

CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING AGENDA

April 26, 2022

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 and on the City website at www.ontarioca.gov/Agendas/PlanningCommission.

- *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

Anderson __ Dean __ DeDiemar __ Gage __ Lampkin __ Ricci __ 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 March 22, 2022, approved as written.

- A-02. GENERAL PLAN CONSISTENCY FINDING PURSUANT TO GOVERNMENT CODE SECTION 65402:** A request for a determination of General Plan consistency pursuant to Government Code Section 65402, to determine that the sale of approximately 2.13 acres of land, between the City of Ontario and Ontario D Block, LLC, for properties located at 404, 416 and 414 North Euclid Avenue and 401 and 418 North Lemon Avenue, is consistent with The Ontario Plan Policy Plan (General Plan); (APNS: 1048-363-02, 1048-363-03, 1048-363-04, and 1048-363-05). **City Initiated**

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, unless there are a number of person's wishing to speak and then the Chairperson will allow only three (3) minutes, to accommodate for more persons. The Planning/Historic Preservation 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.

HISTORIC PRESERVATION COMMISSION ITEMS

- B. TWENTY-SECOND ANNUAL MODEL COLONY AWARDS FILE NO. PHP22-008:** A request for the Historic Preservation Commission to accept the nominations for the Twenty-second Annual Model Colony Awards; **submitted by City of Ontario. City Council presentation of Awards. City Council action is required.**

1. **File No. PHP22-008** (Model Colony Awards)

Motion to Approve/Deny

PLANNING COMMISSION ITEMS

- C. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA21-014**: A public hearing to consider a Development Agreement between the City of Ontario and BrookCal Ontario, LLC, to establish the terms and conditions associated with the development of Tentative Tract Map No. 20449 (File No. PMTT21-014), a 35.65 gross acre property located at the southeast corner of Haven Avenue and Ontario Ranch Road, within Planning Area 9A (Residential & Commercial) land use district of the Rich Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to the Rich Haven Specific Plan Environmental Impact Report (State Clearinghouse No. 2006051081) and an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140). This application is consistent with the previously adopted environmental impact reports and introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 218-211-01) **submitted by BrookCal Ontario LLC. City Council action is required.**

1. **CEQA Determination**

No action necessary – use of previous addendum to an EIR

2. **File No. PDA21-014** (Development Agreement)

Motion to recommend Approval/Denial

- D. **ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT21-014**: A public hearing to consider Tentative Tract Map No. 20449, subdividing 35.65 gross acres of land into 92 numbered lots and 55 lettered lots for residential and commercial uses, public/private streets, landscape neighborhood edges and common open space purposes for a property located on southeast corner of Ontario Ranch Road and Haven Avenue, within the Mixed-Use District Planning Area 9A (Regional Commercial and Stand-Alone Residential Overlay) of the Rich Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to the Rich Haven Specific Plan Environmental Impact Report (State Clearinghouse No. 2006051081) and an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140). This application is consistent with the previously adopted Environmental Impact Reports and introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 218-211-01) **submitted by BrookCal Ontario LLC.**

1. **CEQA Determination**

No action necessary – use of previous addendum to an EIR

2. **File No. PMTT21-014 (TTM 20449)** (Tentative Tract Map)

Motion to Approve/Deny

E. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE AMENDMENT REVIEW FOR FILE NO. PDCA22-003: A public hearing to consider certain clarifications and revisions to the City of Ontario Development Code, addressing the following:

- Time extension limits for discretionary projects (Development Code Section 2.02.025.B.2.c).
- Public notification requirements for Minor Variances (Development Code Section 2.03.010).
- Administrative exception provisions (Development Code Sections 4.02.020 and 4.03.050, and Tables 2.02-1 and 2.03-1).
- Specific plan minor amendments provisions (Development Code Section 4.02.080).
- Housing and reasonable accommodations provisions (Development Code Sections 4.02.035 and 4.03.055, and Tables 2.02-1 and 2.03-1).
- Accessory dwelling units (ADUs), adding the requirements of Assembly Bill 345 related to the separate conveyance of ADUs (Development Code Section 5.03.010).
- Minimum useable rear yard area for single-family dwellings (Development Code Section 5.03.011).
- Banquet facilities in conjunction with commercial structures on historic properties (Development Code Section 5.03.067).
- Retail sales events and other similar business events (Development Code Section 5.03.395 and Table 8.01-1).
- Conversion of garages to accommodate accessory dwelling units (Development Code section 6.01.010).
- Definition for “garage” (Development Code Section 9.01.010.G).
- Single-family two-unit projects and urban lot splits, rescinding Urgency Ordinance No. 3200 and adopting permanent standards (Development Code Sections 5.03.403 and 6.08.060, and Tables 2.02-1 and 2.03-1).
- Certain allowed land use descriptions (Development Code Table 5.02-1).

The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (“CEQA”) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines. The proposed Development Code Amendment affects properties 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; **City Initiated. City Council action is required.**

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15061(b)(3)

2. File No. PDCA22-003 (Development Code Amendment)

Motion to recommend Approval/Denial

MATTERS FROM THE PLANNING/HISTORIC PRESERVATION COMMISSION

1) Old Business

- Reports From Subcommittees

- Historic Preservation (Standing): Did not meet this month.

2) New Business

- Sub-Committee Appointments
- 3) Nominations for Special Recognition

DIRECTOR'S REPORT

- 1) Monthly Activity Report


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

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



I, Gwen Berendsen, Administrative Assistant, of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on **Friday, April 22, 2022**, 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


Rudy Zeledon, Planning Director
Planning/Historic Preservation
Commission Secretary

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

MINUTES

March 22, 2022

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

MINUTES

March 22, 2022

REGULAR MEETING: City Hall, 303 East B Street
Called to order by Chairman Gage at 6:33 PM

COMMISSIONERS

Present: Chairman Gage, Vice-Chairman Willoughby, Anderson, Dean, and DeDiemar

Absent: Lampkin, Ricci

OTHERS PRESENT: Planning Director Zeledon, City Attorney Guiboa, Director of Economic Development Mclain-Hiramoto, Principal Planner Mercier, Senior Planner Hutter, Assistant City Engineer Lee, and Planning Secretary Berendsen

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner DeDiemar.

ANNOUNCEMENTS

Mr. Zeledon welcomed Attorney Guiboa and the Director of Economic Development, Ms. Mclain-Hiramoto, and stated that Item B is being asked to be continued till a future meeting and that there are some revisions for Item C, in front of the Commissioners.

PUBLIC COMMENTS

No one responded from the audience.

CONSENT CALENDAR ITEMS

Mr. Gage asked for Item A-02 to be pulled from the consent calendar.

A-01. MINUTES APPROVAL

Planning/Historic Preservation Commission Minutes of February 22, 2022, approved as written.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Anderson, to approve the Consent Calendar including the Minutes for February 22, 2022, as written. The motion

was carried 5 to 0.

PUBLIC HEARING ITEMS

- A-02. GENERAL PLAN CONSISTENCY FINDING PURSUANT TO GOVERNMENT CODE SECTION 65402:** A request for a determination of General Plan consistency pursuant to Government Code Section 65402, for the transfer of real property ownership from the City of Ontario to The University of La Verne, for properties located at 425 E B Street, 208 and 228 West Emporia Street, 200, 211 and 221 South Laurel 3995 and 4040 Inland Empire Boulevard and 320 East D Street; (APNS: Portion of 1048-454-16, 1049-056-05, 1049-056-06, 1049-056-01, 1049-056-02, 1049-056-03, 1049-056-04, 0210-205-03, 0210-211-23 and portion of 1048-541-15). **City Initiated**

Planning Director Zeledon, presented the staff report. He stated that staff is recommending the Planning Commission approve the General Plan Consistency, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Willoughby wanted to know what would go in the facility where Fire Station 1 currently is.

Mr. Zeledon stated it would be a separate College of Health.

Mr. Willoughby reiterated what the properties would become.

Mr. Zeledon stated that is correct.

Mr. Gage had questions regarding the 13 acres at the arena, which is the Founder's historic garden area, and how it became a Mixed use on the TOP

Mr. Zeledon explained the history of the Founder's garden, and the Ontario specific plan approved uses.

Ms. Mclain-Hiramoto explained that no plans have been made by the University of La Verne and how the Founder's garden became part of the negotiations.

Mr. Gage wanted to know why the fire department needed to build a new one and give the old one to ULV.

Ms. Mclain-Hiramoto stated the City had been looking, for a new location for the fire station for a while and it will be modernized, larger and more accessible at this location.

Mr. Zeledon stated the building for the fire station was built in the late 60's and needs a lot of work. He stated they want to keep the fire station within our central civic center area, to provide a better service and need.

Mr. Gage wanted to clarify the founders garden landscape was an original requirement of selling the property, and is a visual corridor from the 10 Freeway to the arena, and thought it had to remain as part of the original property deal.

Mr. Zeledon stated the requirement was that the open space be incorporated into the specific plan, and that there aren't any Covenants or restrictions on the open space. He stated any

development would need to come back to the Commission and that the Planning Department is aware of the corridor and the importance of it within the City.

Mr. Willoughby reiterated what the Commission was looking at tonight.

Mr. Zeledon stated that is correct.

Mr. Gage wanted to know if this would go before the Historic Preservation Subcommittee.

Mr. Zeledon stated no, as it is not a historic resource.

PUBLIC TESTIMONY

No one responded.

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

Mr. Willoughby spoke in favor of the project.

Mr. Gage gave information regarding the Founder's Garden history and spoke in favor of the project.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Dean, to adopt a resolution to approve the General Plan Consistency, subject to conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, and Willoughby; NOES, none; RECUSE, none; ABSENT, Lampkin and Ricci. The motion was carried 5 to 0.

- B. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA22-003:** A public hearing to consider a Development Agreement between the City of Ontario and OTC Owner, LLC (dba Adept Development), to establish the terms and conditions for 11.47 acres of land to develop a future mixed use development consisting of approximately 691 residential units and up to 71,200 square feet of commercial retail uses, on three parcels of land located at the southwest corner of Via Villaggio and Via Piemonte, southeast corner of Via Villaggio and Via Piemonte, and on the southwest corner of Ontario Center Parkway and Concoors Street within the proposed mixed-use Subareas 8, 11, 16 and 17 of the Piemonte Overlay of the Ontario Center Specific. An Addendum to the Ontario Center Specific Plan Environmental Impact Report (State Clearing House No. 89041009) has been prepared. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0210-204-38, 0218-204-39 and a Portion of 0210-205-01) **submitted by OTC Owner, LLC. City Council action is required.**

This Item is being requested to be continued to a future date.

No one responded.

PUBLIC TESTIMONY

No one responded.

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

There was no Planning Commission deliberation.

PLANNING COMMISSION ACTION

It was moved by Gage, seconded by Willoughby, to continue this item to a future meeting. Roll call vote: AYES, Anderson, Dean, DeDietmar, Gage, and Willoughby; NOES, none; RECUSE, none; ABSENT, Lampkin and Ricci. The motion was carried 5 to 0.

- C. **ENVIRONMENTAL ASSESSMENT AND SPECIFIC PLAN AMENDMENT REVIEW FOR FILE NO. PSPA21-001:** A public hearing to consider an Amendment to the Piemonte Overlay at Ontario Center Specific Plan, including [1] revising the overlay boundary to add approximately 24.9 acres, comprising of the property located at 4000 Ontario Center Parkway, to the overlay area, [2] changing the land use designation on approximately 4.9 acres of land from Office and Entertainment/Retail to Mixed Use, in an area bounded by Fourth Street to the north, Concours Street and Ontario Center Parkway to the south, Via Alba to the east, and the Camden Landmark Apartment and vacant land to the west, and [3] establishing development standards and design guidelines for the Mixed Use land use area within the Piemonte Overlay at Ontario Center Specific Plan. An Addendum to the Ontario Center Specific Plan Environmental Impact Report (State Clearing House No. 89041009) has been prepared. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0210-204-12, 0210-204-13, 0210-204-14, 0210-204-15, 0210-204-17, 0210-204-18, 0210-204-20, 0210-204-21, 0210-204-22, 0210-204-23, 0210-204-23, 0210-204-24, 0210-204-25, 0210-204-26, 0210-204-28, 0210-204-36, 0210-204-37, 0210-204-37, 0210-204-38, 0210-204-39, 0210-204-40, 0210-204-41, 0210-531-06, 0210-531-07, 0210-531-08, 0210-531-09, 0210-531-10, 0210-231-11, 0210-231-12, 0210-231-13, 0210-231-14, 0210-231-15, 0210-231-16, and 0210-205-01); **City initiated. City Council action is required.**

Senior Planner Hutter, presented the staff report. She stated that staff is recommending the Planning Commission recommend to City Council for approval File No. PSPA21-001, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Willoughby wanted clarity regarding the use of Via Piemonte.

Ms. Hutter responded.

Mr. Willoughby wanted to clarify that the parking for the arena will become mixed use.

Ms. Hutter stated that is correct.

Mr. Gage wanted to clarify that the parking lot going for other uses and parking structure.

Ms. Hutter explained that there will need to be a replacement of parking at some point, as the areas builds out.

Mr. Zeledon explained that the current specific plan doesn't have any requirements for parking structures and as this area develops, parking will be needed and we are getting the plan ready for the vision for this to be the major entertainment area of the Inland Empire.

Ms. DeDiemar wanted to know how many additional residential units are anticipated

Mr. Zeledon stated about 691 units and 71,000 square feet of commercial uses.

Ms. DeDiemar asked regarding the parking for the new residents.

Mr. Zeledon explained it would be podium residential parking or subterranean parking and they would be working with the arena to get traffic in and out and how this will be designed.

PUBLIC TESTIMONY

No one responded.

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

PC deliberation here or There was no Planning Commission deliberation.

PLANNING COMMISSION ACTION

It was moved by Dean, seconded by Willoughby, to recommend adoption of a resolution for an Addendum to an EIR and a resolution to approve the Specific Plan Amendment. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, and Willoughby; NOES, none; RECUSE, none; ABSENT, Lampkin and Ricci. 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.

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

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

New Business

Mr. Willoughby spoke in favor of the State of the City event.

Mr. Gage also spoke in favor of the video presented at the State of the City.

Nominations for New Chairperson and Vice-Chairperson:

- Ms. DeDiemar made a motion to nominate Mr. Willoughby for Chairperson. Mr. Dean seconded the motion. It passed unanimously by those present.
- Mr. Dean made a motion to nominate Ms. DeDiemar for Vice-Chairperson. Ms. Anderson seconded the motion. It passed unanimously by those present.

NOMINATIONS FOR SPECIAL RECOGNITION

None at this time.

DIRECTOR'S REPORT

Mr. Zeledon stated the Monthly Activity reports are in their packets.

