terms of this Agreement. The OWNER

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

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

- (a) Recommendation of the Planning staff;
- (b) Affirmative vote of at least four (4) members of the Planning Commission; or
- (c) Affirmative vote of at least three (3) members of the City Council.

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

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

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

6.1.6 Procedure Upon Findings.

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

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

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

6.2 Proceedings Upon Modification or Termination. If, upon a finding under Section 6.1.6(b), the CITY determines to proceed with modification or termination of this

Agreement, the CITY shall give notice to the property OWNER of its intention so to do. The notice shall contain:

- (a) The time and place of the hearing;
- (b) A statement as to whether or not the CITY proposes to terminate or to modify this Agreement; and
- (c) Other information that the CITY considers necessary to inform the OWNER of the nature of the proceeding.

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

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

7. [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 the OWNER or to any successor in interest of OWNER. OWNER covenants not to sue for damages or claim any damages:

- (a) For any breach of this Agreement or for any cause of action which arises out of this Agreement; or
- (b) For the taking, impairment or restriction of any right or interest conveyed or provided under or pursuant to this Agreement; or
- (c) Arising out of or connected with any dispute, controversy or issue regarding the application or interpretation or effect of the provisions of this Agreement.

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

- (a) Money damages are unavailable against CITY and OWNER as provided in Section 8.1 above.
- (b) Due to the size, nature and scope of the project, it may not be practical or possible to restore the Property to its natural condition once implementation of this Agreement has begun. After such implementation, OWNER may be foreclosed from other choices it may have had to utilize the Property or portions thereof. OWNER has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate OWNER for such efforts.

8.3 Release. Except for nondamage remedies, including the remedy of specific performance, 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 and Specific 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. CITY has also determined that this Agreement is consistent with the Specific Plan, as such Specific Plan exists as of the Effective Date, and that the Specific Plan meets all requirements of law. OWNER has reviewed the General Plan and the Specific 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, the Specific Plan, or portions thereof, are invalid or inadequate or not in compliance with law.

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

9.3 Indemnity. In addition to the provisions of 9.2 above, OWNER shall indemnify and hold CITY, its officers, agents, employees and independent contractors free and harmless from any liability whatsoever, based or asserted upon any act or omission of OWNER, its officers, agents, employees, subcontractors and independent contractors, for property damage, bodily injury, or death (OWNER's employees included) or any other element of

damage of any kind or nature, to the extent relating to or in any way connected with or arising from the activities contemplated hereunder, including, but not limited to, the study, design, engineering, construction, completion, failure and conveyance of the public improvements, save and except claims for damages arising through the sole active negligence or sole willful misconduct of CITY. OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents, employees and independent contractors in any legal action based upon such alleged acts or omissions. CITY may in its discretion participate in the defense of any such legal action.

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

9.5 Reservation of Rights. With respect to Sections 9.2, 9.3 and 9.4 herein, CITY reserves the right to either (1) approve the attorney(s) which OWNER selects, hires or otherwise engages to defend CITY hereunder, which approval shall not be unreasonably withheld, or (2) conduct its own defense, provided, however, that OWNER shall reimburse CITY forthwith for any and all reasonable expenses incurred for such defense, including attorneys' fees, upon billing and accounting therefor. CITY agrees that it will not enter into a settlement of any matter described in Section 9.2, 9.3 and 9.4 without the consent of OWNER, which shall not be unreasonably withheld.

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

10. MORTGAGEE PROTECTION.

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

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

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

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

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

(e) In the event of a default by Owner, any Mortgagee shall have the right to remedy, or cause to be remedied, such default within sixty (60) days following the later to occur of (i) the date of Mortgagee's receipt of the notice referred to in Section 10.1(b) above, or (ii) the expiration of the period provided herein for Owner to remedy or cure such default, and City shall accept such performance by or at the insistence of the Mortgagee as if the same had been timely made by Owner; provided, however, that (i) if such default is not capable of being cured within the timeframes set forth in this Section and Mortgagee commences to cure the default within such timeframes, then Mortgagee shall have such additional time as is required to cure the default so long as Mortgagee diligently prosecutes the cure to completion and (ii) if possession of the Property (or portion thereof) is required to effectuate such cure or remedy, the Mortgagee shall be deemed to have timely cured or remedied if it commences the proceedings necessary to obtain possession thereof within sixty (60) days after receipt of the copy of the notice, diligently pursues such proceedings to completion, and, after obtaining possession, diligently completes such cure or remedy.

11. MISCELLANEOUS PROVISIONS.

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

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

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

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

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

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

11.7 Joint and Several Obligations. Subject to Section 2.4, if at any time during the term of this Agreement the Property is owned, in whole or in part, by more than one owner, all obligations of such owners under this Agreement shall be joint and several, and the default of any such owner shall be the default of all such owners. Notwithstanding the foregoing, no owner of a single lot which has been finally subdivided and sold to such

owner as a member of the general public or otherwise as an ultimate user shall have any obligation under this Agreement except as provided under Section 4 hereof.

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

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

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

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

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

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

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

11.15 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of

the County of San Bernardino, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

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

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

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

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

11.20 Estoppel Certificate. Within thirty (30) business days following a written request by any of the parties, the other party shall execute and deliver to the requesting party a statement certifying that (i) either this Agreement is unmodified and in full force and effect or there have been specified (date and nature) modifications to the Agreement, but it remains in full force and effect as modified; and (ii) either there are no known current uncured defaults under this Agreement or that the responding party alleges that specified

(date and nature) defaults exist. The statement shall also provide any other reasonable information requested. The failure to timely deliver this statement shall constitute a conclusive presumption that this Agreement is in full force and effect without modification except as may be represented by the requesting party and that there are no uncured defaults in the performance of the requesting party, except as may be represented by the requesting party. OWNER shall pay to CITY all costs incurred by CITY in connection with the issuance of estoppel certificates requested by Owner under this Section 11.20 prior to CITY's issuance of such certificates.

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

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

[SIGNATURES CONTAINED ON FOLLOWING PAGE]

**SIGNATURE PAGE
TO DEVELOPMENT AGREEMENT**

“OWNER”

Colony Commerce Ontario East LP,
a Delaware Limited Partnership

By: _____

Name:

Its: _____

Date: _____

“CITY”

CITY OF ONTARIO

By: _____

Scott Ochoa
City Manager

Date: _____

ATTEST:

City Clerk, Ontario

APPROVED AS TO FORM:

BEST, BEST & KREIGER LLP

City Attorney

STATE OF CALIFORNIA

COUNTY OF _____)

On _____, 2019, before me, _____,
Notary Public, personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
is/are subscribed to the within instrument and acknowledged to me that he/she/they
executed the same in his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s)
acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature: _____(Seal)

EXHIBIT "A"
TO DEVELOPMENT AGREEMENT

Legal Description of Property

Real property in the City of Ontario, County of San Bernardino, State of California, described as follows:

TENTATIVE PARCEL MAP NO. 19904, BEING A DIVISION OF THE

FOLLOWING: PARCEL A:

THAT PORTION OF GOVERNMENT LOTS 5, 6, 7 AND 8, IN FRACTIONAL SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL GOVERNMENT SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 663.29 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 5; THENCE EAST TO THE EAST LINE OF SAID LOT 7; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 7 TO THE SOUTHEAST CORNER OF SAID LOT 7; THENCE SOUTHWESTERLY FOLLOWING THE SOUTHERLY LINE OF LOTS 7 AND 8, AND THE NORTHERLY LINE OF JURUPA RANCHO TO A POINT 118.79 FEET EAST OF A POINT DUE SOUTH OF THE POINT OF BEGINNING; THENCE WEST 118.79 FEET TO THE POINT DUE SOUTH OF THE POINT OF BEGINNING; THENCE NORTH TO THE POINT OF BEGINNING.

EXCEPT THEREFROM AN UNDIVIDED 1/2 INTEREST IN THE OIL AND MINERAL RIGHTS ON, IN OR UNDER SAID LAND AS PROVIDED IN AGREEMENT BETWEEN HELEN CURRIE MORGAN, ET AL., AND OSCAR IMBACH AND RUTH M. IMBACH, HUSBAND AND WIFE DATED MAY 8, 1944 AND RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY ON JUNE 10, 1944.

NOTE: A CONVEYANCE BY THOMAS M. MORGAN TO A TRUST WAS RECORDED NOVEMBER 18, 1992, INSTRUMENT NO. [92-477796](#), OFFICIAL RECORDS:

ALSO EXCEPT A PORTION OF GOVERNMENT LOTS 5 AND 8 IN SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF LOT 5, DISTANT 1878.69 FEET NORTH 89° 36' WEST FROM THE INTERSECTION OF THE EAST LINE OF SAID SECTION 22 AND SAID NORTH LINE OF LOT 5 PRODUCED EASTERLY; SAID POINT BEING 558.69 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 5; THENCE NORTH 89° 36' WEST ALONG SAID NORTH LINE OF LOT 5 A DISTANCE OF 104.60 FEET; THENCE SOUTH 0° 06' WEST, A DISTANCE OF 651.22 FEET; THENCE ALONG A 16,100 FOOT RADIUS CURVE TO THE LEFT FROM A TANGENT WHICH BEARS NORTH 10° 23' 20" EAST A DISTANCE OF 659.10 FEET TO THE POINT BEGINNING.

ALSO EXCEPT THAT PORTION OF LAND LYING WESTERLY OF THE EAST LINE OF THAT PROPERTY CONVEYED TO SOUTHERN CALIFORNIA EDISON COMPANY BY

**EXHIBIT "A" CONTINUED
TO DEVELOPMENT AGREEMENT**

Legal Description of Property

DEED RECORDED DECEMBER 20, 1974, IN [BOOK 8581, PAGE 201](#), OFFICIAL RECORDS.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF ONTARIO, A MUNICIPAL CORPORATION AS MORE FULLY DESCRIBED IN GRANT DEED RECORDED APRIL 22, 2008 AS INSTRUMENT NO. [08-178326](#), OF OFFICIAL RECORDS.