ADJOURNMENT

Willoughby motioned to adjourn, seconded by Anderson. The meeting was adjourned at 7:24 PM, to the next meeting on April 26, 2022.

Secretary Pro Tempore

Chairman, Planning Commission

SUBJECT: A hearing to consider a determination of General Plan consistency pursuant to Government Code Section 65402, to determine that the sale of approximately 2.13 acres of land, between the City of Ontario and Ontario D Block, LLC, for properties located at 404, 416 and 414 North Euclid Avenue and 401 and 418 North Lemon Avenue, is consistent with The Ontario Plan Policy Plan (General Plan); (APNS: 1048-363-02, 1048-363-03, 1048-363-04, and 1048-363-05).

PROPERTY OWNER: City of Ontario

RECOMMENDED ACTION: That the Planning Commission finds that, pursuant to Government Code Section 65402, the transfer of approximately 2.13 acres of land located at 404, 416 and 414 North Euclid Avenue and 401 and 418 North Lemon Avenue, is consistent with The Ontario Plan Policy Plan (General Plan).

PROJECT SETTING: The project site is comprised of approximately 2.13 acres of land located at the northwest corner of Euclid Avenue and D street, within the MU-1 (Downtown Mixed Use) zoning district, depicted in Figure 1: Project Location, below. The project site is developed with a 42,000-square-foot multi-tenant retail building, Wells Fargo Bank ATM drive-thru kiosk, and parking lot. Existing surrounding land uses include commercial to the west, across Euclid Avenue, gas station to the north and northeast, commercial uses to the east, and parking structure and future C block development to the south. The existing surrounding land uses, zoning, and general plan and specific plan land use designations are summarized in the "Surrounding Zoning & Land Uses" table located in the Technical Appendix of this report.

PROJECT ANALYSIS:

(1) Background — The City of the Ontario ("the City") has been in good faith negotiations with Ontario D Block LLC over the past year and on February 15, 2021, the parties entered into an

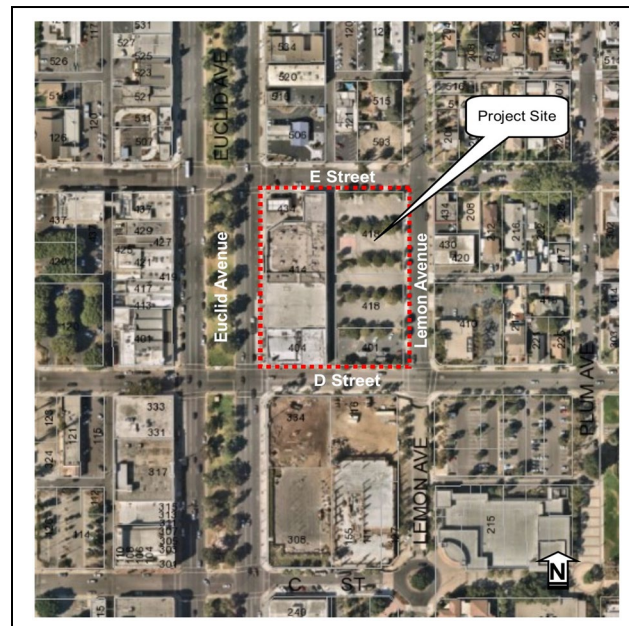



Figure 1: Project Location

Case Planner:	Rudy Zeledon, Planning Director
Planning Director Approval:	
Submittal Date:	N/A

Hearing Body	Date	Decision	Action
DAB			
PC	04/26/2022		Final
CC			

Exclusive Negotiation Agreement for the sale and redevelopment of approximately 2.13 acres of land located at the northeast corner of Euclid Avenue and D Street (404, 416 and 414 North Euclid Avenue and 401 and 418 North Lemon Avenue).

The terms of the sale would require Ontario D Block LLC to redevelop the site with a four-story mixed-use project that would consist of approximately 109 apartment units and 6,250 square feet of ground floor commercial.

(2) Compliance with The Ontario Plan — Government Code Section 65402 provides that a local agency may not acquire real property for a public purpose until the Planning Commission determines that the location, purpose, and extent of the acquisition is in conformance with the general plan.

The Ontario Plan (“TOP”) Policy Plan (General Plan) land use plan designates the 2.13-acre subject property as Mixed-Use (Downtown Mixed-Use Area). The Mixed-Use land use designation is intended as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The future redevelopment of the site with a four-story mixed-use project (109 apartment units and 6,250 square feet of ground floor commercial) would be in conformance with The Ontario Plan Policy Plan (General Plan).

The proposed sale of the properties is in the City’s best interest because it achieves the City’s goals of activating underutilized City assets to help in the City’s revitalization efforts for the downtown. The proposed use of the properties is consistent with TOP Policy Plan goals and policies, and the land use designations for the properties (see Exhibit A: TOP Policy Plan Land Use Plan). More specifically, the goals and policies of TOP that are furthered by the proposed project are as follows:

(1) City Council Goals.

- Invest in the Growth and Evolution of the City’s Economy
- Operate in a Businesslike Manner
- Focus Resources in Ontario’s Commercial and Residential Neighborhoods

(2) Vision.

Distinctive Development:

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

(3) Governance.

Decision Making:

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

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

(4) Policy Plan (General Plan).

Land Use Element:

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

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

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

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.

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

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

Community Economics Element:

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

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

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

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

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.

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

- 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.

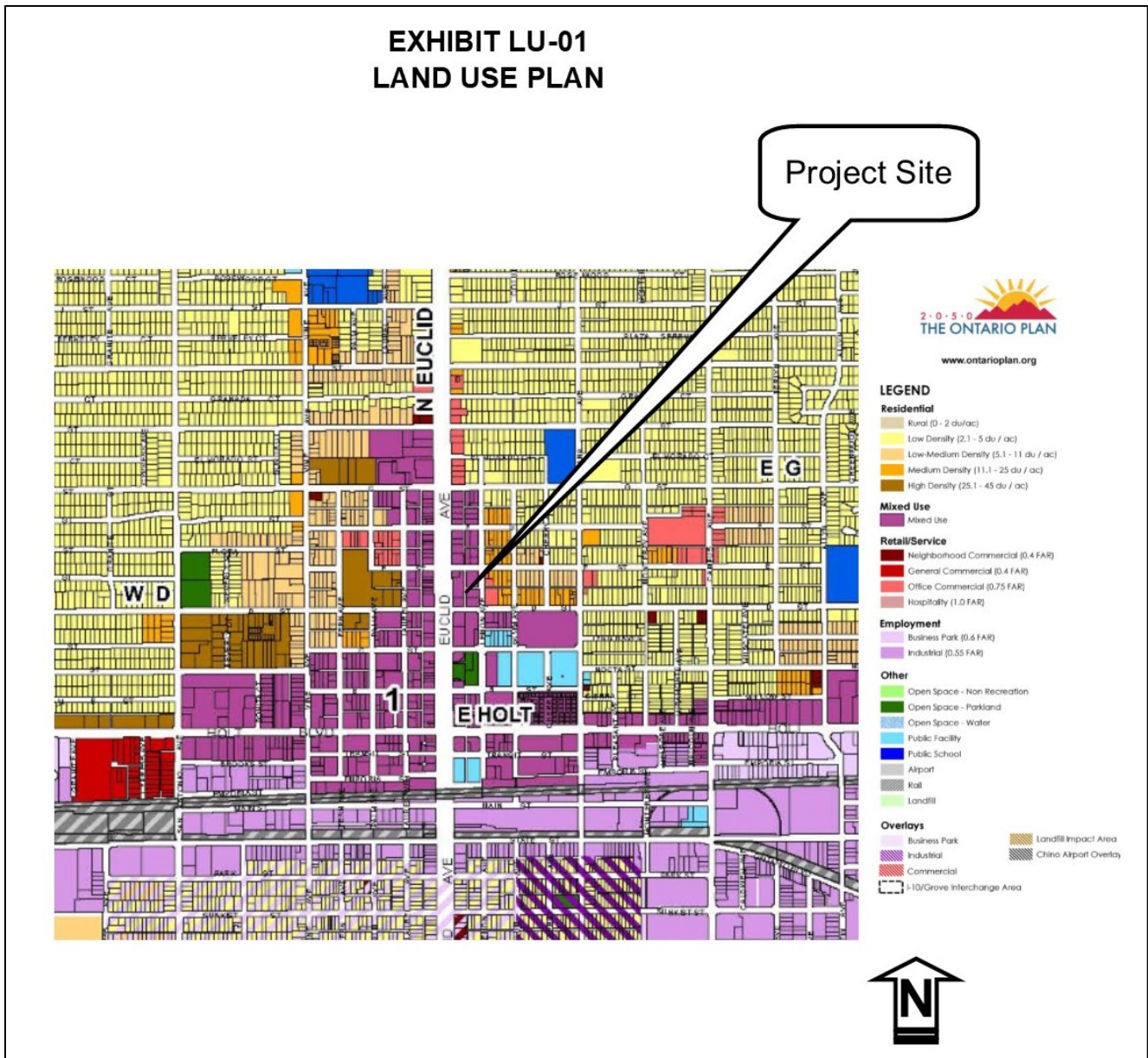
- CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort, and aesthetics.

- 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.

ENVIRONMENTAL REVIEW: The proposed acquisition of the project site is exempt from review under the California Environmental Quality Act pursuant to Section 15061 (b) (3) of the Guidelines, as there is no possibility that such acquisition will have a significant effect on the environment.

EXHIBIT A: TOP Policy Plan Land Use Plan



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, MAKING A DETERMINATION OF GENERAL PLAN CONSISTENCY PURSUANT TO GOVERNMENT CODE SECTION 65402, DETERMINING THAT THE SALE OF APPROXIMATELY 2.13 ACRES OF LAND, BETWEEN THE CITY OF ONTARIO AND ONTARIO D BLOCK LLC FOR PROPERTIES LOCATED AT 404, 416 AND 414 NORTH EUCLID AVENUE AND 401 AND 418 NORTH LEMON AVENUE, IS CONSISTENT WITH THE ONTARIO PLAN POLICY PLAN (GENERAL PLAN), AND MAKING FINDINGS IN SUPPORT THEREOF—APN: PORTION OF 1048-363-02, 1048-363-03, 1048-363-04, AND 1048-363-05.

WHEREAS, The City of Ontario ("Applicant") has requested a determination of General Plan consistency pursuant Government Code Section 65402, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to approximately 2.13 acres of land located at the northwest corner of Euclid Avenue and D Street, within the MU-1 (Downtown Mixed Use) zoning district, and is presently improved with 42,000 square foot multi-tenant retail building, Wells Fargo Bank ATM drive-thru kiosk and parking lot; and

WHEREAS, Government Code Section 65402 provides that a local agency may not acquire real property for a public purpose, if such agency has adopted a general plan, until the location, purpose and extent of the acquisition has been submitted to and reported upon by the planning agency having jurisdiction, as to the conformity of the proposed acquisition with the general plan; and

WHEREAS, on February 15, 2021, the City of Ontario ("the City") and the Ontario D Block, LLC, entered into an Exclusive Negotiation Agreement for the sale and redevelopment of approximately 2.13 acres of land located at the northeast corner of Euclid Avenue and D Street (404, 416 and 414 North Euclid Avenue and 401 and 418 North Lemon Avenue); and

WHEREAS, The Ontario Plan ("TOP") Policy Plan (General Plan) land use plan designates the 2.13-acre property as Mixed-Use (Downtown Mixed-Use Area). The Mixed-Use land use designation is intended as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The future redevelopment of the site with a four-story mixed-use project (109 apartment units and 6,250 square feet of ground floor commercial) would be in conformance with The Ontario Plan Policy Plan (General Plan); and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act, commencing with Public Resources Code Section 21000 (hereinafter referred to as "CEQA"); and

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

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

WHEREAS, on April 26, 2022, 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 administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

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

(2) The Project is exempt from environmental review pursuant to Section 15061(b)(3) of the CEQA Guidelines, as there is no possibility that the proposed property acquisition will have a significant effect on the environment; and

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

SECTION 2: Planning Commission Action. 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 above, the Planning Commission hereby concludes that the proposed property transfer and acquisition is consistent with

TOP Policy Plan (General Plan) goals and policies, and the land use designation for the project sites.

SECTION 3: Based upon the findings and conclusions set forth in Sections 1 and 2 above, the Planning Commission hereby approves the Project.

SECTION 4: ***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 5: ***Certification to Adoption.*** The Secretary shall certify to the adoption of the Resolution.

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26th day of April 2022, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Jim Willoughby
Planning Commission Chairman

ATTEST:

Rudy Zeledon
Planning Director and
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. _____, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on April 26 , 2022, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

PLANNING/HISTORIC PRESERVATION COMMISSION STAFF REPORT



DATE: April 26, 2022

FILE NO: PHP22-008

SUBJECT: 2022 “Model Colony” Awards

LOCATION: Citywide

APPLICANT: City Initiated

PROPERTY OWNER: N/A

RECOMMENDATION:

That the Planning/Historic Preservation Commission consider and approve the 2022 “Model Colony” Award nominations.


BACKGROUND:

In 2000, the City Council adopted the Model Colony Awards to recognize outstanding efforts to restore, rehabilitate, and preserve Ontario’s historic places. This is the twenty-second consecutive year that the City has conducted the awards program. The award categories include: Restoration, Rehabilitation, John S. Armstrong Landscape, Founder’s Heritage Award, George Chaffey Memorial, and Merit. Past Model Colony Award recipients included Ontario’s schools, churches, single-family residences, multiple-family properties, commercial, and joint public/private preservation projects.

There are 4 nominations this year, one for a longstanding business and 3 single-family residences. The nominees represent excellence in preservation of the community’s heritage. The 2022 Model Colony Awards will be presented to award recipients by the City Council during a special ceremony which has been tentatively scheduled for May 17, 2022.

2022 AWARD NOMINEES:

For their outstanding efforts in the field of historic preservation, the nominees are:

Case Planner:	Elly Antuna, Associate Planner
Planning Director Approval:	
Submittal Date:	N/A

Hearing Body	Date	Decision	Action
HPSC:	N/A		
PC/HPC:	4/26/2022		Final
CC:	5/17/2022		Presentation

Award of Merit: Percy E. Garrison House
Award Recipient: Wendell and Bonnie Grant

The Percy E. Garrison House is a one-story residence constructed in the Colonial Revival architectural style. This lovely home was constructed for Willard D. Ball in 1925. The home has a steeply pitched, hipped gable roof, a wide, and wood paneled front door flanked by multi-pane sidelights. The primary façade is symmetrically balanced with two sets of triple, multi-paned casement windows surrounded by wide wood trim. The exterior of the home retains many of its original features, including horizontal wood siding, wood trim, multi-pane wood casement windows, and a brick chimney. A 216-square-foot addition was constructed at the rear of the residence in 1945 to accommodate a bedroom and bathroom, which was constructed with matching materials and is a compatible addition.



The current property owners purchased the home in 2006, after friends encouraged them to be their neighbors in the designated Rosewood Court Historic District. The owners had been searching for an older home with charm and found just that in this Colonial Revival. A new roof and HVAC system were installed by the previous property owner and the current owners upgraded the plumbing and electrical systems prior to moving in. The home has received a fresh coat of paint and the original windows have been carefully maintained and protected. The homeowners frequently turn away window salesman that try to convince them to replace their handsome, wood casement windows, knowing the inherent value and importance of keeping the original. The front and rear yard landscaping has been impeccably maintained, creating an inviting environment to welcome visitors and entertain.

The interior features the original wood floors that have been meticulously refinished and are in excellent condition. The hallway contains a built-in telephone niche, with a hinged cabinet below intended to provide storage for a telephone book. Telephone shelves were typical in homes constructed during this period and were a clever way to conceal cords. Other interior finishes have been upgraded and personalized, including kitchen and bathroom renovations with updated fixtures and appliances. The owners have been careful to make sure that any interior changes are sensitive and compatible with the original exterior historic features and have been excellent stewards to this outstanding historic resource for the past 15 years.

Award of Merit: Clifford M. Huston House
Award Recipient: Sean and Kristine McMillin

The Clifford M. Huston House is a two-story residence constructed in the Mediterranean Revival architectural style. The home was constructed in 1929 for Mr. Huston, a well-known banker, and his wife, Mary. The home was designated as Local Landmark No. 89 in 2011 and as a Contributor to the Euclid Avenue Historic District in 2013. This classic home is rectangular in plan with an attached porte cochere on the north façade. Significant features include a Spanish tile gable roof, several arched doors and deeply recessed window openings on the first floor, exposed eaves, wood framed hung and fixed windows, stucco siding, and a corbelled chimney. In 1994, an addition was constructed at the rear of the house to accommodate a family room and kitchen expansion with architectural elements in the Mediterranean Revival style, creating a compatible and seamless addition.



The interior of the home features a formal tile entry with an iron railing leading to the second floor. Original hardwood floors, arched doorways, textured plaster walls, and original iron fixtures and hardware are present throughout the home. The interior also features an impressive fireplace with a tile hearth, original built-in cabinets, and heavy exposed beams. An upstairs bedroom retains what appears to be the original call bell to the living room and hall downstairs.

The current property owner purchased the home in 2006 and applied for a Local Landmark designation and Mills Act Contract in 2011, both were approved that year. Some exterior improvements completed under the Mills Act Contract include replacement of broken roof tiles, repairs to the roof, stucco, window glazing, rafters, and eaves. New front yard landscaping and lighting, garage doors, and awnings were installed, and the red concrete sidewalk and patio were restored and painted. Interior improvements include restoration of the tile at the entry, stairs, and upstairs bath. Furthermore, the main bathroom was completely remodeled, and a new HVAC system was installed.

The property owners have completed all required Mills Act Contract improvements and plan to continue maintaining and preserving this magnificent home for future generations to enjoy. The Clifford M. Huston House is an outstanding example of the Mediterranean Revival architectural style and remains one of the best examples of the style in the city.

Award of Merit: Ralph Streano House
Award Recipient: Barbara Arutunian

This classic French Eclectic Revival home was built in 1938 by Ralph Streano. In 1943, Francis and Margo Jacobson bought the home and lived there until 1971 when the Artunian family purchased the property. This charming home features traditional architectural elements of the French Eclectic Revival style, including a steeply pitched cross-gabled roof, exposed eaves, stucco exterior, and multi-paned steel fixed and casement windows. A winding walkway leads to brick steps and a substantial arched entry door.



Upon entering the home, the foyer and hallway feature wood parquet flooring and the remainder of the living areas contain the original wood plank flooring that are in excellent condition. The interior of the home showcases arched openings, original light fixtures and hardware, built in shelves and cabinets, arched wall niches, and the original doorbell chimes that still function. The interior of the home has had few alterations, the kitchen has been renovated; however, the owner asserted that the original arches over the windows remain, surprising the contractor who recommended having them removed.

The front and rear yards show true pride of ownership, including a mix of mature trees, shrubs, grass, and drought tolerant landscaping. The back yard is an inviting space with a mature camphor tree providing ample shade. The current property owner knows that each home has a unique personality and makes every effort to maintain that. The Artunian family have preserved and protected this beautiful home for over 50 years, ensuring that it remains as a significant Contributor to the Rosewood Court Historic District.

George Chaffey Memorial Award: Logan's Candies
Award Recipient: Jerry Rowley

The Logan family first opened their small candy shop in 1933 in Downtown Ontario. The shop was originally located on Euclid Avenue next to the historic Granada Theatre and then moved to its current location at 125 West B Street in 1953. Jerry Rowley, the shop's current owner, started working seasonally at Logan's at the young age of 12 and continued to work under 3 different owners, learning the trade of candy making. At the age of 19, Jerry and his wife, Susi Rowley, took over the store in 1982 and have been running the shop ever since.



Logan's carries over 600 different candy items, ranging from retro candy bars to gummy and sour candies. Over 200 of those candies are made by hand in house, with original recipes in small batches. Logan's Candies has been a staple of Downtown Ontario for nearly 90 years. Their live candy cane making demonstrations have even been featured on the Today show with Al Roker and have reached the next generation of candy makers through social media. Over the past year, Logan's following on social media platforms has exploded from one million followers to over seven million. This far-reaching presence has resulted in an increase of phone and web orders, as well as increased visitation, contributing to Downtown Ontario's heritage tourism.

In addition to the business's long candy making tradition in Downtown Ontario, Logan's has also provided support to the local non-profit heritage advocacy group Ontario Heritage. Logan's advertises events for Ontario Heritage, including walking and home tours, and conducts advance ticket sales out of their store. Logan's Candies is a frequent participant in local events, offering samples and demonstrations and regularly hosts field trips from local schools. Jerry Rowley is on the board of the Downtown Ontario Improvement Association and participates in the Chamber of Commerce.

The George Chaffey Memorial Award is reserved for distinguished leaders that have made significant contributions to Ontario's heritage through active preservation. Logan's Candies has become a leader in the community and contributes to the preservation of Ontario's heritage, ensuring that future generations can continue to learn about and enjoy Ontario's history.

COMPLIANCE WITH THE ONTARIO PLAN:

The Model Colony Awards Program is consistent with the principles, goals and policies contained in the following components of The Ontario Plan (TOP), including: (1) Vision, (2) Governance, and (3) Policy Plan (General Plan):

[1] City Council Priorities

- Invest in the Growth and Evolution of the City's Economy
- Focus Resources in Ontario's Commercial and Residential Neighborhoods
- Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities.

[2] Vision

Distinctive Development

- Development Quality: A community that is so well maintained and litter-free that its properties uniformly convey a sense of prosperity that is readily apparent and a symbol of community pride.

Dynamic Balance

- An appreciation for the “personality and charm” of this community, preserving important characteristics and values even as growth and change occur, all the while retaining a distinctive local feel where people love to be.

[3] Governance

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.
 - G1-1 Consistency with Policies. We require that staff recommendations to the City Council be consistent with adopted City Council Priorities (Goals and Objectives) and the Policy Plan.
 - 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)

Community Design – Image & Identity

- Goal CD1: A dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses.
 - CD1-3: Neighborhood Improvement. We require viable existing residential and non-residential neighborhoods to be preserved, protected, and enhanced in accordance with our land use policies.

Community Design – Historic Preservation

- Goal CD4: Historic buildings, streets, landscapes and neighborhoods, as well as the story of Ontario's people, businesses, and social and community organizations, that have been preserved and serve as a focal point for civic pride and identity.
 - CD4-6: Promotion of Public Involvement in Preservation. We engage in programs to publicize and promote the City's and the public's involvement in preservation efforts.
 - CD4-7: Public Outreach. We provide opportunities for our residents to research and learn about the history of Ontario through the Planning Department, Museum of History and Art, Ontario and the Robert E. Ellingwood Model Colony History Room.

Community Design – 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.
 - CD5-4: Neighborhood Involvement. We encourage active community involvement to implement programs aimed at the beautification and improvement of neighborhoods.

FILE NO: PDA21-014

SUBJECT: A public hearing to consider a Development Agreement between the City of Ontario and BrookCal Ontario LLC, to establish the terms and conditions associated with the development of Tentative Tract Map No. 20449 (File No. PMTT21-014), a 35.65 gross acre property located at the southeast corner of Haven Avenue and Ontario Ranch Road, within Planning Area 9A (Residential & Commercial) land use district of the Rich Haven Specific Plan; (APN: 218-211-01) **submitted by BrookCal Ontario LLC. City Council action is required.**

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

RECOMMENDED ACTION: That the Planning Commission consider and recommend the City Council adopt an ordinance approving the Development Agreement (File No. PDA21-014) between the City of Ontario and BrookCal Ontario LLC, pursuant to the facts and reasons contained in the staff report and attached resolution.


PROJECT SETTING: The project site is comprised of 35.65 gross acres of land located at the southeast corner of Haven Avenue and Ontario Ranch Road, within Planning Area 9A (Residential & Commercial) land use district of the Rich Haven Specific Plan, depicted in Figure 1: Project Location, right. The existing surrounding land uses, zoning, and general plan and specific plan land use designations are summarized in the "Surrounding Zoning & Land Uses" table located in the Technical Appendix of this report.



Figure 1: Project Location

PROJECT ANALYSIS:

(1) Background — On December 4, 2007, the City Council certified the Rich Haven Specific Plan Environmental Impact Report in conjunction with File No. PGPA07-001. The related Rich Haven Specific Plan, File No. PSP05-004, was

Case Planner:	Derrick Womble, Administrative Officer
Planning Director Approval:	
Submittal Date:	12/09/2021

Hearing Body	Date	Decision	Action
DAB	N/A	N/A	N/A
PC	04/26/2022		Recommend
CC	05/17/2022		Final

approved by the City Council on December 18, 2007. The Specific Plan established the land use designations, development standards, and design guidelines for approximately 512 acres of land, which included the potential development of 4,256 residential units and 889,200 square feet of commercial/office land uses.

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

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

The proposed Agreement (File No. PDA21-014) is based on 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 Agreement proposes to include 35.65 gross acres of land within Planning Area 9A (Residential & Commercial) land use district of the Rich Haven Specific Plan, as shown on the attached Exhibit A. The Agreement grants the Owner a vested right to develop Tentative Tract Map 20449 (the "Map"), provided the Owner complies with the terms and conditions of the Agreement, Specific Plan, and EIR.

The Map (see attached Exhibit B) is located near the southeast corner of Haven Avenue and Ontario Ranch Road and proposes to subdivide approximately 35.65 gross acres of land into 92 numbered lots and 55 lettered lots for residential and commercial uses, public/private streets, landscape neighborhood edges and common open space purposes.

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

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

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

(1) City Council Goals.

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

(2) Vision.

Distinctive Development:

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

(3) Governance.

Decision Making:

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

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

(4) Policy Plan (General Plan)

Land Use Element:

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

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

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

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

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

Housing Element:

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

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

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

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

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

Community Economics Element:

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

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

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

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

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

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

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

Safety Element:

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

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

Community Design Element:

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

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

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

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

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

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

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

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

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

- CD2-7 Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques.
- CD2-8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.
- CD2-9 Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.
- CD2-10 Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.
- CD2-11 Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.
- CD2-12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.
- CD2-13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.
 - Goal CD3: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.
- CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.

- CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.
- CD3-3 Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.
- CD3-5 Paving. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.
- CD3-6 Landscaping. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.
 - Goal CD5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.
- CD5-1 Maintenance of Buildings and Property. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.
- CD5-2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

HOUSING ELEMENT COMPLIANCE: 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 (298) and density (13.97) specified in the Available Land Inventory.

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

of approval associated with uses in close proximity to the airport are included in the conditions of approval provided with the attached Resolution.

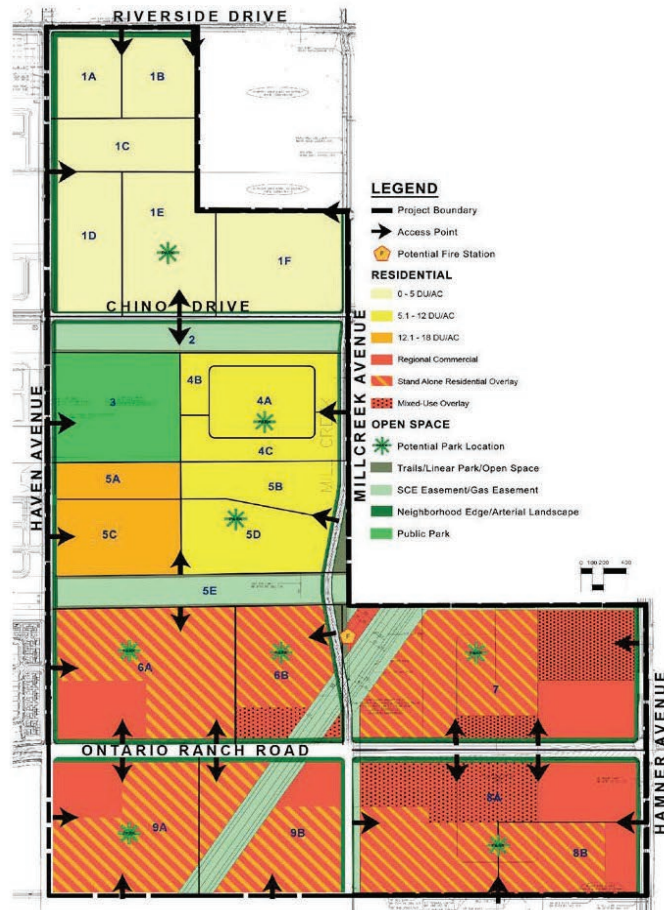
ENVIRONMENTAL REVIEW: The environmental impacts of this Project were previously analyzed in an Addendum to the Rich Haven Specific Plan Environmental Impact Report (State Clearinghouse No. 2006051081) and an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140). This Application is consistent with the previously Certified Environmental Impact Reports and Approved Addendums and introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.

Exhibit A—RICH HAVEN SPECIFIC PLAN LAND USE PLAN

3

LAND USE

RICH HAVEN



- * Circulation pattern for local streets within Specific Plan Area to be established at Tentative Tract Map submittal.
 - ** Residential development along the frontage of Haven Avenue within Planning Areas 5A, 5C and 6A and residential development along the frontage of Ontario Ranch Road within Planning Areas 6A and 7 shall average a density of 18 to 25 dwelling units per acre to support Bus Rapid Transit (BRT) along Haven Avenue.
 - *** After full dedication of Master Plan sheets and neighborhood edges, residential development within Planning Areas 6A + 9A and residential development within Planning Areas 6B + 9B shall meet a minimum net density of 14 dwelling units per acre.
- The minimum density in Planning Areas 6A + 9A and Planning Areas 6B + 9B can be averaged between the two areas and shall be established at Tentative Tract submittal for each Planning Area.