PARCEL B:

PARCEL ONE:

ALL THAT PORTION OF LOT 6, SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

COMMENCING 120 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 6, IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION; THENCE SOUTH 726 FEET; THENCE EAST 1,200 FEET TO EAST BOUNDARY LINE OF SAID LOT; THENCE NORTH 726 FEET; THENCE WEST 1,200 FEET TO THE POINT OF BEGINNING.

EXCEPTING THAT PORTION CONVEYED TO THE COUNTY OF SAN BERNARDINO FOR ROAD PURPOSES BY DEED RECORDED FEBRUARY 20, 1908, IN [BOOK 404, PAGE 398](#), OF DEEDS.

PARCEL TWO:

ALL THAT PORTION OF LOTS 6 AND 7, SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION; THENCE EAST TO THE EAST LINE OF SAID LOTS; THENCE NORTH ALONG THE EAST LINE OF SAID LOTS 6 AND 7 TO A POINT 726 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT; THENCE AT RIGHT ANGLES WEST TO A POINT IN THE WEST LINE OF SAID LOT 6, 726 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTH THE POINT OF BEGINNING.

PARCEL THREE:

THAT PORTION OF GOVERNMENT LOT 6 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, BOTH OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

**EXHIBIT "A" CONTINUED
TO DEVELOPMENT AGREEMENT**

Legal Description of Property

BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 22, WHICH IS NORTH 89 DEG. 36' 00" WEST, 1,849.01 FEET, FROM THE NORTHEAST CORNER OF SAID SOUTHEAST 1/4, SAID POINT BEING THE MOST NORTHERLY POINT ON THE CENTER LINE OF THE 200 FOOT STRIP OF LAND DESCRIBED IN THE DEED TO SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT, RECORDED OCTOBER 28, 1944, IN [BOOK 1716, PAGE 328](#), OFFICIAL RECORDS, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 15,500.00 FEET, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 86 DEG. 52' 41" EAST; THENCE SOUTHERLY 1,312.06 FEET, ALONG THE ARC OF SAID CURVE; THENCE SOUTH 07 DEG. 58' 19" WEST, 12.60 FEET TO A POINT IN THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 22, WHICH IS NORTH 89 DEG. 36' 00" WEST, 1,979.60 FEET FROM THE SOUTHEAST CORNER OF THE NORTH 1/2 OF SAID SOUTHEAST 1/4; THENCE SOUTH 89 DEG. 36' 00" EAST, 663.29 FEET, ALONG SAID SOUTH LINE, TO THE SOUTHEAST CORNER OF SAID NORTHWEST 1/4; THENCE NORTH 594.00 FEET ALONG THE EAST LINE OF SAID NORTHWEST 1/4; THENCE EAST 120.00 FEET TO A POINT WHICH IS 1,200 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST 1/4; THENCE NORTH 726.00 FEET, PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST 1/4 TO THE NORTH LINE THEREOF; THENCE WEST 649.01 FEET, ALONG SAID NORTH LINE, TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY PORTION OF SAID PROPERTY LYING WITHIN THAT CERTAIN PROPERTY CONVEYED TO THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT, BY

DEED RECORDED OCTOBER 28, 1944, IN [BOOK 1716, PAGE 328](#), OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM ANY PORTION THEREOF LYING WITHIN THAT CERTAIN PROPERTY CONVEYED TO THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT, BY DEED RECORDED SEPTEMBER 27, 1977, IN [BOOK 9271, PAGE 394](#), OFFICIAL RECORDS.

APN: 0218-311-02-0-000, 0218-311-03-0-000, 0218-311-08-0-000 and 0218-311-10-0-000

**EXHIBIT "B"
TO DEVELOPMENT AGREEMENT**

Map showing Property and its location

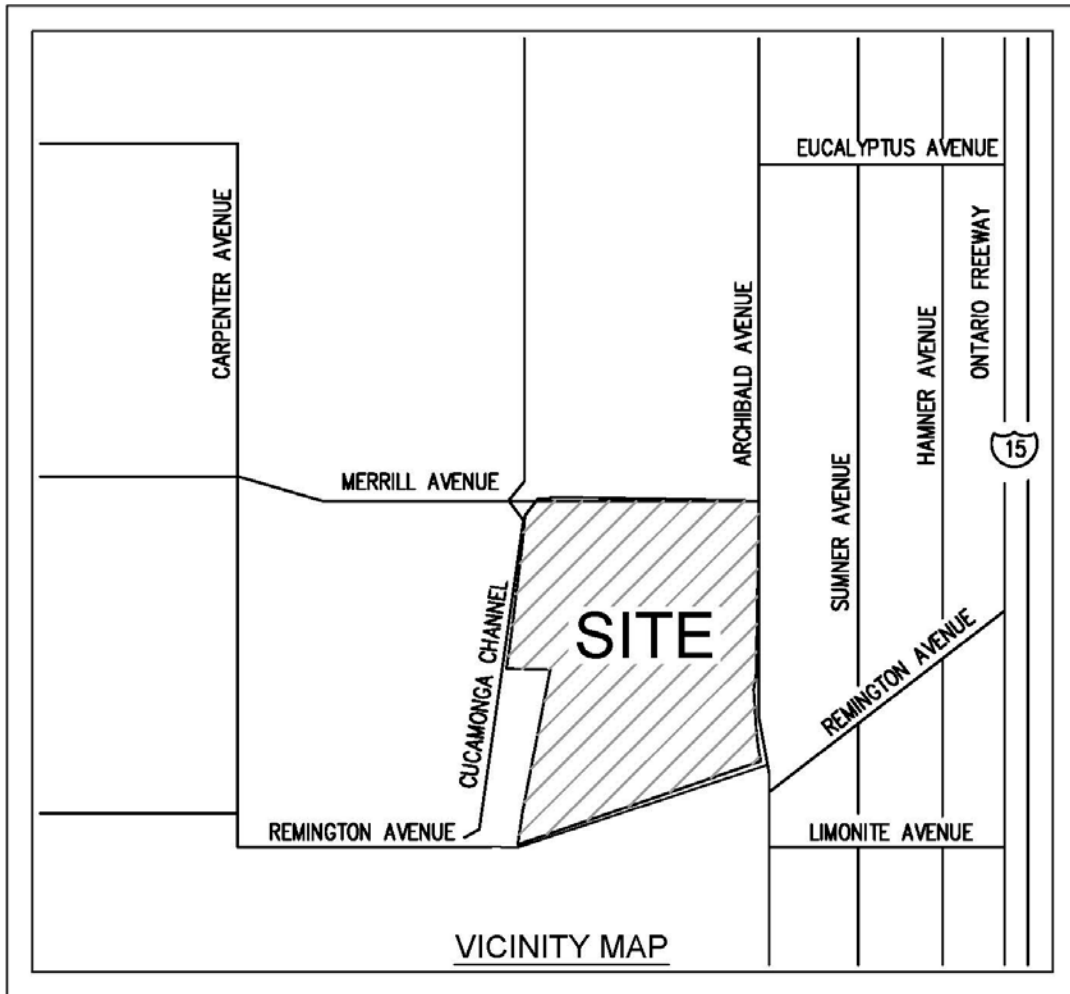


EXHIBIT "C"
TO DEVELOPMENT AGREEMENT

Existing Development Approvals

On March 27, 2018 the Planning Commission:

- a) Issued Resolution No. issued Resolution PC18-029 recommending City Council certification of the Colony Commerce Center East Specific Plan EIR (SCH#2017031048).
- b) Issued Resolution PC18-030 recommending to City Council approval of the Colony Commerce Center East Specific Plan (File No. PSP16-003).

On April 17, 2018, the City Council:

- a) Issued Resolution 2018-034 for the certification of the Colony Commerce Center East Specific Plan EIR (SCH#2017031048).

On May 1, 2018, the City Council:

- a) Adopted Ordinance 3097 approving the Colony Commerce Center East Specific Plan (File No. PSP16-003).

On January 22, 2019, the Planning Commission:

- a) Issued Resolution No. 2019-XXX for the approval of Tentative Parcel Map 19904 (File No. PMTT18-006).
- b) Issued Resolution No. 2019-XXX for the approval of Development Plan (File No. PDEV18-014).
- c) Issued Resolution No. 2019-XXX recommending City Council approval of the Development Agreement (File No. PDA18-002).