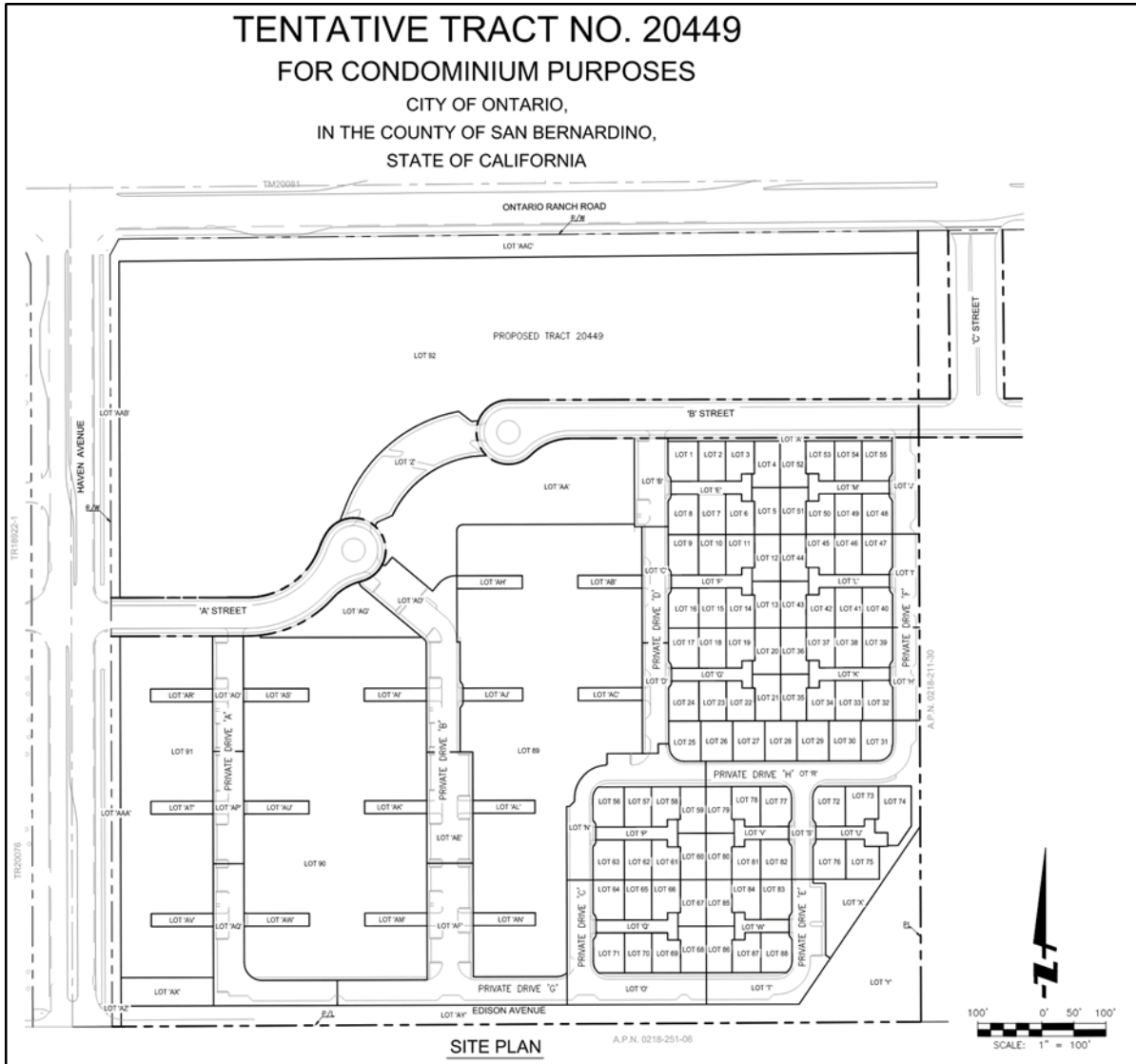
RICH HAVEN SPECIFIC PLAN
 LAND USE PLAN

FIGURE 3-1

3-4

February 20, 2018

Exhibit B—TENTATIVE TRACT MAP NO. 20449



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE FILE NO. PDA21-014, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND BROOKCAL ONTARIO LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP 20449 (FILE NO. PMTT21-014), A 35.65 GROSS ACRE PROPERTY LOCATED NEAR THE SOUTHEAST CORNER OF HAVEN AVENUE AND ONTARIO RANCH ROAD, WITHIN PLANNING AREA 9A (RESIDENTIAL & COMMERCIAL) LAND USE DISTRICT OF THE RICH HAVEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-211-01.

WHEREAS, BrookCal Ontario, LLC., ("Applicant") has filed an Application for the approval of a Development Agreement, File No. PDA21-014, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 35.65 gross acres of land generally located near the southeast corner of Haven Avenue and Ontario Ranch road, within Planning Area 9A (Residential & Commercial) land use district of the Rich Haven Specific Plan; and

WHEREAS, the Applicant has submitted a Tentative Tract Map 20449 (File No. PMTT21-014) to subdivide approximately 35.65 gross acres of land into 92 numbered lots and 55 lettered common lots for residential and commercial uses, public/private streets, landscape neighborhood edges and common open space purposes; and

WHEREAS, the environmental impacts of this Project were previously analyzed in an Addendum to the Rich Haven Specific Plan Environmental Impact Report (State Clearinghouse No. 2006051081) and an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140). This Application is consistent with the previously Certified Environmental Impact Reports and Approved Addendums 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 make recommendations to the City Council on the subject Application; and

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

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

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

WHEREAS, on April 26, 2022, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

(1) The environmental impacts of this project were previously reviewed in conjunction with an Addendum to the Rich Haven Specific Plan Environmental Impact Report (State Clearinghouse No. 2006051081) and an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140). This Application is consistent with the previously Certified Environmental Impact Reports (collectively the “Certified EIR”) and Approved Addendums 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 recommending authority for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. 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 (298) and density (13.97) specified in the Available Land Inventory.

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

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

a. The Development Agreement applies to approximately 35.65 gross acres of land located near the southeast corner of Haven Avenue and Ontario Ranch

road, within Planning Area 9A (Residential & Commercial) land use district of the Rich Haven Specific Plan; and

b. The Development Agreement establishes parameters for the development of the Planning Area 9A (Residential & Commercial) land use district of the Rich Haven Specific Plan. The Development Agreement also grants the Applicant, 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 Rich Haven Specific Plan; and

c. The Development Agreement grants the Owner a vested right to develop Tentative Tract Map 20449 (File No. PMTT21-014) as long as the Owner complies with the terms and conditions of the Specific Plan and EIR. Tentative Tract Map 20449 is located near the southeast corner of Haven Avenue and Ontario Ranch Road, and proposes to subdivide 35.65 gross acres of land into 92 numbered lots and 55 lettered common lots; and

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

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

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

g. This Development Agreement will not be materially injurious or detrimental to the adjacent properties and will not have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were previously reviewed in conjunction with an Addendum to the Rich Haven Specific Plan Environmental Impact Report (State Clearinghouse No. 2006051081) and an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140). This Application is consistent with the previously Certified Environmental Impact Reports and Approved Addendums and introduces no new significant environmental impacts; and

h. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.

SECTION 6: *Planning Commission Action.* Based upon the findings and conclusions set forth in Sections 1 through 5, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE the herein described Application, subject to each and every condition set forth in the Development Agreement (File No. PDA21-014) attached hereto as “Attachment A,” and incorporated herein by this reference.

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

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

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26th day of April 2022, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Jim Willoughby
Planning Commission Chairman

ATTEST:

Rudy Zeledon
Planning Director and
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. _____, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on April 26, 2022, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

File No. PDA21-014

DEVELOPMENT AGREEMENT

By and Between

**City of Ontario
a California municipal corporation**

and

**BrookCal Ontario LLC.,
a Delaware limited liability company**

(Development Agreement to follow this page)

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

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

Exempt from Fees Per Gov. Code § 6103

Space above this line for Recorder's Use Only

FILE NO. PDA21-014

DEVELOPMENT AGREEMENT

By and Between

**City of Ontario
a California municipal corporation**

**and
BrookCal Ontario LLC
a Delaware limited liability company**

_____, **2022**

San Bernardino County, California

DEVELOPMENT AGREEMENT NO. PDA21-014

This Development Agreement (hereinafter "Agreement") is entered into effective as of the ____ day of _____, 2022 by and among the City of Ontario, a California municipal corporation (hereinafter "CITY"), and BrookCal Ontario, LLC., a Delaware limited liability company (hereinafter "OWNER"):

RECITALS

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

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

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

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

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

WHEREAS, all of the procedures of the California Environmental Quality Act have been met with respect to the Project and the Agreement in that Rich-Haven Specific Plan (State Clearinghouse No. 2006051081 (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 Rich-Haven Specific Plan; and

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

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

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

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

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

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

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

COVENANTS

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

1. DEFINITIONS AND EXHIBITS.

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

1.1.1 “Agreement” means this Development Agreement.

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

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

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

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

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

1.1.6 “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, 57004, 65104, 65456, 65863.7, 65909.5, 66013, 66014, and 66451.2 of the Government Code, Sections 17951, 19132.3, and 19852 of the Health and Safety Code, Section 41901 of the Public Resources Code, and Section 21671.5 of the Public Utilities Code, as such codes may be amended or superceded, including by amendment or replacement.

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

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

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

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

1.1.12 “General Plan” means the General Plan adopted on January 27, 2010.

1.1.13 “Improvement” or “Improvements” means those public improvements required to support the development of the Project as described in the Tract Map conditions for Tract No. 20449 as further described in Exhibit “E” and depicted in Exhibit “F” (the “Infrastructure Improvements Exhibit”).

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

- (a) the conduct of businesses, professions, and occupations;
- (b) taxes and assessments;
- (c) the control and abatement of nuisances;

(d) the granting of encroachment permits and the conveyance of similar rights and interests that provide for the use of or the entry upon public property;

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

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

1.1.16 "Model Units" means a maximum of nineteen (19) model units, private common recreation facilities and sales facilities constructed by OWNER prior to the construction of any Production units and not offered for sale and occupancy for a period of time after the issuance of permits for Production Units.

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

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

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

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

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

1.1.22 "Specific Plan" means that certain specific plan adopted by the City Council, and entitled, "Rich-Haven Specific Plan."

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

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

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

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

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

Exhibit “A” — Legal Description of the Property.

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

Exhibit “C” — Existing Development Approvals.

Exhibit “D” — Existing Land Use Regulations.

Exhibit “E” — Description of Required Infrastructure Improvements

Exhibit “F” — Depiction of Required Infrastructure Improvements Exhibit

Exhibit “G” - Form of Plume Disclosure Letter

2. GENERAL PROVISIONS.

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

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

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

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

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

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

2.4 Assignment.

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

(a) No sale, transfer or assignment of any right or interest under this Agreement shall be made unless made together with the sale, transfer or assignment of all or a part of the Property. OWNER may be required to provide disclosure that the Property is within the South Archibald Trichloroethylene (TCE) Plume. OWNER may wish to provide the attached Disclosure Letter (Exhibit G) as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq.

(b) Concurrent with any such sale, transfer or assignment, or within fifteen (15) business days thereafter, OWNER shall notify CITY's City Manager, in writing, of such sale, transfer or assignment and shall provide CITY with: (1) an executed agreement, in a form reasonably acceptable to CITY, by the purchaser, transferee or assignee and providing therein that the purchaser, transferee or assignee expressly and unconditionally assumes all the duties and obligations of OWNER under this Agreement with respect to the portion of the Property so sold, transferred or assigned; and (2) the payment of the applicable processing charge to cover the CITY's review and consideration of such sale, transfer or assignment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.7 Notices.

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

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

If to CITY:

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

If to OWNER:

Dave Bartlett
BrookCal Ontario LLC
3200 Park Center Drive, Suite 100
Costa Mesa, CA 92626
Phone: 714.200.1533

with a copy to:

Ruben Duran, City Attorney
Best Best & Krieger, LLP
2855 E Guasti Road
Ontario, CA 91761

with a copy to:

Tim Roberts
BrookCal Ontario LLC
3200 Park Center Drive, Suite 1000
Costa Mesa, CA 92626
Phone: 714.200.2483

(c) Either party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a party or an officer or representative of

a party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by the change.

3. DEVELOPMENT OF THE PROPERTY.

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

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

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

3.3.1 Infrastructure Improvement Exhibit. Attached hereto as Exhibits "E" and "F" are a description and depiction, respectively, of the improvements needed for the development of the Property. In the event of any discrepancy between Exhibit E and Exhibit F, Exhibit F shall control.

3.4 Requirement for Public Infrastructure Improvements. Development of the Property is contingent in part on the phasing of area-wide infrastructure improvements

over which the OWNER has control. The issuance of building permits by CITY for Model Units and Production Units is, in general, contingent on OWNER's completion of needed infrastructure improvements and the availability of improvements and services to serve the Property.

3.4.1 Attached hereto as Exhibit "E" and Exhibit "F" are the description and depiction of the infrastructure improvements needed for the development of the Property ("the Infrastructure Improvement Exhibit").

3.4.2 Subject to the prior submittal by OWNER and approval by CITY of a plan to provide sufficient public infrastructure for the construction of a maximum number of nineteen (19) Model Units, private common recreation facilities and sales facilities. CITY may issue a maximum of nineteen (19) building permits for Model Units, private common recreation facilities and sales facilities. The plan to be submitted by OWNER for CITY approval shall describe the utilities and other infrastructure necessary to provide sufficient fire protection and other public health and safety requirements for the Model Units and other facilities.

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

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

3.6 Reservations of Authority.

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

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

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

3.6.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date of this Agreement, prevent or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or

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

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

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

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

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

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

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

3.7.4 OWNER agrees that development of the Property shall require the extension of sewer improvements, as described in the attached Exhibit E and depicted in Exhibit F. OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the sewer improvements, as described in Exhibit E and depicted in Exhibit F.

3.7.5 OWNER agrees that development of the Property shall require the extension of fiber optic communications improvements as described in the attached Exhibit E and depicted in Exhibit F. OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the fiber optic communication improvements, as described in Exhibit E and depicted in Exhibit F.

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

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

conditions set forth in this Section 3.8. The CITY and OWNER acknowledge that the timelines set forth in this Section 3.8.1 represent the maximum time periods which CITY and OWNER reasonably believe will be necessary to complete the acquisition of any Non-Construction Agreement Offsite Property. CITY agrees to use reasonable good faith efforts to complete the actions described within lesser time periods, to the extent that it is reasonably able to do so, consistent with the legal constraints imposed upon CITY.