EXHIBIT "D"
TO DEVELOPMENT AGREEMENT

Existing Land Use Regulations

These documents are listed for reference only:

1. Colony Commerce Center East Specific Plan EIR, Resolution No. 2018-034
2. Colony Commerce Center East Specific Plan (File No. PSP16-003, Ordinance No. 3097)
3. 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"

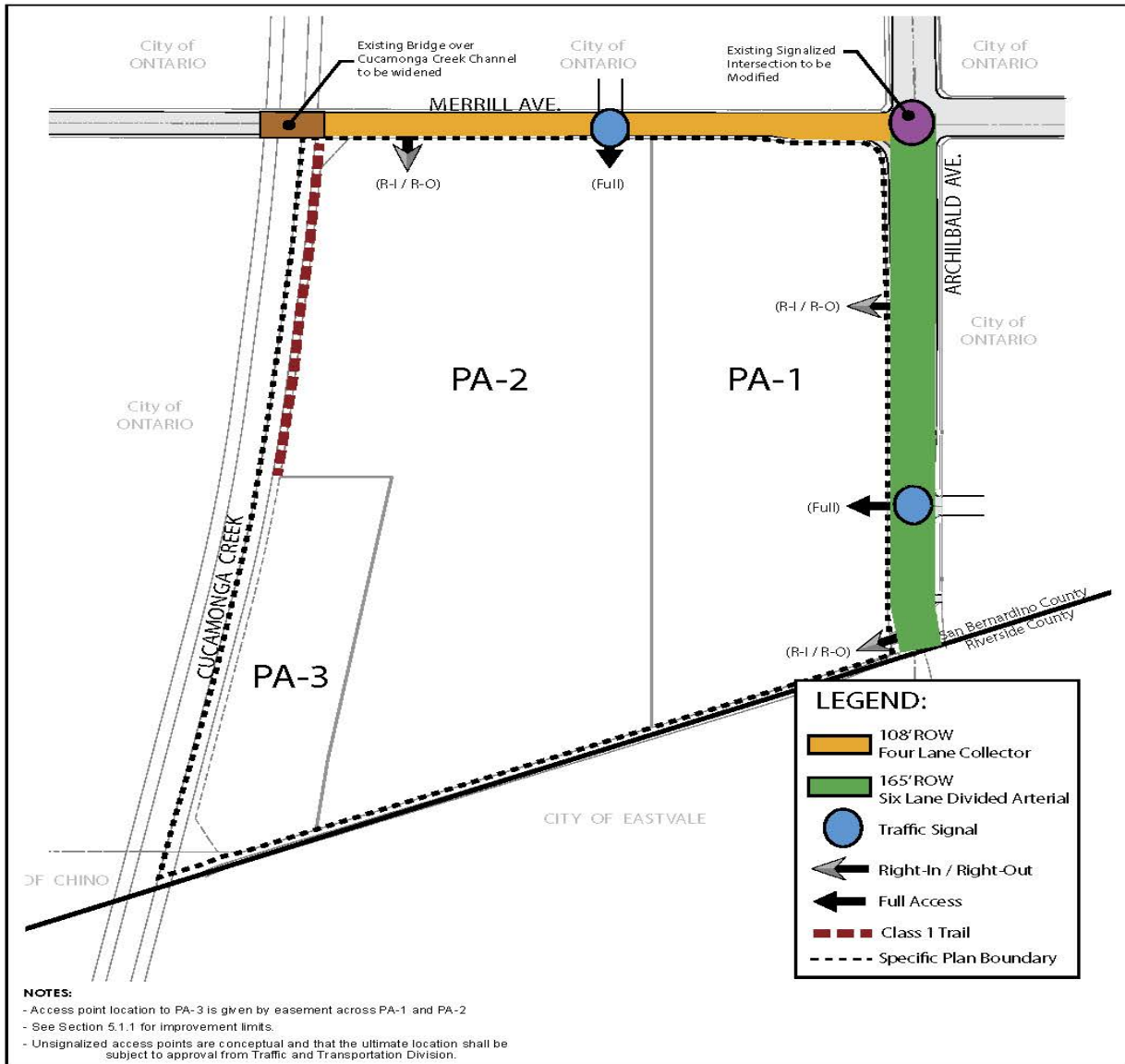
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EXHIBIT "F-1"

Required Street and Circulation System Infrastructure Improvements

Exhibit "F-1"

Required Street Circulation System Infrastructure Improvements



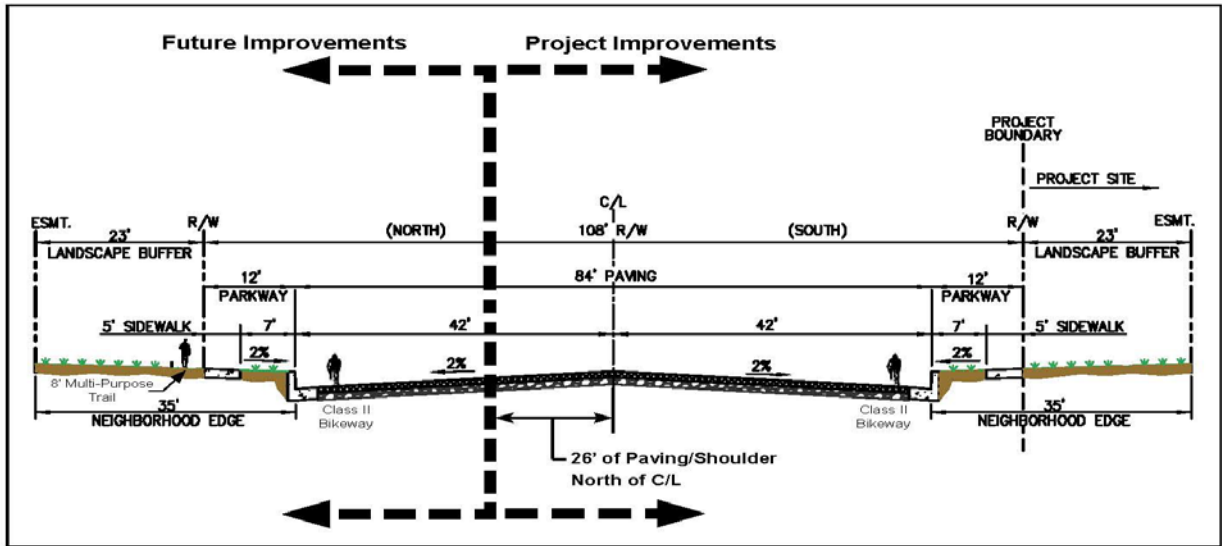
Source: KTGy Group
 NOTE: Reference the City's most current Master Plan for sizing/alignment.

N. T. S.

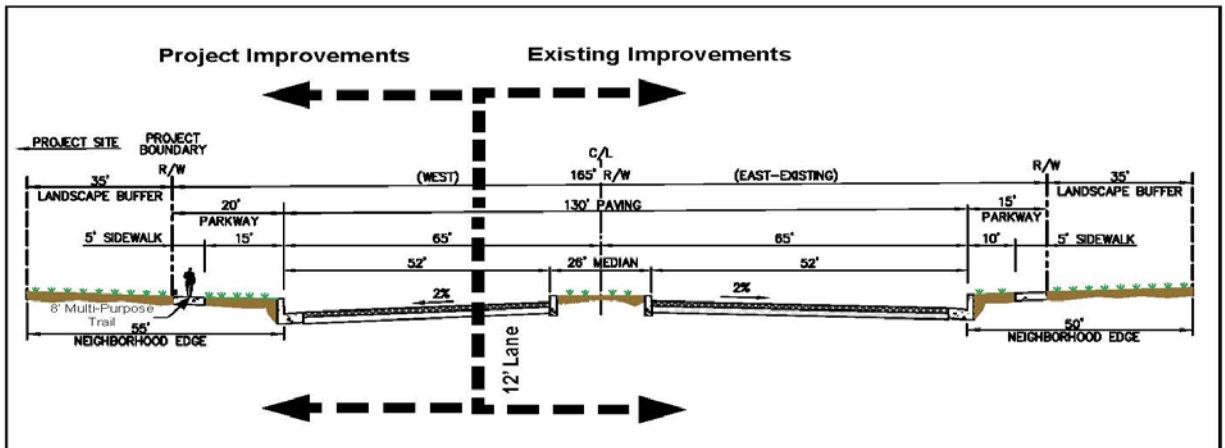
EXHIBIT "F-1a"

Streets and Circulation Improvements

Exhibit "F-1a"



Typical Street Cross Section - Merrill Avenue (108' ROW)



Typical Street Cross Section - Archibald Avenue (165' ROW)

EXHIBIT "F-1b"

Merrill Avenue Bridge Improvements

Exhibit "F-1b"

DEVELOPMENT AGREEMENT

BRIDGE EXPANSION

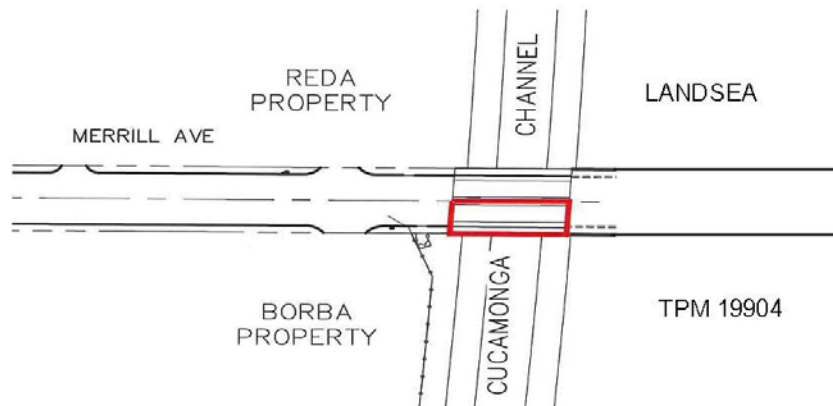
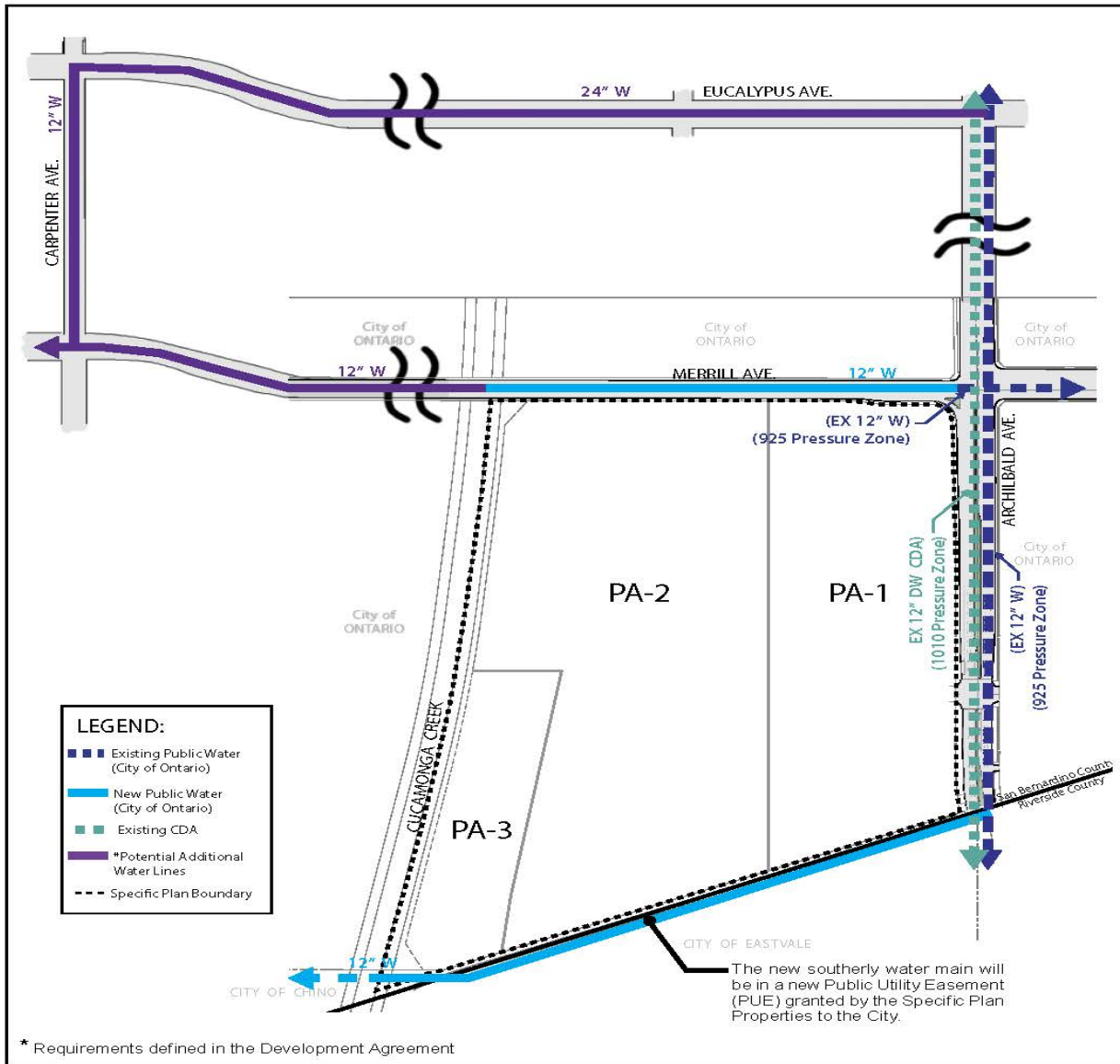


EXHIBIT "F-2"

Required Water Infrastructure Improvements

Exhibit "F-2"

Required Water Infrastructure Improvements



Source: David Evans & Associates
 NOTE: Reference the City's most current Master Plan for sizing/alignment.

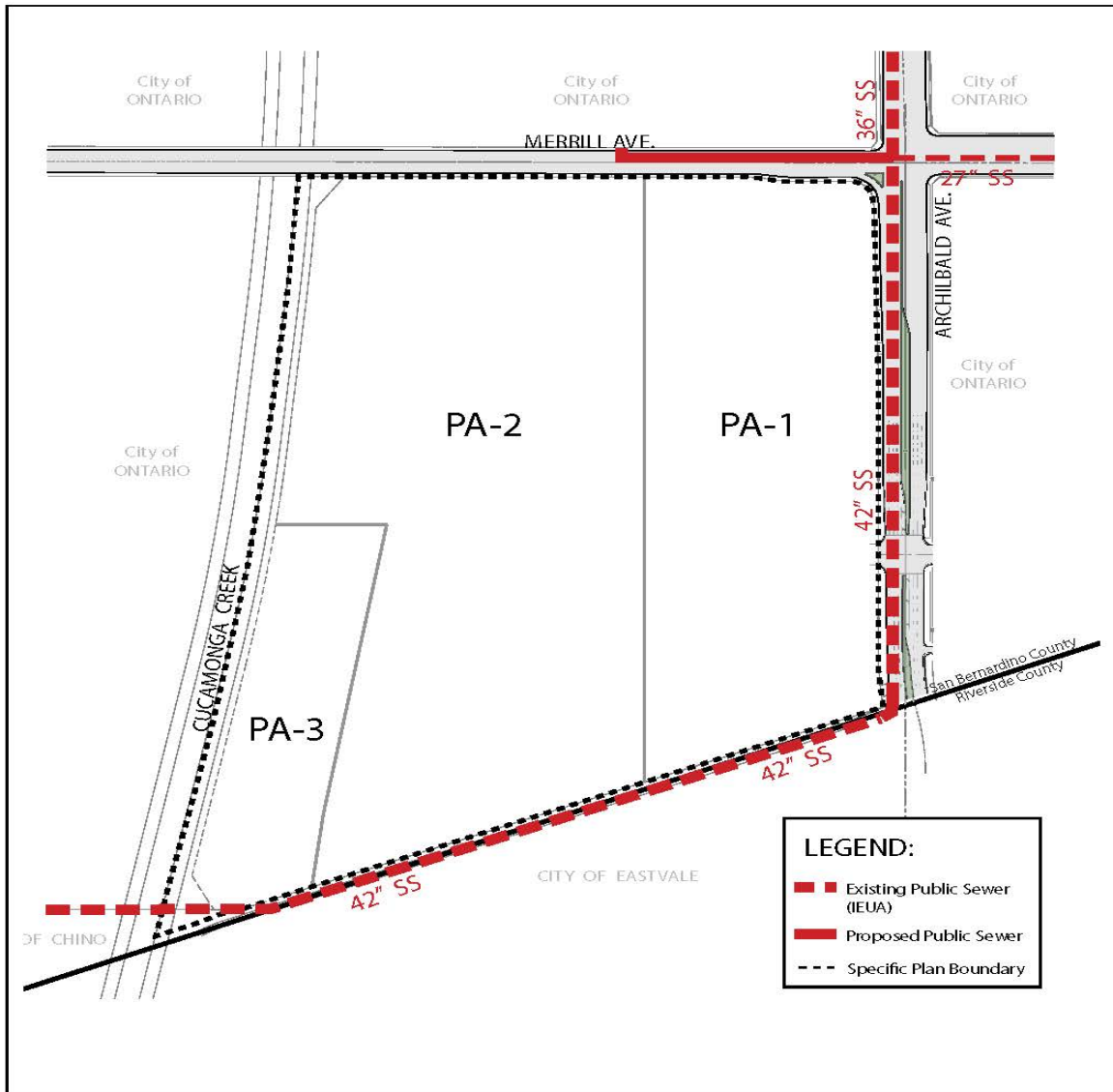
N. T. S.

EXHIBIT "F-3 "

Required Sewer Infrastructure Improvements

Exhibit "F-3"

Required Sewer Infrastructure Improvements



Source: David Evans & Associates

NOTE: Reference the City's most current Master Plan for sizing/alignment.

PA-1 and PA-2 will be served by an onsite private sewer system. The Onsite private sewer system and PA-1 and PA-2 will be designed in such to minimize the number of new connection points to the 42-inch IEUA Eastern Trunk Sewer to as few as possible.

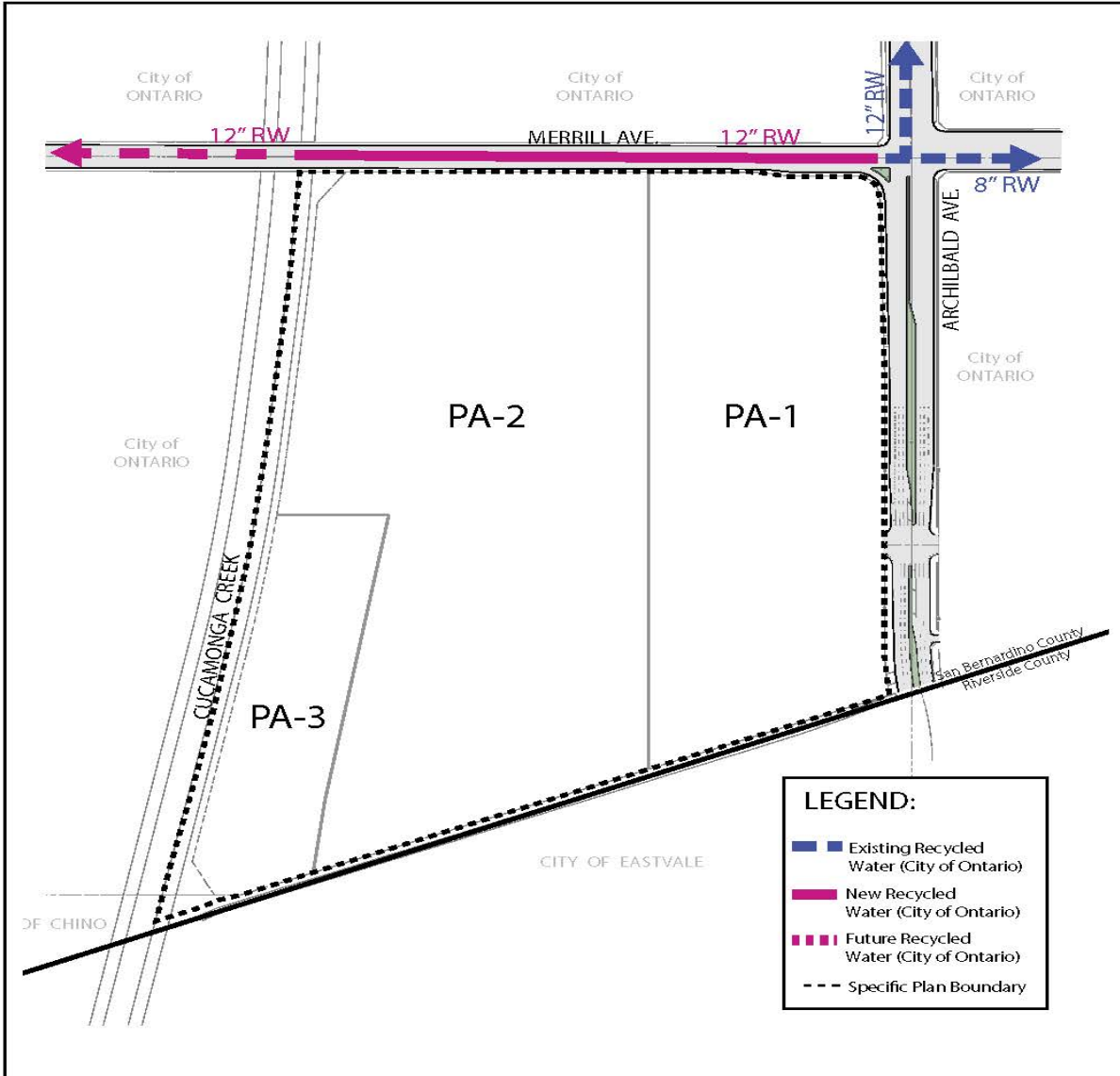
N. T. S.