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

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

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

its original term, so long as the subdivider files a written request for an extension with the City prior to the expiration of the initial five (5) year term.

4. PUBLIC BENEFITS.

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

4.2 Development Impact Fees.

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

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

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

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

4.3 Responsibility for Construction of Public Improvements.

4.3.1 Timely Construction of Public Infrastructure. The phasing of the areawide infrastructure construction within the New Model Colony will be as approved by the CITY. OWNER shall be responsible for the timely construction and completion of all public infrastructure required for the Project as shown on the attached Exhibit "F" and any and all tentative tract map conditions. Unless otherwise specified in the Subdivision Agreement/Tract Map conditions, all other required Improvements for each Tract Map, shall be completed and operational prior to, and as a condition precedent to, OWNER requesting and CITY's granting of the first building permit for Production Units for each such Tract Map. All Infrastructure and Improvements shall be completed as required by the Subdivision Agreement/Tract Map conditions for Tract Map No. 20449.

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

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

OWNER agree that the Fee Credit Agreement between CITY and OWNER shall comply with CITY's adopted policies applicable to such agreements.

4.4 Affordable Housing Requirement.

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

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

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

statutory lien or encumbrance affecting the unit.

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

4.4.2.3 In-Lieu Fee. If OWNER has not fully complied with the requirements of Section 4.3.1 by providing the minimum number of affordable units through the construction of new affordable units or by the substantial rehabilitation of existing units, shall pay an **“Affordability In-Lieu Fee”**. If OWNER has not provided any affordable residential units by construction or rehabilitation, the Affordability In-Lieu fee shall be equal to Two Dollars Sixty-One Cents (\$2.61) per square foot of residential development within OWNER’s Project or, if pre-paid as set forth below, Two Dollars Twenty-Eight Cents (\$2.28) per square foot of residential development within OWNER’s Project. If OWNER has partially complied with the requirements of Section 4.4.1 by construction or rehabilitation of less than the minimum number of units, then the Affordability In-lieu Fee shall be recalculated and reduced in consideration of the number and type of affordable units provided. The Affordability In-Lieu Fee shall be paid by OWNER to City no later than prior to the issuance of each building permit within OWNER’s Project based on the square footage of the residential unit for which such building permit is sought; provided however that OWNER may, at OWNER’s election, pre-pay such Affordability In-Lieu Fee by paying such Affordability In-Lieu Fee within thirty (30) days following the

earliest discretionary approval by the City for OWNER's Project, including, but not limited to, any general plan amendment, specific plan adoption, development agreement, tentative map approval, variance, conditional use permit, or resolution of intention to form any public financing mechanism. The Two Dollars, Thirty-Seven Cents (\$2.37) and the Two Dollars Seven Cents (\$2.07) per square foot amounts shall automatically be increased annually, commencing on July 1, 2022, and automatically each July 1 thereafter. Such adjustment shall be based on the percentage increase (but no decrease) in the Consumer Price Index (Riverside - San Bernardino - Ontario, CA), (December 2017=100) over the preceding year. The pre-paid Affordability In-Lieu Fee shall be calculated based on the maximum floor area ratio (FAR) permitted within the General Plan and any applicable FAR contained within the applicable specific plan, whichever is greater, and the Maximum Development Density. For purposes of this Agreement, "**Maximum Development Density**" shall be determined by multiplying the OWNER's Project's density for residential development potential as set forth in the General Plan or the applicable Specific Plan, whichever is less, by the net acreage of land within OWNER's Project. All "Affordability In-Lieu Fees" collected by the City shall be used to promote the construction of affordable housing within the City.

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

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

4.5 Schools Obligations.

4.5.1 Written Evidence of Compliance with Schools Obligations.

OWNER shall, either through joint or individual agreements between OWNER and the applicable school district(s), shall satisfy its new school obligations. The new school obligations for the Mountain View School District in the Ontario Ranch area have been projected to include the acquisition or dedication of school sites for, and construction of, up to eight (8) schools. Of these eight (8) schools, six (6) are to be elementary (K-5) grade schools and two (2) are to be middle grade schools. The new school obligations for the Chaffey Joint Union High School District in the Ontario Ranch area have been projected to include the dedication of a school site for, and construction of, an additional high school. The new school obligations for the applicable school district shall be met by a combination of the following: (1) designating and dedicating school site(s) within the Property as set forth in the General Plan, and/or (2) paying school impact fees, (3) entering into a joint mitigation agreement or individual mitigation agreements, or (4) any combination of the foregoing. Written evidence of approval by the applicable school district that OWNER has met their school obligations may be required by the City as the condition to the issuance by the City of any entitlements for OWNER's Project. In the event OWNER is unable to provide such written evidence from the applicable school district(s), the City shall have the right to decline to honor any DIF Credit, Certificates of MDD Availability, Certificates of Storm Water Treatment Capacity Availability, or any combination thereof, presented by such OWNER, without liability to the City. To the extent that a joint mitigation agreement is approved by the applicable school district(s), and OWNER is a participant in good standing in such mitigation agreement, OWNER shall be deemed to have mitigated its new school obligations under this Section 4.4.1.

4.6 Public Services Funding Fee.

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

4.6.2 Public Services Funding Fee Amount. OWNER shall pay a Public Services Funding fee in the total amount of Two Thousand Three Hundred Seventeen dollars (\$2,317.00) per residential dwelling unit. The Public Services Funding Fee shall be paid in one (1) installment within one hundred eighty (180) calendar days after the effective date of the Development Agreement or in two (2) installments, at OWNER's option, as follows:

4.6.2.1 First Installment (Residential uses). The First Installment of the Public Services Funding Fee shall be One Thousand One Hundred Fifty Eight dollars and fifty cents (\$1,158.50) per residential dwelling unit. The First Installment shall be based upon the "**Maximum Development**

Density” of the OWNER Project, as defined in Section 3.7.2.3 of the First Amended and Restated Construction Agreement. The First Installment shall be due and payable 30 days following the effective date of the Development Agreement.

If the First installment amount is not paid for all residential dwelling units within the Project (based on the Maximum Development Density, or the number of units described on “B Maps” if approved) by January 1, 2023, the amount of the First Installment shall be increased. Such increase shall be based on the percentage increase (but no decrease) in the Consumer Price Index (Riverside - San Bernardino - Ontario, CA) (December 2017=100) over the preceding year. Additionally, the amount shall be further increased automatically by the percentage increase in the Consumer Price Index (Riverside - San Bernardino - Ontario, CA) (December 2017=100) on each January 1 thereafter.

4.6.2.2 Second Installment (Residential Uses). The Second Installment of the Public Services Funding Fee shall be One Thousand One Hundred Fifty Eight dollars and fifty cents (\$1,158.50) per residential unit. The Second Installment shall be paid at the time of the issuance of each building permit for the Project. The amount of the Second Installment shall increase automatically by percentage increase (but no decrease) in the Consumer Price Index (Riverside - San Bernardino - Ontario, CA) (December 2017=100) over the preceding year on January 1st of each year, beginning on January 1, 2023. OWNER may exercise the option to pay the Second Installment amount for all residential units, a portion of the residential units, or for the remainder of the residential units within OWNER’s Project on or before each December 31st, before the Second Installment amount is automatically increased.

4.6.2.3 Single Installment (Non-residential Uses). A single installment payment of the Public Services Funding Fee shall be required in the amount of Seventy Cents (\$.70) per square foot of non-residential buildings. The single installment for non-residential uses shall be due and payable prior to the issuance of the building permit for a non-residential building. The amount of the Single Installment for non-residential uses shall automatically increase by percentage increase (but no decrease) in the Consumer Price Index (Riverside - San Bernardino - Ontario, CA), (December 2017=100) over the preceding year on January 1st of each year, beginning on January 1, 2023. OWNER may exercise the option to pay any single installment amounts for the remainder of the non-residential square footage within the Project on or before December 31st, before the Single Installment amount is automatically increased.

4.7 Net MDD/Water Availability Equivalents.

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

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

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

4.8 Storm Water Capacity Availability.

4.8.1 Requirement for Storm Water Treatment Capacity Availability. OWNER shall provide evidence of sufficient Storm Water Treatment Capacity Availability as reserved in a Certificate of Storm Water Treatment Capacity Availability the same manner and subject to the same limitations as provided for the assignment of Certificates of Net MDD Availability in Section 4.6 of this Agreement.

4.8.2 Use of Storm Water Treatment Capacity Availability. The amount of Storm Water Treatment Capacity Availability required for the issuance of a grading permit to OWNER shall be based upon the Net Residential Acreage of the area to be graded regardless of the corresponding use.

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

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

4.10 Compliance with Public Benefits Requirements.

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

5. FINANCING OF PUBLIC IMPROVEMENTS.

5.1 Financing Mechanism(s). In accordance with the Memorandum of Agreement between the CITY and NMC Builders, CITY will cooperate with OWNER in the formation of a CFD, or CFDs, to include all of the Project, to provide a financing mechanism to reimburse the OWNER for funds paid to NMC Builders LLC for OWNER's share of the costs of public infrastructure pursuant to the Construction Agreement and to acquire other public facilities constructed by OWNER subject to the provisions of the Memorandum of Agreement between CITY and NMC Builders LLC. Notwithstanding such reimbursements and acquisitions, OWNER shall remain entitled to DIF Credits as provided for in Article 3 of the Construction Agreement and/or as provided for in a separate Fee Credit Agreement between CITY and OWNER. OWNER agrees that, prior to the recordation of any Tract Map for the Property, the Property shall be included in a CFD to finance City services through annual special taxes that will initially be \$1,560.77 per Single Family Detached Dwelling Unit, \$1,352.59 per Multiple-Family Dwelling Unit, \$1,134.29 per Gated Apartment Community Dwelling Unit, and \$.29 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, unless otherwise modified by the CITY. CITY shall be the sole and exclusive lead agency in the formation of any CFD, assessment district or other public financing mechanism within the Property; provided however, that the proceeds of any such CFD, assessment district, or financing mechanism may be used, subject to restrictions that may be imposed by applicable law, for the purposes of acquiring, constructing or maintaining public facilities to be owned or operated by other public agencies, including, without limitation those facilities owned or operated by a school district. In addition to the rights of the CITY pursuant to section 5.2 hereof, CITY shall have the right, but not the obligation, to condition the formation of any CFD, assessment district or other public financing mechanism within the Property on the OWNER mitigating all Project-related impacts to the applicable school district(s) as required by such school district(s). Written evidence by such school district(s) may be required by the CITY as the

condition to the formation of any CFD, assessment district or other public financing mechanism within the Property, or any steps preliminary thereto, including, without limitation, the adoption of any resolution of intention to form such CFD, assessment district or other public financing mechanism within the Property. It is not the intent of the parties hereto, by this provision, to prohibit or otherwise limit the City's ability to take any and all necessary steps requisite to the formation of the CFD to finance City services through annual special taxes as set forth in this Section 5.1. Formation of any CFD, assessment district or other public financing mechanism within the Property, shall be subject to CITY's ability to make all findings required by applicable law and complying with all applicable legal procedures and requirements including, without limitation, CITY's public financing district policies as such policies may be amended from time to time. Notwithstanding the foregoing, it is acknowledged and agreed by the parties that nothing contained in this Agreement shall be construed as requiring CITY or the City Council to form any such district or to issue and sell bonds.

6. REVIEW FOR COMPLIANCE.

6.1 Periodic and Special Reviews.

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

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

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

6.1.3 Notice of Special Review. The City Manager shall begin the special review proceeding by giving notice that the CITY intends to undertake a special

review of this Agreement to the OWNER. Such notice shall be given at least ten (10) days in advance of the time at which the matter will be considered by the Planning Commission.

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

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

6.1.6 Procedure Upon Findings.

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

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

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

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

(a) The time and place of the hearing;

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

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

6.3 Hearing on Modification or Termination. At the time and place set for the hearing on modification or termination, the OWNER shall be given an opportunity to be heard. The OWNER shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. The burden of proof on this issue shall be on the OWNER. If the City Council finds, based upon substantial evidence in the

administrative record, that the OWNER has not complied in good faith with the terms and conditions of the agreement, the City Council may terminate or modify this Agreement and impose those conditions to the action it takes as it considers necessary to protect the interests of the CITY. The decision of the City Council shall be final, subject only to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

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

7. [RESERVED]

8. DEFAULT AND REMEDIES.

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

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

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

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

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

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

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

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

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

8.4 Termination or Modification of Agreement for Default of OWNER. Subject to the provisions contained in Subsections 6.2 and 6.3 herein, CITY may terminate or modify this Agreement for any failure of OWNER to perform any material duty or obligation of OWNER under this Agreement, or to comply in good faith with the terms of this Agreement (hereinafter referred to as "default"); provided, however, CITY may terminate or modify this Agreement pursuant to this Section only after providing written notice to OWNER of default setting forth the nature of the default and the actions, if any, required by OWNER to cure such default and, where the default can be cured, OWNER has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

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

9. THIRD PARTY LITIGATION.

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

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

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

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

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

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

10. MORTGAGEE PROTECTION.

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

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

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

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

(d) Any Mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. Notwithstanding any other provision of this Agreement to the contrary, no Mortgagee shall have an obligation or duty under this Agreement to perform any of OWNER's obligations or other affirmative covenants of OWNER hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to

be performed by OWNER is a condition precedent to the performance of a covenant by CITY, the performance thereof shall continue to be a condition precedent to CITY's performance hereunder, and further provided that any sale, transfer or assignment by any Mortgagee in possession shall be subject to the provisions of Section 2.4 of this Agreement.

11. MISCELLANEOUS PROVISIONS.

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

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

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

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

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

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

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

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

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

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

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

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

11.13 Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to

do or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon every portion of the Property; (b) runs with the Property and each portion thereof; and, (c) is binding upon each party and each successor in interest during ownership of the Property or any portion thereof.

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

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

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

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

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

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

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

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

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

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

[SIGNATURES CONTAINED ON FOLLOWING PAGE]

**SIGNATURE PAGE
TO DEVELOPMENT AGREEMENT NO. PDA21-014**

“OWNER”

BROOKCAL ONTARIO LLC, a Delaware
limited liability company

By: _____
Name: David E. Bartlett
Title: Vice President
Date: _____

"CITY"

CITY OF ONTARIO

By: _____
Scott Ochoa
City Manager
Date: _____

ATTEST:

City Clerk, Ontario

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

City Attorney

ACKNOWLEDGEMENT

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

STATE OF CALIFORNIA)
COUNTY OF _____)

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

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

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

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

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

ACKNOWLEDGEMENT

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

STATE OF CALIFORNIA)
COUNTY OF _____)

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

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

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

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

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

EXHIBIT "A"
TO DEVELOPMENT AGREEMENT

Legal Description of Property

Real property in the City of Ontario, County of San Bernardino, State of California, described as follows:

THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 13,
TOWNSHIP2 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, IN
THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING
TO THE OFFICIAL PLAT THEREOF.

EXHIBIT "B"
TO DEVELOPMENT AGREEMENT

Map showing Property and its location

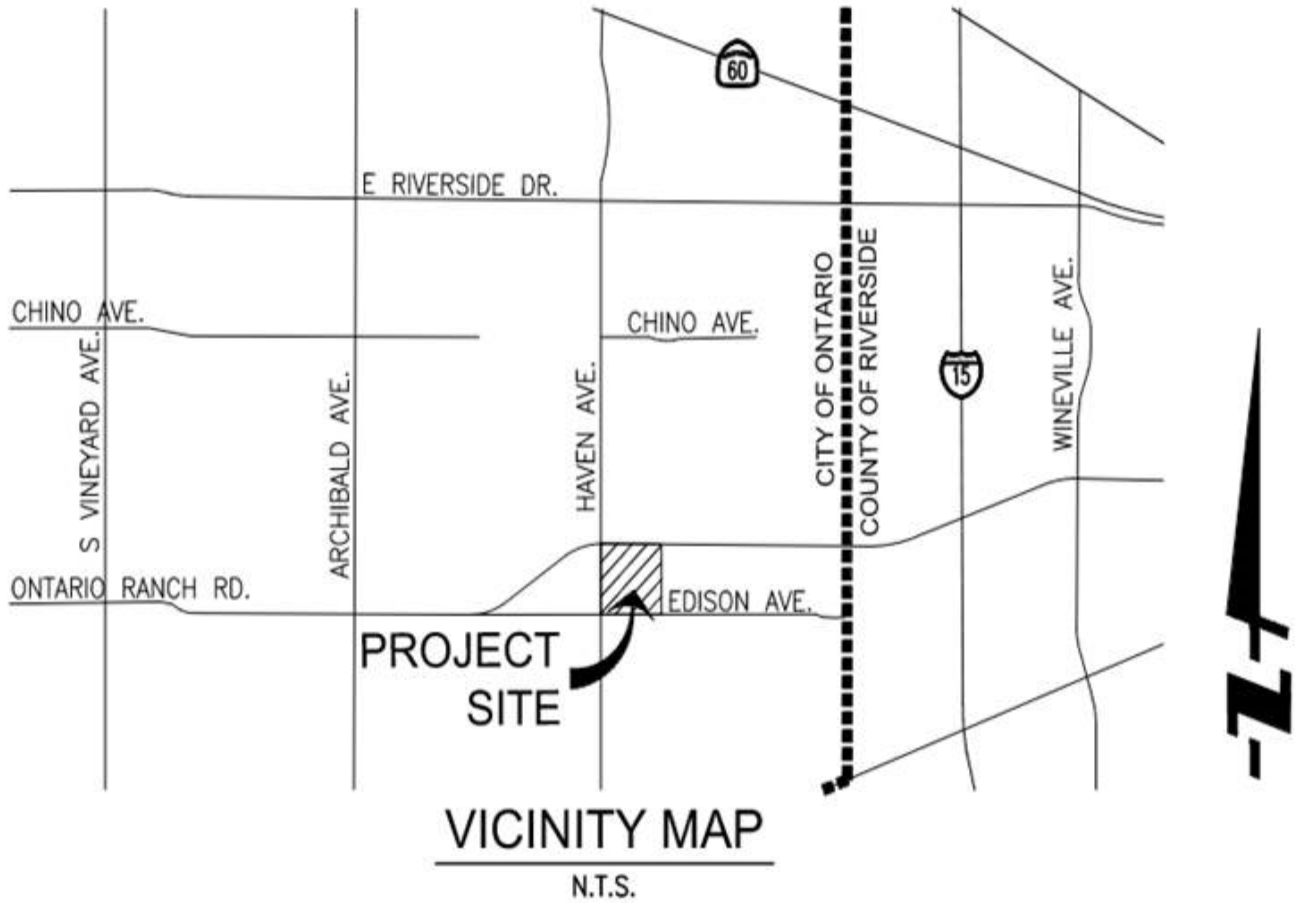


EXHIBIT "C"
TO DEVELOPMENT AGREEMENT

Existing Development Approvals

On October 23, 2007 the Planning Commission:

- a) Issued Resolution No. PC07-125 recommending City Council certification of the Rich-Haven Specific Plan EIR (SCH#2006051081).
- b) Issued Resolution No. PC07-127 recommending to City Council approval of the Rich-Haven Specific Plan (File No. PSP05-004).

On December 4, 2007, the City Council:

- a) Issued Resolution No. 2007-145 certifying the Rich-Haven Specific Plan EIR (SCH#2006051081).
- b) Adopted Ordinance No. 2884 approving the Rich-Haven Specific Plan.

On February 23, 2016, the Planning Commission:

- a) Issued Resolution No. PC16-003 recommending City Council adoption of an Addendum to the Rich-Haven EIR.
- b) Issued Resolution PC16-004 recommending approval of the Rich-Haven Specific Plan Amendment (File No. PSPA16-001).

On March 15, 2016, the City Council:

- a) Issued Resolution No. 2016-024 for the adoption of an Addendum (File No. PSPA16-001) to the Rich-Haven Specific Plan EIR.
- b) Issued Resolution No. 2016-025 approving an Amendment (File No. PSPA16-001) to the Rich-Haven Specific Plan.

On January 23, 2018, the Planning Commission:

- a) Issued Resolution No. PC18-014 recommending City Council adoption of an Addendum to the Rich-haven EIR.
- b) Issued Resolution No. PC18-015 recommending to City Council adoption of the Rich-Haven Specific Plan Amendment (File No. PSPA16-005).

On February 20, 2018, the City Council:

- a) Issued Resolution No. 2018-017 for the adoption of an Addendum (File No. PSPA16-005) to the Rich-Haven Specific Plan EIR.
- b) Issued Resolution No. 2018-018 approving an Amendment (File No. PSPA16-005) to the Rich-Haven Specific Plan.

EXHIBIT "D"
TO DEVELOPMENT AGREEMENT

Existing Land Use Regulations

These documents are listed for reference only:

1. The Rich-Haven Specific Plan (File No. PSP05-004) Environmental Impact Report, Resolution No. 2007-145.
2. The Rich-Haven Specific Plan (File No. PSP05-004), Ordinance No. 2884.
3. Addendum to the Rich-Haven Specific Plan (File No. PSPA16-001) Environmental Impact Report, Resolution No. 2016-024.
4. Amendment to the Rich-Haven Specific Plan (File No. PSPA16-001), Resolution No. 2016-025.
5. Addendum to the Rich-Haven Specific Plan (File No. PSPA16-005) Environmental Impact Report, Resolution No. 2018-017.
6. Amendment to the Rich-Haven Specific Plan (File No. PSPA16-005), Resolution No. 2018-018.
7. City of Ontario Municipal Code
 - a. Six – Sanitation & Health
 - b. Seven – Public Works
 - c. Eight – Building Regulations
 - d. Nine – Development Code
 - e. Ten – Parks & Recreation

EXHIBIT "E"
TO DEVELOPMENT AGREEMENT

Description of Required Improvements

OWNER shall design, construct, and complete all improvements including but not limited to sewer, water, recycled water, storm drain, fiber, and street improvements necessary to serve the Property, prior to the request of any Production Units.

STREETS (ST)

- (A) As part of the required ST improvements, OWNER shall include the ultimate signing and striping improvements along the Property frontage on Haven Avenue, including the northbound section of Haven Avenue, north of Schaefer Avenue to Aspen/Nelson, to install the two (2) northbound thru lanes with a trap right turn lane at the intersection of Aspen/Nelson.

FIBER OPTIC (FO)

- (A) OWNER shall design, construct, complete, and connect the FO improvements necessary for the vacant portion of the Property to the nearest point of connection that exist at the time the vacant Property develops. If the vacant Property develops as non-residential (e.g., retail/commercial), OWNER shall construct and complete the connection prior to the request of any occupancy. If the vacant Property develops as residential, OWNER shall construct and complete the connection prior to the request for occupancy of any Production Units.

EXHIBIT "F"
TO DEVELOPMENT AGREEMENT

Depiction of Required Infrastructure Improvements

(SEE ATTACHED)

LEGEND
TRACT BOUNDARY
PROPOSED PUBLIC STORM DRAIN

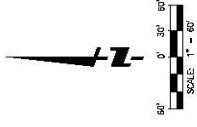
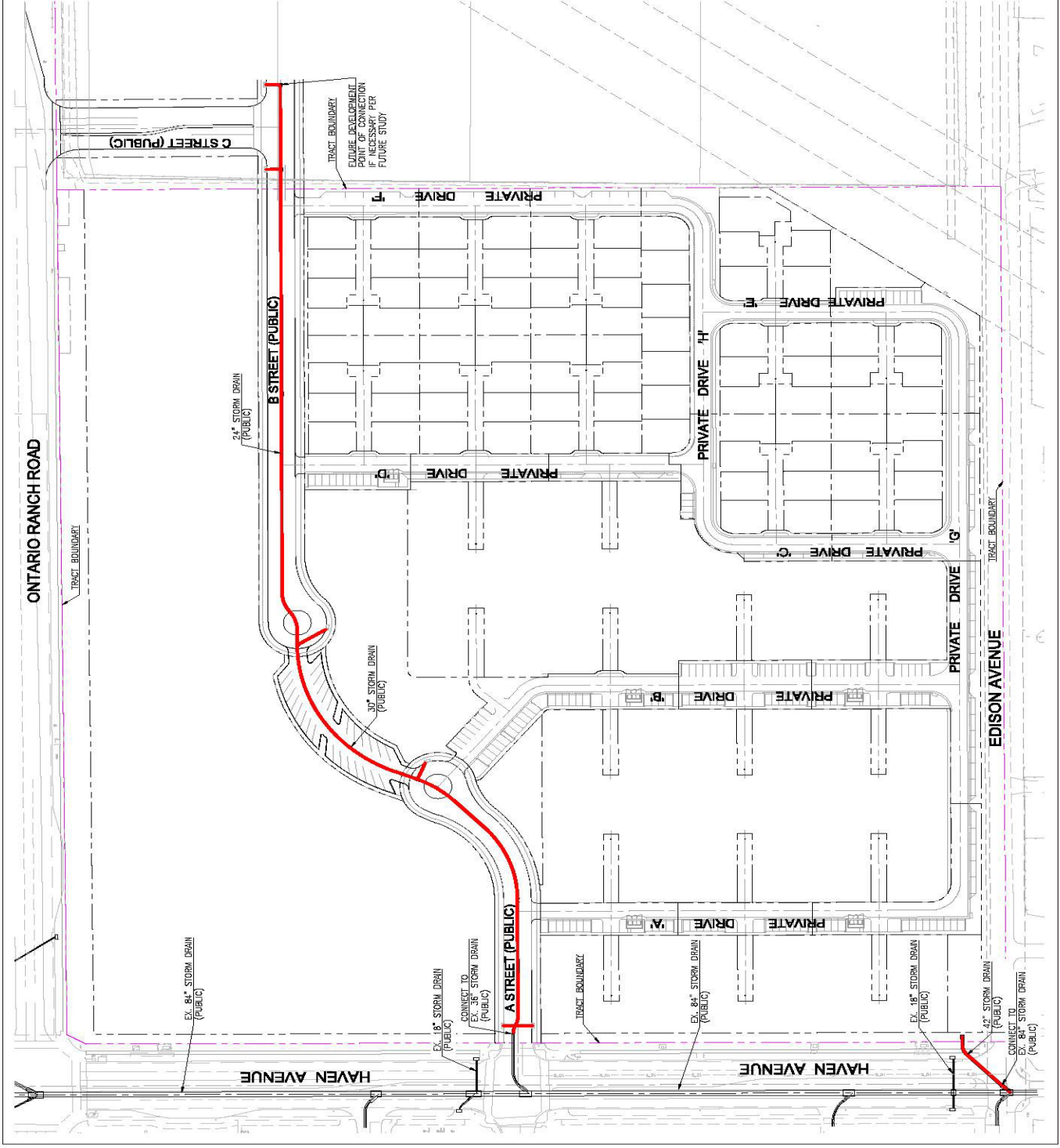
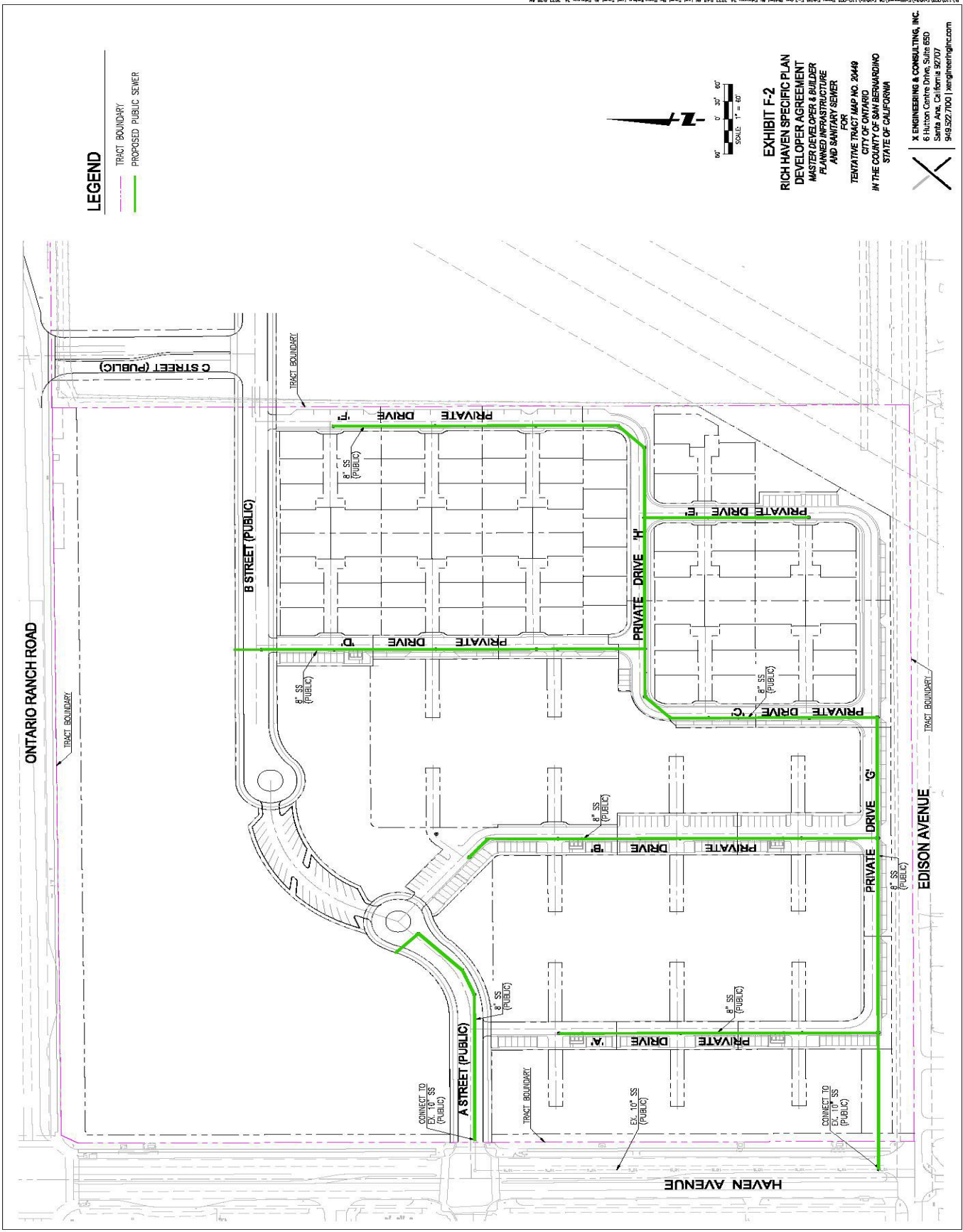