EXHIBIT "F-4"

Required Recycled Water Infrastructure Improvements

Exhibit "F-4"

Required Recycled Water Infrastructure Improvements



Source: David Evans & Associates

NOTE: Reference the City's most current Master Plan for sizing/alignment.

Access for Recycled Water service to PA-3 is given by easement across PA-1 and PA-2

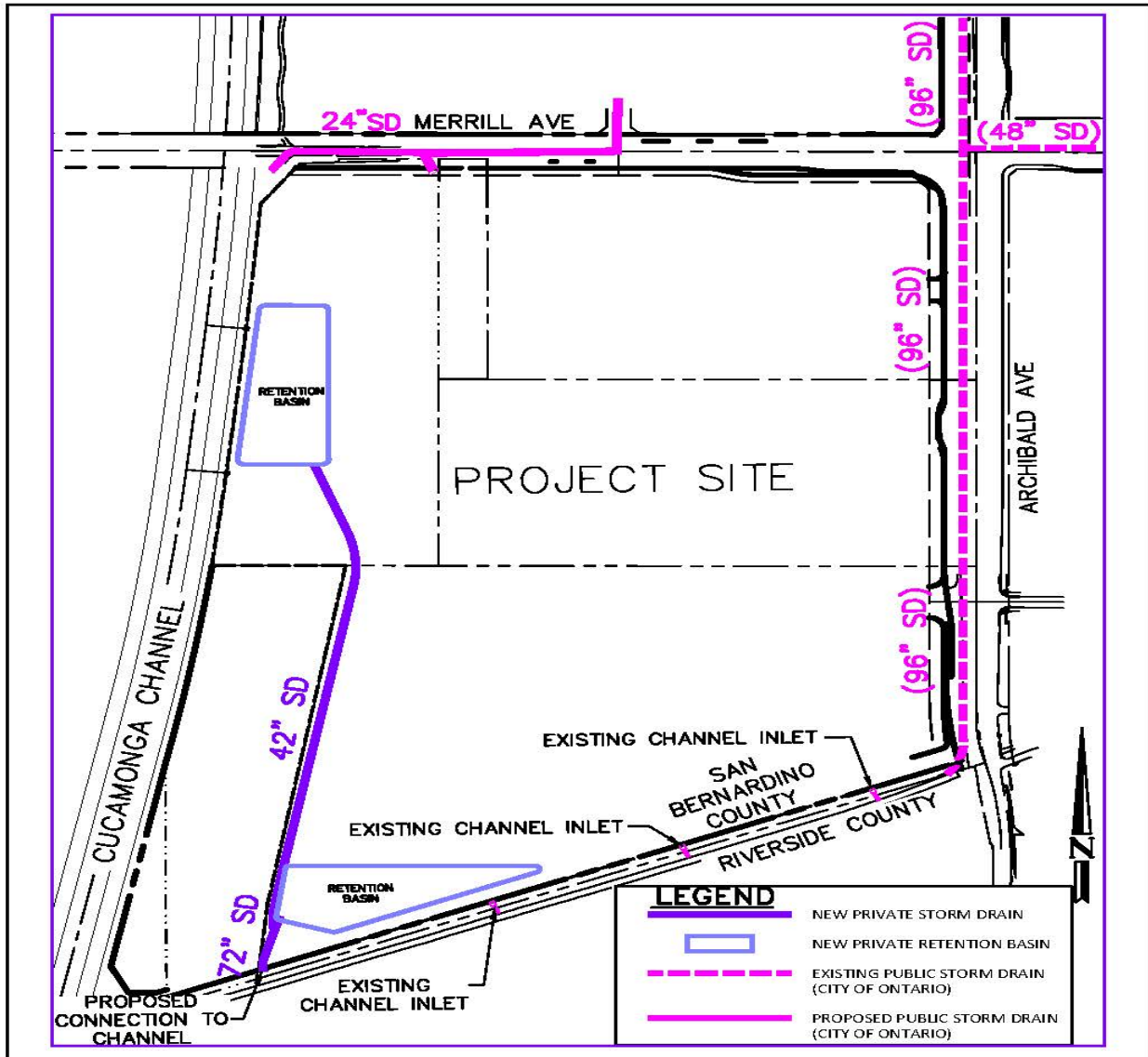
N. T. S.

EXHIBIT "F-5"

Required Storm Water Drainage Infrastructure Improvements

Exhibit "F-5"

Required Storm Drainage Infrastructure Improvements



Source: David Evans & Associates

NOTE: Reference the City's most current Master Plan for sizing/alignment.

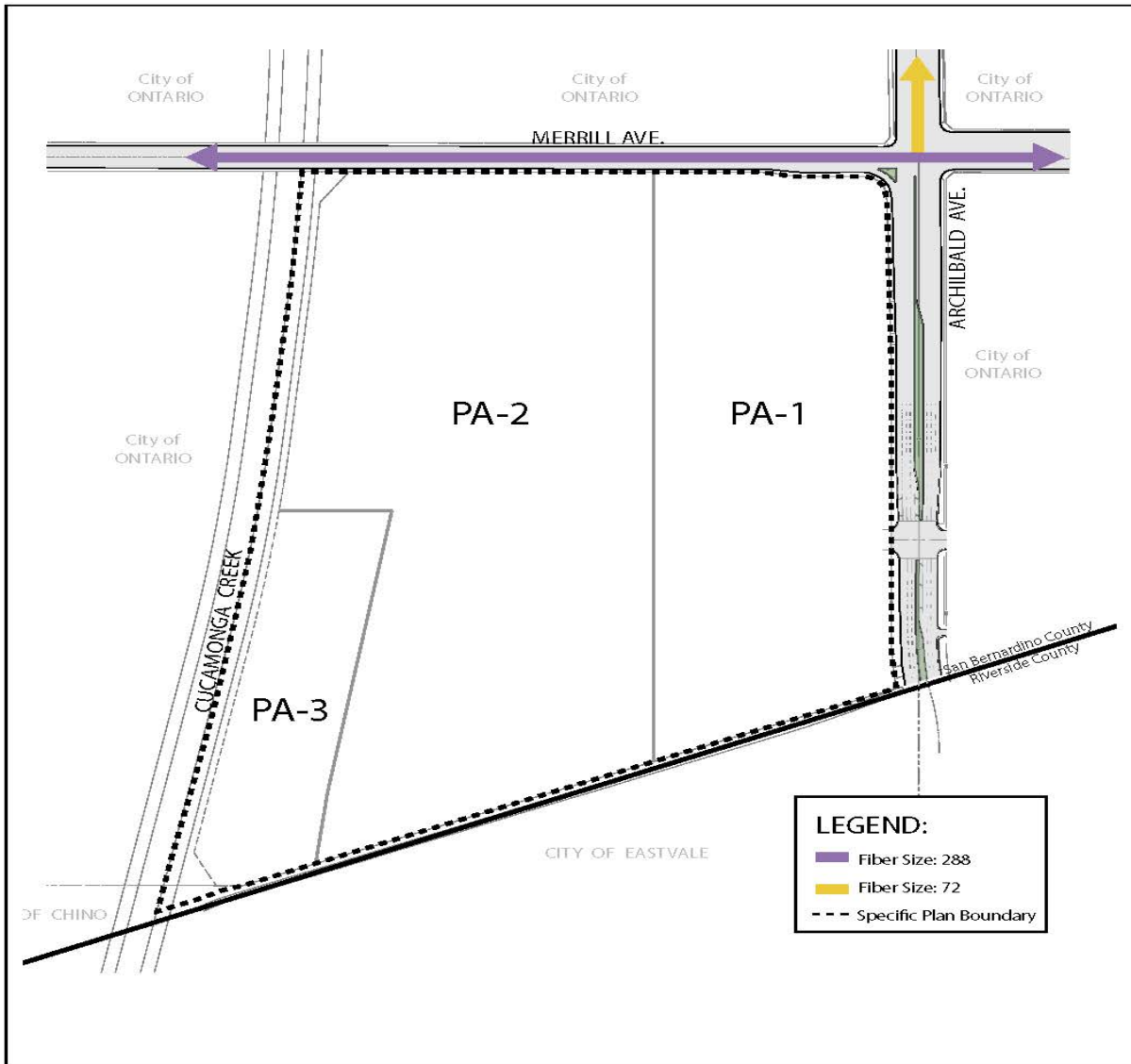
N. T. S.