EXHIBIT F-1
RICH HAVEN SPECIFIC PLAN
DEVELOPER AGREEMENT
MASTERS PLAN PER MASTER PLANNED RESIDENTIAL FUTURE AND STORM DRAIN FOR
TENTATIVE TRACT MAP NO. 20448
CITY OF ONTARIO
IN THE COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA

X ENGINEERING & CONSULTING, INC.
6 Hudson Centre Drive, Suite 650
San Jose, California 95127
(408) 222-7700 | engineeringinc.com





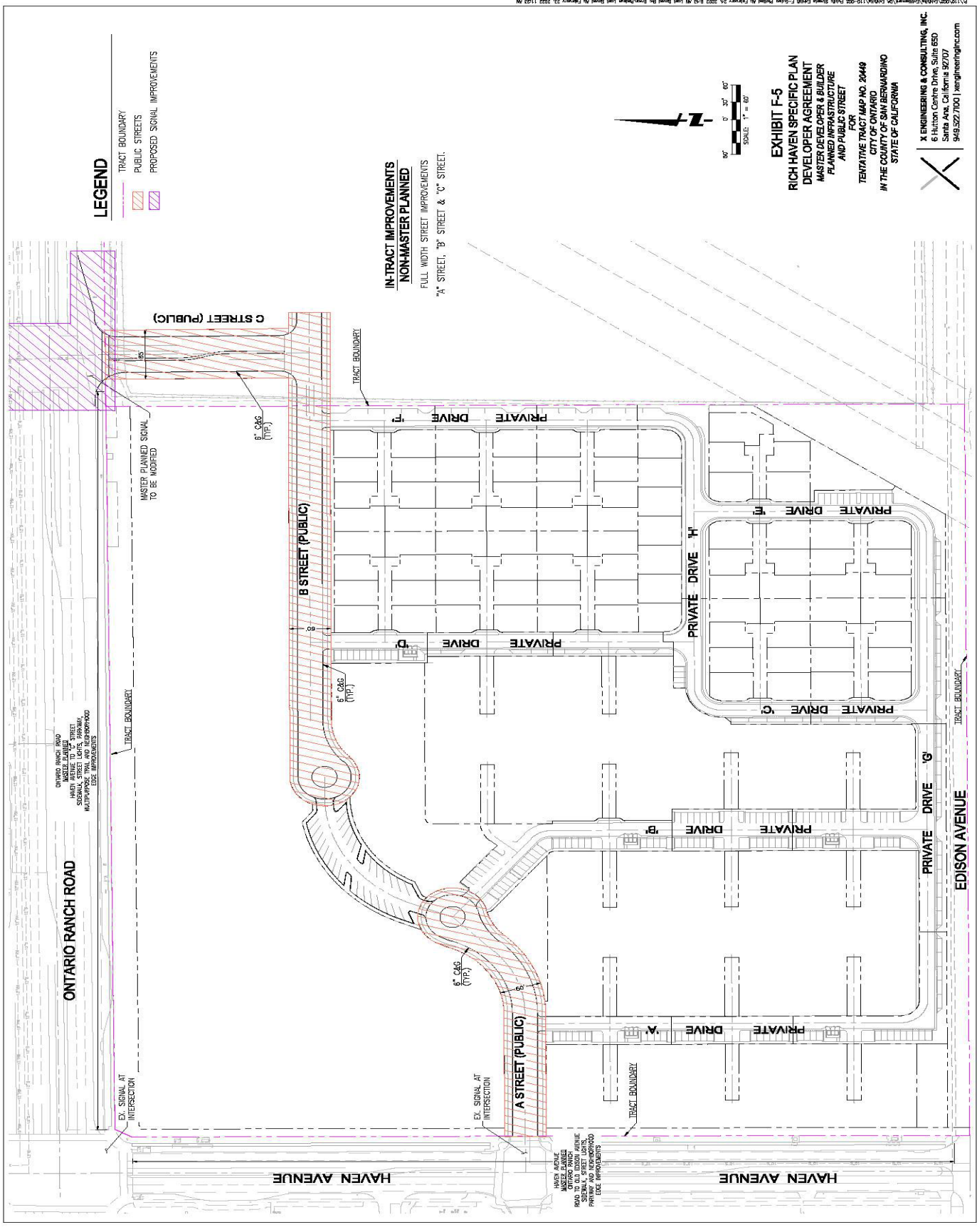


Exhibit "G"
TO DEVELOPMENT AGREEMENT

Form of Plume Disclosure Letter



PAUL S. LEON
MAYOR

DEBRA DORST-PORADA
MAYOR PRO TEM

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

March 2017

ONTARIO MUNICIPAL UTILITIES COMPANY

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

FILE NO.: PMTT21-014

SUBJECT: A public hearing to consider Tentative Tract Map No. 20449, subdividing 35.65 gross acres of land into 92 numbered lots and 55 lettered lots for residential and commercial uses, public/private streets, landscape neighborhood edges, and common open space purposes, generally located at the southeast corner of Ontario Ranch Road and Haven Avenue, within the Mixed-Use District Planning Area 9A (Regional Commercial, Stand-Alone Residential Overlay and Open Space – Non-Recreation) of the Rich Haven Specific Plan; (APN: 0218-211-01) **submitted by BrookCal Ontario LLC.**


PROPERTY OWNER: BrookCal Ontario LLC.

RECOMMENDED ACTION: That the Planning Commission consider and approve File No. PMTT21-014, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval contained in the attached departmental reports.

PROJECT SETTING: The project site is comprised of 35.65 gross acres of land located at the southeast corner of Ontario Ranch Road and Haven Avenue, within Mixed-Use District Planning Area 9A (Regional Commercial, Stand-Alone Residential Overlay and Open Space – Non-Recreation) of the Rich Haven Specific Plan, depicted in Figure 1: Project Location, right. The Project site was historically utilized for agricultural dairy purposes. The site has been cleared of any structures utilized for agricultural purposes and is presently vacant. The natural vegetation and soil conditions that once occurred throughout the project area have been significantly altered through agricultural uses, leaving little to no native vegetation. There is an existing 200-foot-wide Southern California Edison (“SCE”) Easement that runs in a northeast-southwest direction located at the southeast corner of the Project site and



Figure 1: Project Location

Case Planner:	Lorena Mejia
Planning Director Approval:	
Submittal Date:	8/06/2022

Hearing Body	Date	Decision	Action
DAB	4/18/2022	Approval	Recommend
PC	4/26/2022		Final
CC			

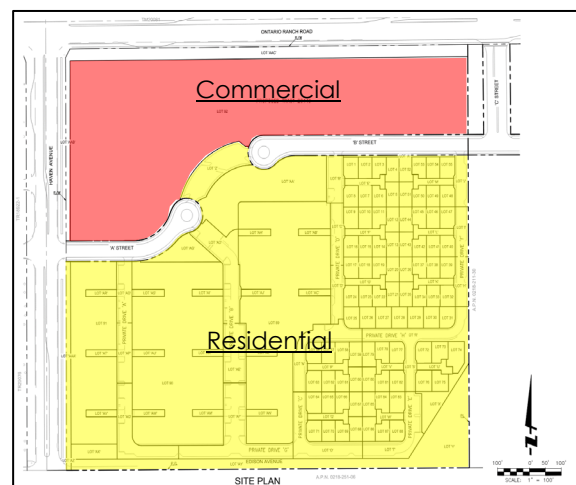
the adjacent property to the east. The SCE easement contains a few (500kV) transmission towers that are approximately 180 feet in height. There is an additional SCE easement located along the southern property line that is 20 to 25 feet wide and contains a combination of transmission towers (69kV at 70 feet in height) and distribution lines (13kV at 35 feet in height). The existing surrounding land uses, zoning, and general plan and specific plan land use designations are summarized in the "Surrounding Zoning & Land Uses" table located in the Technical Appendix of this report.

PROJECT ANALYSIS:

(1) Background — On December 4, 2007, the City Council certified the Rich Haven Specific Plan Environmental Impact Report in conjunction with File No. PGPA07-001. The related Rich Haven Specific Plan, File No. PSP05-004, was approved by the City Council on December 18, 2007. The Specific Plan established the land use designations, development standards, and design guidelines for approximately 512 acres of land, which included the potential development of 4,256 residential units and 889,200 square feet of commercial/office land uses.

On February 20, 2018, the City Council approved an Amendment to the Rich Haven Specific Plan (File No. PSPA16-005) for the annexation of 72.3 acres of land located at the southeast corner of Haven Avenue and Ontario Ranch Road, into the Mixed-Use district of the Rich Haven Specific Plan. The amendment included updates to the development standards, exhibits, and text changes to reflect the proposed annexation and overall compliance with the Policy Plan component of The Ontario Plan ("Policy Plan"). The amendment also allowed the combining of units between Planning Areas 6A and 9A (BrookCal owned parcels) and Planning Areas 6B and 9B (Richland owned parcels), to meet residential density requirements (14.0 to 50 du/ac).

(2) Tentative Tract Map — Proposed Tentative Tract Map No. 20449 will subdivide the Project site into 92 numbered lots and 55 lettered lots for residential and commercial uses, public/private streets, landscape neighborhood edges, and common open space purposes (see Exhibit B—Tentative Tract Map, attached). The northerly portion of the Project site is planned for 8.99 acres of future commercial development. The balance of the Project site is being subdivided for residential condominium purposes to accommodate two residential product types: 6- and 8-Pack Cluster homes and Courtyard Townhomes, totaling 298 units (see Figure 1, right), as described below.



**Figure 1: Tentative Tract Map No. 20449
Proposed Land Uses**

- **6-Pack and 8-Pack Cluster** – The 6-Pack and 8-Pack Cluster products comprise the southeasterly portion of the Project site and include lots 1 thru 88, for a total of 88 single-family residential units. The Rich Haven Specific Plan requires cluster lots to maintain a minimum lot size of 2,000 square feet. The proposed lot sizes range from 2,574 to 4,262 square feet, with an average lot size of 2,860.
- **Courtyard Townhomes** – The 14-unit Courtyard Townhomes comprise the southwesterly portion of the Project site and includes lots 89 thru 91, for a total of 210 multiple-family residential units. The Rich Haven Specific Plan requires courtyard town homes to maintain a minimum unit size of 1,800 square feet and a minimum lot size is not specified for this product type. The proposed lot sizes range from 71,001 to 143,694 square feet.

(3) Site Access/Circulation — The Project site will have one access point from Haven Avenue, which runs north and south along the westerly Project boundary, and one access point from Ontario Ranch Road, which runs east and west along the northerly Project boundary. The Tentative Tract Map will provide for the construction of the interior tract streets and private lanes that will provide access to the future residential and commercial development. The tract map is consistent with TOP Policy CD2-2, which promotes the importance of neighborhood connectivity through local street patterns and neighborhood edges as a way to unify neighborhoods.

(4) Parking — A parking plan was completed for the proposed Tentative Tract Map to demonstrate that sufficient parking has been provided throughout the residential portion of the Project site. The Tentative Tract Map's proposed residential product types would require a total of 684 parking spaces, with 566 of those parking spaces being provided within a garage. The parking plan demonstrates that 973 parking spaces will be provided, and the required minimum number of parking spaces would be exceeded by 289 spaces. The additional parking spaces are distributed throughout the residential area in the form of on-street parking, driveway parking, and parking along the private drive aisles. The parking plan demonstrates that there will be an average of 3.2 parking spaces per unit, which is more than adequate to accommodate both resident and visitor parking. As the proposed tract develops, parking will continue to be analyzed for each product type as part of the Development Plan entitlement process, assuring that all applicable development standards will be met or exceeded.

(5) Open Space — The Tentative Tract Map will facilitate the construction of a neighborhood park, sidewalks, parkways, and open space areas within the tract. TOP Policy PR1-1 requires new developments to provide a minimum of 2 acres of Private Park per 1,000 residents. The proposed Project is required to provide 2.09 acres of parkland to meet the minimum TOP private park requirement and 2.44 acres of parkland have been provided exceeding the minimum requirement (see Exhibit C—Open Space, attached). To satisfy the park requirement, the applicant is constructing a 1.13-acre neighborhood park located immediately south of the commercial parcel and three pocket parks totaling 0.58-acre that are a ¼-acre or smaller in size and a 0.73-acre trail located along

the southerly Project boundary. The proposed trail will connect to the SCE Edison trail located at the southeast corner of the Project site, which runs diagonally in a northeast-southwest direction. The Applicant will be responsible for coordinating with adjacent property owners to construct and landscape an 8-foot-wide multi-purpose trail within the SCE easement. The proposed pedestrian circulation system provides connectivity to the parks, residential neighborhoods within the Project site, trails, and adjacent communities. Future community park designs, and amenities will be addressed as part of the Development Plan entitlement process that will require consistency with the Rich Haven Specific Plan.

(6) Rich Haven Specific Plan Consistency — The Rich Haven Specific Plan allows the averaging of units between Planning Areas 6A and 9A to meet residential density requirements (14.0 to 50 du/ac). At 14 dwelling units per acre, Planning Area 6A, which includes Tract Map No. 20081 and Tentative Tract Map No. 20345, is required to construct 526 units, while the Project built a total of 536 units, providing a surplus of 10 units. The proposed Tentative Tract Map will develop Planning Area 9A with a combination of residential and commercial land uses. Planning Area 9A is required to construct 304 units and the Project is proposing 298 units, which is deficient by 6 units. However, between the 10-unit surplus of Planning Area 6A and the 6-unit deficit of Planning Area 9A, the two planning areas combined will produce a surplus of 4 units, maintaining the minimum average of 14 dwelling units per acre over the two planning areas.