EXHIBIT "F-6"

Required Fiber Optic Communications System Infrastructure Improvements

Exhibit "F-6"

Required Fiber Optic Communications System Infrastructure Improvements



Source: City of Ontario, Figure 7 (Fiber Size and Footages)
NOTE: Reference the most current Master Plan for sizing/alignment.

N. T. S.

EXHIBIT "G"
TO DEVELOPMENT AGREEMENT

FORM OF CERTIFICATE OF NET MDD AVAILABILITY

Pursuant to Section ____ of this Agreement between the City of Ontario, a California municipal corporation, and Colony Commerce Ontario East, a Delaware Limited Partnership, hereinafter called "OWNER", the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called "Agreement", the City of Ontario hereby certifies based on CITY receipt of payment of OWNER's share of the funding for the Phase 2 Water Improvements, that OWNER is entitled to the following Net MDD Water Availability.

Amount of Net MDD _____ gpm

Scott Ochoa, City Manager

Dated: _____

Exhibit "H"

FORM OF CERTIFICATE OF REGIONAL OR LOCAL ADJACENT DIF CREDIT

Pursuant to Section 4.5.3 of this Agreement by and between the City of Ontario and Colony Commerce Ontario East LP, dated _____, 2019, the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called the "Development Agreement", the City of Ontario hereby certifies that OWNER is entitled to the following amount and nature of DIF Credits in the Regional Water DIF Infrastructure Category:

Amount of Credit: \$ _____

Scott Ochoa, City Manager

Dated: _____

Exhibit "I-1"

ONTARIO RANCH WATER SUPPLY PHASING PLAN

<u>Phase 2</u>	<u>Water Availability Equivalency</u>	<u>Estimated Net MDD Available¹</u>
Phase 2 A		
<u>Supply & Storage</u>		
1. 1 - Additional Ground Water Well and Collection lines - Design and Construction	8,250 gpm ²	7,750 gpm²
<u>Pipelines (Transmission & Distribution)²</u>		
2. 925 Zone Transmission lines – Design and Construction		
3. Temporary Pressure Reducing Station ³ – Design and Construction		
Phase 2B		
<u>Supply & Storage</u>		
4. 1 – Additional Ground Water Well and Collection lines – Design and Construction	10,500 gpm ²	9,860 gpm²
5. 1 – 6 million gallon Reservoir – 925 Zone – Design and Construction		

(1) Upon Completion of the construction of all of the improvements described for each Phase a Certificate of Net MDD Availability shall be issued to Developer for the corresponding amount of Net MDD. Net MDD means the maximum daily demand on the potable water supply, net of the water requirements for public schools and parks. The Water Availability Equivalency includes the estimated requirements for public schools and parks. The amount of Net MDD specified is the cumulative amount for which building permits may be issued upon funding of the corresponding and all preceding Phases of improvements.

(2) The ability of a particular development to utilize Net MDD assigned to it by the Developer will require the completion of design and construction of Master-planned potable and recycled water transmission and distribution pipelines for the respective pressure zone. Other factors may include its location, the particular land use and Water Availability Equivalents assigned to it as specified in Exhibit C-2.

(3) Pressure reducing stations are a component of the pipeline transmission and distribution system.

Exhibit I-2”

Available Water Supply - See Exhibit C-1R for Net MDD Available

Table A - Water Demand Equivalents By Land Use

The Ontario Plan Land Use	Potable Water			Recycled Water	
	Water Demand Factor (ADD)		Water Demand Equivalents (WDE) ²	Recycled Water Demand Factor ¹ (ADD)	Recycled Water Demand Of Total Water Demand
	(gpd/du)	(gpd/ac)	(gpm/unit)	(gpd/ac)	(%)
Detached Dwellings (less than 5 units per acre)	544		0.57	900	28%
Detached or Attached Dwellings (between 5 and 11 units per acre)	464		0.48	1,000	21%
Attached Dwellings (between 11 and 25 units per acre)	323		0.34	1,500	18%
High Density Dwellings (25+ units per acre)	152		0.16	1,500	27%
Commercial Lodging	150		0.16	1,700	50%
Retail/Services Uses		2,200	2.29	2,300	51%
Office Uses		3,400	3.54	2,300	40%
Business Park Uses		2,200	2.29	2,200	50%
Industrial Uses		2,000	2.08	2,200	52%
Institutional Use		2,200	2.29	1,600	42%
Parks		1,000	1.04	1,400	58%
Schools		3,500	3.65	1,600	31%

¹Recycled Water Demands include irrigation for right-of-way (medians and parkways), neighborhood edge, pocket parks, and common areas.

²The WDE is based on the Maximum Day Demand (MDD) with a peaking factor of 1.5 in the NMC for all land use categories.

Table B - Example Water Supply Calculation

Land Use	Acres ¹ (gross)	Residential Units	WDE Factor (gpm)	Potable MDD (gpm)	Recycled Water ADD (gpm)
Development					
Detached Dwellings (less than 5 units per acre)	1,284	5,061	0.57	2,868	803
Detached or Attached Dwellings (between 5 and 11 units per acre)	369	2,530	0.48	1,223	256
Attached Dwellings (between 11 and 25 units per acre)	194	3,410	0.34	1,147	202
Retail/Services Uses (per acre) ²	104		2.29	239	166
TOTAL	1,950	11,001		5,477	1,428

Three (3) Wells Are required to Support this example, assuming each well produces 2,000 gpm and connection to the Recycled Water System maximizing Recycled Water Use.

¹ Residential Acres are estimated based on the weighted average derived from the average number of units per land use category.

² Commercial acreage is calculated from a total square footage of 1,361,000 SF with an average Floor to Area Ratio (FAR) of 0.30 for commercial services in The Ontario Plan.

Exhibit "J"

FORM OF PLUME DISCLOSURE LETTER

C I T Y O F



O N T A R I O

ONTARIO MUNICIPAL UTILITIES COMPANY

PAUL S. LEON
MAYOR

DEBRA DORST-PORADA
MAYOR PRO TEM

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

March 2017

AL C. BOLING
CITY MANAGER

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
TREASURER

SCOTT BURTON
UTILITIES GENERAL MANAGER

**DISCLOSURE NOTICE
SOUTH ARCHIBALD TRICHLOROETHYLENE PLUME**

Dear Property Owner/Developer/Applicant:

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

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

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

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

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

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

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CITY OF ONTARIO

MEMORANDUM

TO: Chairman and Members of the Planning Commission

FROM: Cathy Wahlstrom, Planning Director *CW*

DATE: January 22, 2019

SUBJECT: MONTHLY PLANNING DEPARTMENT ACTIVITY REPORT; MONTH OF DECEMBER 2018

Attached, you will find the Planning Department Monthly Activity Report for the month of December 2018. The report describes all new applications received by the Planning Department and actions taken on applications during the month. Please contact me if you have any questions regarding this information.

The attached reports, along with reports from past months, may also be viewed on the City's web site. New applications may be viewed at <http://www.ontarioca.gov/planning/reports/monthly-activity-reports-applications>, and actions taken on applications may be viewed at <http://www.ontarioca.gov/planning/reports/monthly-activity-reports-actions>.

City of Ontario Planning Department
Monthly Activity Report—Actions
Month of December 2018

DEVELOPMENT ADVISORY BOARD MEETING

December 3, 2018

Meeting Cancelled

ZONING ADMINISTRATOR MEETING

December 3, 2018

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO.

PCUP18-032: A Conditional Use Permit (File No. PCUP18-032) to establish alcoholic beverage sales, including beer, wine, and distilled spirits (Type 47, on-sale general for bona-fide public eating place), for consumption on the premises within an existing 9,000 square-foot restaurant (Boiling World) on 3.44 acres of land within the Parkway Plaza shopping center, located at 4431 East Ontario Mills Parkway, within the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties (Ontario Mills) Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP) (APN: 0238-014-10); **submitted by Boiling World Inc.**

Action: The Zoning Administrator approved the project subject to conditions.

CITY COUNCIL/HOUSING AUTHORITY MEETING

December 4, 2018

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE AMENDMENT REVIEW FOR FILE

NO. PDCA18-004: A Development Code Amendment to increase the allowable building/structure height from 55 feet to 80 feet within the IH (Heavy Industrial) zoning district. Staff is recommending the adoption of an Addendum to The Ontario Plan (File No. PGPA06-001) Environmental Impact Report (SCH# 2008101140), certified by the City of Ontario City Council on January 27, 2010. This project introduces no new significant environmental impacts, and all previously-adopted mitigation measures are a condition of project approval. 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). **City Initiated.** The Planning Commission recommended approval of this item on October 23, 2018, with a vote of 6 to 0.

Action: The City Council approved and waived further reading of the ordinance.

City of Ontario Planning Department
Monthly Activity Report—Actions
Month of December 2018

ENVIRONMENTAL ASSESSMENT, GENERAL PLAN AMENDMENT REVIEW FOR FILE NO. PGPA18-005, AND ZONE CHANGE REVIEW FOR FILE NO. PZC-18-002: A General Plan (Policy Plan) Amendment (PGPA18-005) and Zone Change (File No. PZC-18-002) for 2.4 acres of land to [1] modify The Ontario Plan (TOP) Exhibit LU-01- Land Use Plan to establish a land use designation of Industrial (0.55 FAR); [2] modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes; and [3] establish a zoning designation of IG (General Industrial) to bring the property zoning into consistency with the Policy Plan. The project site is located within North Loop Circle, generally west of Etiwanda Avenue and south of the Interstate 10 Freeway, and currently does not have a land use designation, zoning designation, or APN assigned to the parcel. Staff is recommending the adoption of an Addendum to The Ontario Plan (File No. PGPA06-001) Environmental Impact Report (SCH# 2008101140) certified by City Council on January 27, 2010. This project introduces no new significant environmental impacts, and all previously-adopted mitigation measures are a condition of project approval. 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: N/A) **City-initiated**. The Planning Commission recommended approval of this item on October 23, 2018, with a vote of 6 to 0.

Action: The City Council adopted a resolution approving the General Plan Amendment and introduced and waived further reading of an ordinance approving the Zone Change.

DEVELOPMENT ADVISORY BOARD MEETING

December 17, 2018

ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP EXTENSION REVIEW FOR FILE NO. PMTT16-013 (TM 20050): A one-year Time Extension of the expiration date for the approval of File No. PMTT16-013, a Tentative Tract Map (TM 20050) to subdivide 3.47 acres of land for condominium purposes, located on the west side of Euclid Avenue, between Francis Avenue and Cedar Street, at 1910 South Euclid Avenue, within the MDR-18 (Medium Density Residential - 11.1 to 18.0 DUs/acre) and EA (Euclid Avenue) Overlay zoning districts. Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15304 (Class 4, Minor Alterations to Land) 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: 1050-381-04, 1050-381-05, 1050-381-06, 1050-381-07, 1050-381-08 and 1050-381-09) **submitted by 1902 Euclid Property LLC**. Planning Commission action is required.

Action: The Development Advisory Board recommended the Planning Commission approve the project subject to conditions.

City of Ontario Planning Department
Monthly Activity Report—Actions
Month of December 2018

ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT

REVIEW FOR FILE NOS. PDEV17-034 & PCUP17-026: A Development Plan (File No. PDEV17-034) to construct a phased commercial development on 2.6 acres of land, composed of a 4,662 square foot commercial car wash (Phase 1) and two multi-tenant retail buildings composed of 9,500 square feet (Phase 2), in conjunction with a Conditional Use Permit (File No. PCUP17-026) to establish the car wash use, for property located along the northwest corner of Holt Boulevard and Grove Avenue, within the East Holt Mixed-Use (MU-2) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 1048-472-16, 1048-472-17, 1048-472-18, 1048-472-19, 1048-472-20, 1048-472-21) **submitted by Elba Inc.** Planning Commission action is required.

Action: The Development Advisory Board recommended the Planning Commission approve the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV18-030:

A Development Plan to construct a 43,300 square-foot industrial building on 2.4 acres of land located within the area surrounded by Loop Drive (west of North Etiwanda Avenue and south of Interstate 10), within the IG (General Industrial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) 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); **submitted by Acacia Real Estate Group Inc.**

Action: The Development Advisory Board approved the project subject to conditions.

ZONING ADMINISTRATOR MEETING

December 17, 2018

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO.

PCUP18-005: A Conditional Use Permit to establish a 464-square foot Small Collection Facility within an existing shopping center (Vineyard Plaza) on 8.1 acres of developed land located on the northwest corner of Fourth Street & Vineyard Avenue, at 1875 East Fourth Street, within the CN (Neighborhood 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 proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be

City of Ontario Planning Department
Monthly Activity Report—Actions
Month of December 2018

consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APNs: 0110-301-21 and 0110-301-22); **submitted by Jose Ponce.**

Action: The Zoning Administrator approved the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO.

PCUP18-031: A Conditional Use Permit to establish: [1] alcoholic beverage sales, including beer, wine, and distilled spirits (Type 48 On Sale General for Public Premises ABC License), for consumption on the premises; [2] live entertainment (karaoke and DJ); [3] dancing; and [4] pool tables, located at 750 N. Archibald Avenue, Suites F, G, and H (the existing Spectators Sports Bar proposes to relocate from Suite B), within the Garden Commercial land use district of the Ontario Festival Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 0110-431-10) **submitted by Spectators Sports Bar, Inc.**

Action: The Zoning Administrator approved the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO.

PCUP18-033: A Conditional Use Permit to establish a 2,554 square-foot crematorium on 2.13 acres of land located at 1445 W. Brooks Street, within the IG (General Industrial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 1011-112-35) **submitted by Adolfo L. Oseguera.**

Action: The Zoning Administrator approved the project subject to conditions.

PLANNING/HISTORIC PRESERVATION COMMISSION MEETING December 17, 2018

ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP EXTENSION REVIEW FOR FILE NO.

PMTT16-013 (TM 20050): A one-year Time Extension of the expiration date for the approval of File No. PMTT16-013, a Tentative Tract Map (TM 20050) to subdivide 3.47 acres of land for condominium purposes, located on the west side of Euclid Avenue, between Francis Avenue and Cedar Street, at 1910 South Euclid Avenue, within the MDR-18 (Medium Density Residential - 11.1 to 18.0 DUs/acre) and EA (Euclid Avenue) Overlay zoning districts. Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15304 (Class 4, Minor Alterations to Land) of the CEQA Guidelines.

City of Ontario Planning Department
Monthly Activity Report—Actions
Month of December 2018

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 (APNs: 1050-381-04, 1050-381-05, 1050-381-06, 1050-381-07, 1050-381-08 and 1050-381-09); **submitted by 1902 Euclid Property LLC.**

Action: Meeting adjourned to 1/22/2019.

ENVIRONMENTAL ASSESSMENT, TENTATIVE PARCEL MAP AND DEVELOPMENT PLAN REVIEW

FOR FILE NOS., PMTT18-006 AND PDEV18-014: A Tentative Parcel Map No. 19904 (File No. PMTT18-006) to subdivide approximately 85 acres of land into nine numbered lots and six lettered lots, and a Development Plan (File No. PDEV18-014) to construct nine industrial buildings totaling 1,685,420 square feet, for property located along the southwest corner of Merrill Avenue and Archibald Avenue within the Business Park (Planning Area 1) and Industrial (Planning Area 2) land use designations of the Colony Commerce Center East Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Colony Commerce Center East Specific Plan (File No. PSP16-003) Environmental Impact Report (SCH# 2017031048) certified by City Council on May 1, 2018. This project introduces no new significant environmental impacts, and all previously-adopted mitigation measures are a condition of project approval. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with both policies and criteria of the Ontario International Airport Land Use Compatibility Plans (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: 0218-311-02, 0218-311-03, 0218-311-08, 0218-311-10) **submitted by Colony Commerce Ontario East LP, a Delaware Limited Partnership.** Continued from the 11/27/2018 meeting.

Action: Meeting adjourned to 1/22/2019.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO.

PDA18-002: A Development Agreement (File No. PDA18-002) between the City of Ontario and Colony Commerce Ontario East LP, a Delaware Limited Partnership, to establish the terms and conditions for the development of a Tentative Parcel Map No. 19904 (File No. PMTT18-006), for property located along the southwest corner of Merrill Avenue and Archibald Avenue within the Business Park (Planning Area 1) and Industrial (Planning Area 2) land use designations of the Colony Commerce Center East Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Colony Commerce Center East Specific Plan (File No. PSP16-003) Environmental Impact Report (SCH# 2017031048) certified by City Council on May 1, 2018. This application introduces no new significant environmental impacts, and all previously-adopted mitigation measures are a condition of project approval. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with both policies and criteria of the Ontario International Airport Land Use Compatibility Plans (ALUCP). The project site is also located within the Airport Influence area of

City of Ontario Planning Department
Monthly Activity Report—Actions
Month of December 2018

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: 0218-311-02, 0218-311-03, 0218-311-08, 0218-311-10) **submitted by Colony Commerce Ontario East LP, a Delaware Limited Partnership.** Continued from the 11/27/2018 meeting. City Council Action is required.

Action: Meeting adjourned to 1/22/2019.

CITY COUNCIL/HOUSING AUTHORITY MEETING

December 18, 2018

ZONE CHANGE REVIEW FOR FILE NO. PZC-18-002: A Zone Change on 2.4 acres of land to establish a zoning designation of IG (General Industrial) to bring zoning into consistency with the Policy Plan on property located within North Loop Circle, generally west of Etiwanda Avenue and south of the Interstate 10 Freeway. **City-initiated.** The Planning Commission recommended approval of this item on October 23, 2018, with a vote of 6 to 0.

Action: The City Council approved and waived further reading of the ordinance.

Monthly Activity Report—New Applications

Month of December 2018

PCUP18-036: **Submitted by Phelan Development Company**

A Conditional Use Permit to establish a commercial retail/restaurant building with drive-thru totaling 8,497 square feet on 1.16 acres of land located at the northeast corner of Grove Avenue and Philadelphia Street, at 2195 South Grove Avenue, within the Business Park land use district of the Grove Avenue Specific Plan (APN: 0113-641-15). Related File: PDEV18-034. **Planning Commission action is required.**

PCUP18-037: **Submitted by Grocery Outlet**

A Conditional Use Permit to establish alcoholic beverage sales for consumption off the premises (Type 21 ABC License, Off-Sale General) in conjunction with a proposed grocery store (Grocery Outlet) on 2.6 acres of land located at 4420 East Ontario Mills Parkway, within the Commercial/Office land use district of the Ontario Mills Specific Plan (APN: 0238-041-29). **Zoning Administrator action is required.**

PCUP18-038: **Submitted by Michael Elchner**

A Conditional Use Permit to establish alcoholic beverage sales for consumption on the premises (Type 70 ABC License, On-Sale General Restrictive Service) in conjunction with a new 131-room hotel (Element Hotel by Westin) totaling 92,823 square feet on 4.5 acres of land located at the north east corner of Ontario Center Parkway and Via Piemonte, at 900 North Via Piemonte, within the Piemonte Overlay District of the Ontario Center Specific Plan (APN: 0210-204-18). Related File: PDEV16-050. **Zoning Administrator action is required.**

PDA-18-005: **Submitted by Richland Communities**

A Development Agreement by and between the City of Ontario and WSI Land Holdings, LLC, to establish terms for the development of 80.61 gross acres of land with to 482 dwellings within Planning Areas 5A, 5B, and 5C of the Rich Haven Specific Plan. Related Files: TT 201234, TT 20135, TT 20136 & TT 20137. **Planning Commission and City Council actions are required.**

PDEV18-034: **Submitted by Phelan Development Company**

A Development Plan to construct a commercial retail/restaurant building with drive-thru, totaling 8,497 square feet on 1.16 acres of land located at the northeast corner of Grove Avenue and Philadelphia Street, at 2195 South Grove Avenue, within the Business Park land use district of the Grove Avenue Specific Plan (APN: 0113-641-15). Related file PCUP18-036. **Planning Commission action is required.**

PDEV18-035: **Submitted by Richard Southerland**

A Development Plan to construct a three-unit apartment building on 0.099 acres of land located at 418 East Transit Street, within the MU-1 (Mixed Use Downtown) zoning district (APN: 1049-067-04). Related File: PUD-18-001. **Planning Commission action is required.**

Monthly Activity Report—New Applications

Month of December 2018

PDEV18-036: **Submitted by Euclid Land Ventures, LLC (REDA)**

A Development Plan to construct eight industrial building totaling 3,661,861 square feet on 84.1 acres of land within Planning Area 1 (Business Park) and Planning Area 2 (Industrial) of the proposed Ontario Ranch Commerce Center West Specific Plan, bordered by Eucalyptus Avenue on the north, Sultana Avenue on the east, Merrill Avenue on the south, and Euclid Avenue on the west (APNs: 1054-011-01, 1054-011-02 & 1054-011-04; 1054-021-01, 1054-021-02 & 1054-021-03; 1054-271-01; and 1054-281-01, 1054-281-02 & 1054-281-03). **Development Advisory Board action is required.**

PDEV18-037: **Submitted by Lennar Homes of California, Inc.**

A Development Plan to construct 176 single-family, 74 alley-loaded, and 104 standard configuration dwellings located on the north side of Ontario Ranch Road, east of Archibald Avenue, within Planning Area 8A of The Avenue Specific Plan. Related File: PMTT16-003 (TT 20012). **Planning Commission action is required.**

PGPA18-009: **Submitted by LHL Investments Group, LLC**

An Amendment to the Land Use Element of the Policy Plan (General Plan) component of The Ontario Plan, changing the land use designation on 0.735 acres of land from General Commercial to Low-Medium Density Residential (5.1 - 11 DU/AC), located at 1752 East G Street, within the CC (Community Commercial) zoning district, and modifying Exhibit LU-03 (Future Buildout Table) to be consistent with this land use designation change (APN: 0110-241-57). Related File: PZC18-003. **Planning Commission and City Council actions are required.**

PHP-18-033: **Submitted by Daysi Y. Ortiz**

A Certificate of Appropriateness to alter a window opening on the primary façade of a historic existing multifamily residence on a .25 acre lot located at 425 West D Street, within the MDR-11 (Medium Density Residential 5.1 to 11.0 DU/Acre) zoning district (APN: 1048-571-01). **Historic Preservation Commission action is required.**

PMTT18-010: **Submitted by Retail Properties Of America, Inc.**

A Parcel Map to subdivide 17.92 acres of land into two parcels located at 4900 East Fourth Street, within the Commercial/Office land use district of the Ontario Mills (California Commerce Center North/Ontario Gateway Plaza/Wagner Properties) Specific Plan (APN: 0238-014-05). **Planning Commission action is required.**

PPRE18-004: **Submitted by Inland Harbor.Com, LLC**

A request to waive the requirement to prepare a specific plan for the proposed development of a 119,042-square foot self-storage and recreational vehicle storage (596 parking spaces) facility on 20 acres of land located at the southwest corner of Schaefer and Campus Avenues, within the SP/AG (Specific Plan/Agriculture Preserve) zoning district (APNs: 1053-101-01 and 1053-101-02). **No action is required.**

Monthly Activity Report—New Applications

Month of December 2018

PSGN18-125:

Submitted by Swain Sign, Inc.

A Sign Plan for the installation of two wall signs (206 SF on the north elevation and 173 SF on the south elevation) for BIG LOTS, located at 4400 East Ontario Mills Parkway, within the Ontario Mills Specific Plan. **Staff action is required.**

PSGN18-126:

Submitted by Kevin Payment

A Sign Plan for the installation of a wall sign (12.75 SF) located at 3550 East Philadelphia Street, Suite 170, within the Haven Gateway Centre Specific Plan. **Staff action is required.**

PSGN18-127:

Submitted by Kevin Payment

A Sign Plan for the installation of a wall sign located at 3550 East Philadelphia Street, Suite 180, within the Haven Gateway Centre Specific Plan. **Staff action is required.**

PSGN18-128:

Submitted by Rick Anderton

A Sign Plan for the installation of directional signage ("order here" and "drive thru clearance" bar) for MCDONALD'S, located at 1170 East Philadelphia Street, within the CC (Community Commercial) zoning district. **Staff action is required.**

PSGN18-129:

Submitted by Tim Holmes

A Sign Plan for the installation of a relocated monument sign, three wall signs, and new drive-thru canopies, menus, directional signs, and new awnings for DEL TACO, located at 2535 South Euclid Avenue, within the CN (Neighborhood Commercial) zoning district. **Staff action is required.**

PSGN18-130:

Submitted by 88 Sign Corp

A Sign Plan for the installation of two wall signs for CHINA WOK MONGOLIAN BBQ, located at 720 North Archibald Avenue, Unit A, within the Ontario Festival Specific Plan. **Staff action is required.**

PSGN18-131:

Submitted by Promotion Plus

A Sign Plan for the installation of replacement pump valances and reface of existing monument signs for MOBIL, located at 3445 East Shelby Street, within the Ontario Center Specific Plan. **Staff action is required.**

PSGN18-132:

Submitted by Victoria Erwin

A Sign Plan for the installation of three wall signs for CARVANA, located at 520 North Turner Avenue, within the CR (Regional Commercial) zoning district. **Staff action is required.**

PSGN18-133:

Submitted by Calvo Learning Centers, LLC

A Sign Plan for the installation of a temporary banner to read "CODE NINJAS," located at 2550 South Archibald Avenue, Suite D. Sign to be on building from 12/15/2018 through 01/14/2019. **Staff action is required.**

Monthly Activity Report—New Applications

Month of December 2018

PSGN18-134:

Submitted by Furniture Dreams

A Sign Plan for the installation of a temporary banner to read "store closing everything must go!" for FURNITURE DREAMS, located at 203 North Euclid Avenue (APN: 1048-565-10). Sign to be on building from 12/1/2018 through 1/14/2019. **Staff action is required.**

PTUP18-082:

Submitted by Muslim American Society

A Temporary Use Permit for a single-day event hosted by the Muslim American Society, located at Parking Lot A of the Ontario Convention Center. Outdoor activities include a kids carnival consisting of Euro Bungee, Roller Raceway, Zipline, Human Foosball, and Sumo Wrestling. The event will be held on 11/24/2018, 8:00AM to 6:00PM. **Staff action is required.**

PTUP18-083:

Submitted by American Legion Post 112

A Temporary Use Permit for a single-day event for Holiday Toy Run, located at American Legion Post 112, located at 310 West Emporia Street. The event will be held on 12/02/2018. **Staff action is required.**

PTUP18-084:

Submitted by Hooters

A Temporary Use Permit for a single-day event for a Car Show & Toy Drive, with outdoor DJ, hosted by Hooters, located at 725 North Milliken Avenue. The event will be held on 12/02/2018, 7:00AM to 4:00PM. **Staff action is required.**

PTUP18-085:

Submitted by Richmond American Homes

A Temporary Use Permit for a temporary sales office within the garage of a model unit located at 3174 Pastime Street, for Richmond American Homes, Tract 18067 (Primrose). **Staff action is required.**

PTUP18-086:

Submitted by Jose Hernandez

A Temporary Use Permit for a single-day event for a Car Show & Toy Drive, with outdoor DJ, hosted by Hooters, located at 725 North Milliken Avenue. The event will be held on 12/16/2018, 7:00AM to 4:00PM. **Staff action is required.**

PTUP18-087:

Submitted by Experience Communication

A Temporary Use Permit for a two-day event for a Ford Test Drive Experience located within the Ontario Mills Parking lot, located at 1 East Mills Circle, Suite 100. The event will be held on 12/11/2018 and 12/12/2018. **Staff action is required.**

PUD-18-001:

Submitted by Richard Southerland

A Planned Unit Development to establish development standards and guidelines to facilitate the future development of a high density residential apartment project (30.3 dwelling units per acre) on a 0.099-acre property located at 418 East Transit Street, within the MU-1 (Downtown Mixed

Monthly Activity Report—New Applications

Month of December 2018

Use) zoning district (APNs: 1049-067-04). Related File PDEV18-035. **Planning Commission and City Council actions are required.**

PVER18-050:

Submitted by Howard Wang

A Zoning Verification for 855 South Benson Avenue (APN: 1011-431-04). **Staff action is required.**

PVER18-051:

Submitted by Sheneetra Scroggins

A Zoning Verification for 1155 South Wanamaker Avenue (APNs: 0238-221-36 and 0238-221-23). **Staff action is required.**

PVER18-052:

Submitted by Shelly Labus

A Zoning Verification for 4501 East Airport Drive (APN: 0238-185-53). **Staff action is required.**

PZC-18-003:

Submitted by LHL Investments Group, LLC

A Zone Change amending the zoning designation on 0.735 acres of land, from CC (Community Commercial) to MDR-11 (Medium Density Residential), located at 1752 East G Street (APN: 0110-241-57). Related File: PGPA18-009. **Planning Commission and City Council actions are required.**