(7) Covenants, Conditions and Restrictions ("CC&Rs") — As a Condition of Approval, CC&Rs must be prepared and recorded with the Final Tract Map. The CC&Rs will outline the maintenance responsibilities for the open space areas, recreation amenities, drive aisles, utilities, and upkeep of the entire site, to ensure the on-going maintenance of the common areas and facilities.

(8) Utilities (sewer, water, and site drainage) — To serve the proposed residential development, the Project will be required to establish the related Development Agreement (File No. PDA21-014), to include additional internal tract infrastructure (streets, sewer, water, storm drain, etc.). Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan ("PWQMP"), which establishes compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces and maximizes low impact development ("LID") best management practices ("BMPs"), such as retention and infiltration, biotreatment, and evapotranspiration.

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

(1) City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Maintain the Current High Level of Public Safety
- Operate in a Businesslike Manner
- Focus Resources in Ontario's Commercial and Residential Neighborhoods
- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
- Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

(2) Vision.

Distinctive Development:

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

(3) Governance.

Decision Making:

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

(4) Policy Plan (General Plan)

Land Use Element:

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
 - LU1-1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.
 - LU1-6 Complete Community: We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario. (Refer to Complete Community Section of Community Economics Element).

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

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

Housing Element:

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

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

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

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

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.

Safety Element:

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

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

Community Design Element:

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

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

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

- 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.

- CD2-7 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.

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

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

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

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

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

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

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

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

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

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. 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 (298) and density (13.97 du/ac) specified in the Available Land Inventory.

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

ENVIRONMENTAL REVIEW: The environmental impacts of this Project were previously analyzed in an Addendum to the Rich Haven Specific Plan Environmental Impact Report (State Clearinghouse No. 2006051081) and an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140). This Application is consistent with the previously Certified Environmental Impact Reports and Approved Addendums and introduces no new significant environmental impacts.

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	Mixed Use	Rich Haven Specific Plan	Mixed Use District PA 9A (Regional Commercial, Stand-Alone Residential Overlay and Open Space – Non-Recreation)
<i>North</i>	Residential Subdivision	Mixed Use	Rich Haven Specific Plan	Mixed Use District PA 6A (Stand-Alone Residential Overlay)
<i>South</i>	Agriculture – Dairy Farm	MDR (Medium Density Residential 11.1 – 25 du/ac)	SP/AG (Specific Plan and Agricultural Overlay)	N/A
<i>East</i>	Vacant	Mixed Use	Rich Haven Specific Plan	Mixed Use District PA 9B (Stand-Alone Residential Overlay and Open Space – Non-Recreation)
<i>West</i>	Commercial Shopping Center and Residential Subdivision	NC (Neighborhood Commercial) and LDR (Low Density Residential 2.1 – 5 du/ac)	The Avenue Specific Plan	Retail Commercial and Low Density Residential

Tentative Tract Summary:

<i>Item</i>	<i>Tentative Tract Map No. 20449</i>	<i>Meets Rich Haven Specific Plan Requirements</i>
<i>Total Area Gross (AC)</i>	35.65	N/A
<i>Total Area Net (AC)</i>	32.57	N/A
<i>Cluster Min. Lot Size (SF)</i>	2,574 SF	Yes (2,000 SF Min.)
<i>Cluster Max. Lot Size (SF)</i>	4,262 SF	Yes (2,000 SF Min.)
<i>Courtyard Town Home Min. Lot Size (SF)</i>	71,001 SF	Yes (No Min.)
<i>Courtyard Town Home Max. Lot Size (SF)</i>	143,694 SF	Yes (No Max.)
<i>Gross Density (du/net ac)</i>	13.7	Yes

Exhibit A—PROJECT LOCATION MAP



Exhibit B—Tentative Tract Map

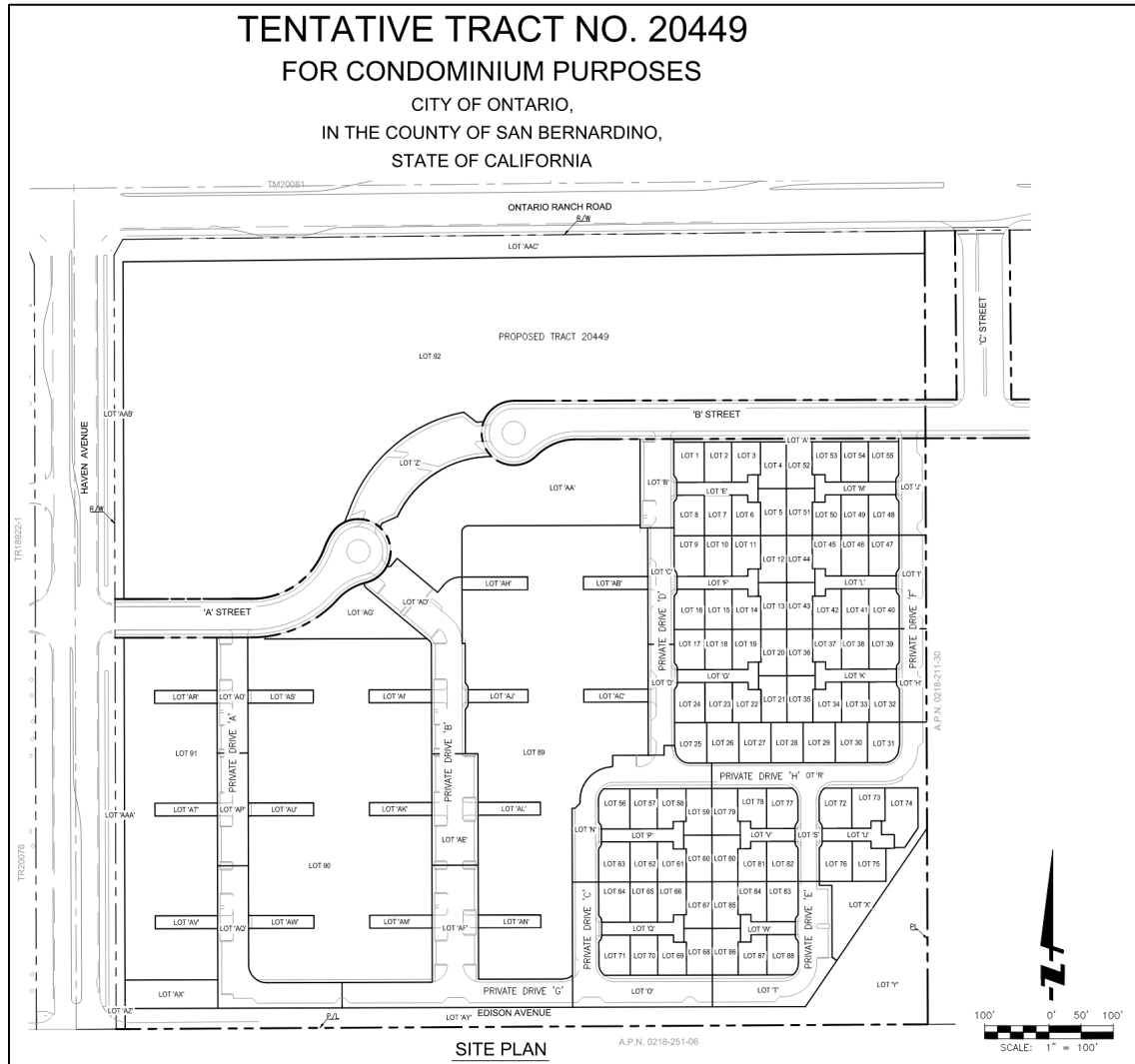
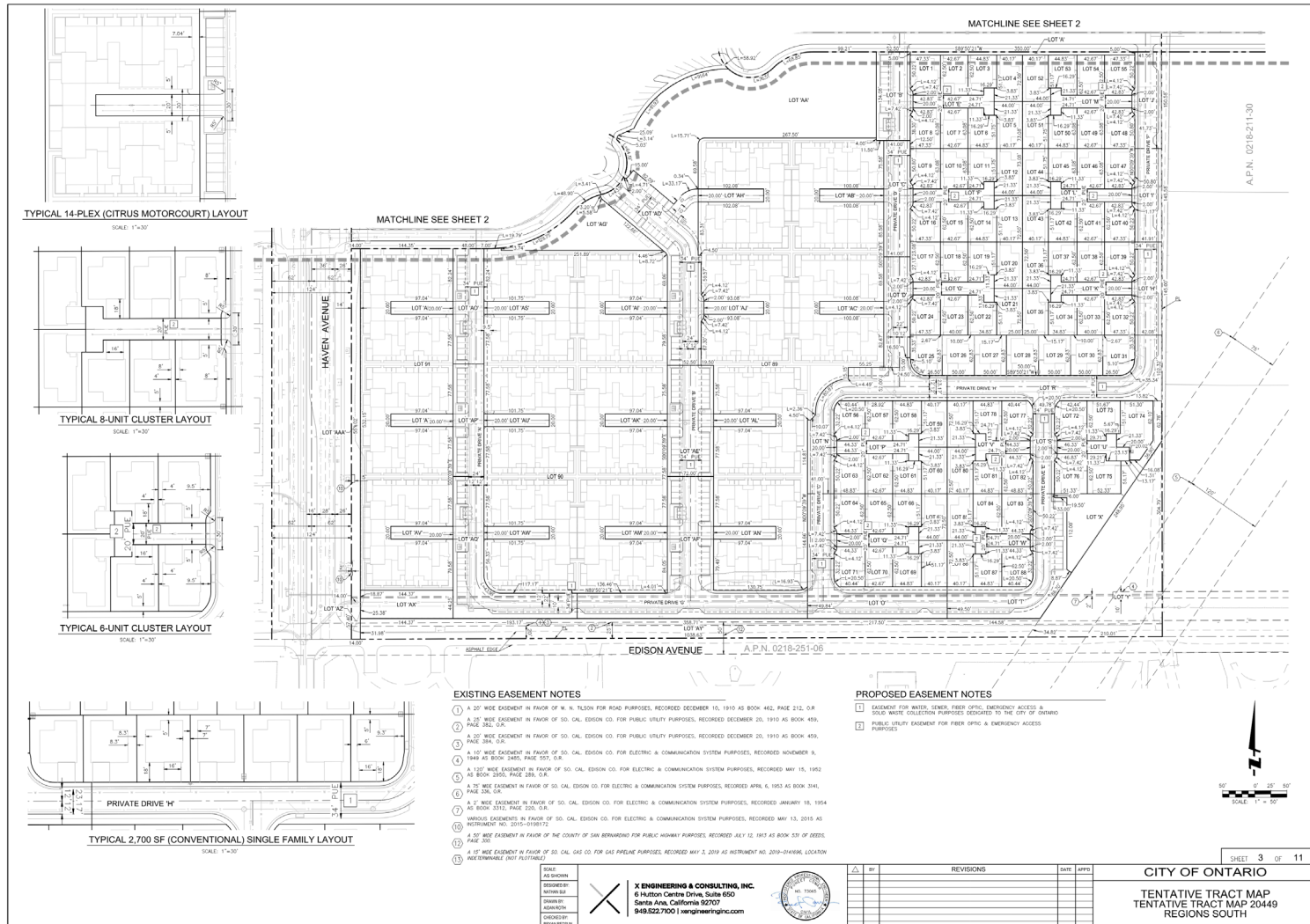


Exhibit B—Tentative Tract Map Continued



EXISTING EASEMENT NOTES

1. A 20' WIDE EASEMENT IN FAVOR OF W. H. NELSON FOR ROAD PURPOSES, RECORDED DECEMBER 10, 1910 AS BOOK 462, PAGE 212, O.R. PAGE 384, O.R.
2. A 20' WIDE EASEMENT IN FAVOR OF SO. CAL. EDISON CO. FOR PUBLIC UTILITY PURPOSES, RECORDED DECEMBER 20, 1910 AS BOOK 458, PAGE 384, O.R.
3. A 20' WIDE EASEMENT IN FAVOR OF SO. CAL. EDISON CO. FOR PUBLIC UTILITY PURPOSES, RECORDED DECEMBER 20, 1910 AS BOOK 458, PAGE 384, O.R.
4. A 10' WIDE EASEMENT IN FAVOR OF SO. CAL. EDISON CO. FOR ELECTRIC & COMMUNICATION SYSTEM PURPOSES, RECORDED NOVEMBER 8, 1948 AS BOOK 2483, PAGE 553, O.R.
5. A 10' WIDE EASEMENT IN FAVOR OF SO. CAL. EDISON CO. FOR ELECTRIC & COMMUNICATION SYSTEM PURPOSES, RECORDED MAY 15, 1952 AS BOOK 2950, PAGE 289, O.R.
6. A 75' WIDE EASEMENT IN FAVOR OF SO. CAL. EDISON CO. FOR ELECTRIC & COMMUNICATION SYSTEM PURPOSES, RECORDED APRIL 6, 1953 AS BOOK 3047, PAGE 336, O.R.
7. A 7' WIDE EASEMENT IN FAVOR OF SO. CAL. EDISON CO. FOR ELECTRIC & COMMUNICATION SYSTEM PURPOSES, RECORDED JANUARY 18, 1954 AS BOOK 3212, PAGE 209, O.R.
8. VARIOUS EASEMENTS IN FAVOR OF SO. CAL. EDISON CO. FOR ELECTRIC & COMMUNICATION SYSTEM PURPOSES, RECORDED MAY 13, 2015 AS INSTRUMENT NO. 2015-019812C.
9. A 10' WIDE EASEMENT IN FAVOR OF THE COUNTY OF SAN BERNARDINO FOR PUBLIC HIGHWAY PURPOSES, RECORDED JULY 12, 1913 AS BOOK 537 OF DEEDS, PAGE 302.
10. A 10' WIDE EASEMENT IN FAVOR OF SO. CAL. GAS CO. FOR GAS PIPING PURPOSES, RECORDED MAY 3, 2019 AS INSTRUMENT NO. 2019-019676, LOCATION INDETERMINABLE (NOT PLOTTABLE).

PROPOSED EASEMENT NOTES

1. EASEMENT FOR WATER, SEWER, FIRE, OFFICE, EMERGENCY ACCESS & OTHER PUBLIC UTILITY PURPOSES DEDICATED TO THE CITY OF ONTARIO
2. PUBLIC UTILITY EASEMENT FOR FIRE OFFICE & EMERGENCY ACCESS PURPOSES

X ENGINEERING & CONSULTING, INC.
 6 Hudson Center Drive, Suite 400
 Santa Ana, California 92707
 949.522.7100 | xengineeringinc.com



NO.	DATE	REVISIONS	DATE	APPROV.

CITY OF ONTARIO
 TENTATIVE TRACT MAP
 TENTATIVE TRACT MAP 20449
 REGIONS SOUTH

SHEET 3 OF 11

Exhibit C—Open Space



Exhibit C—Open Space Continued



Exhibit C—Open Space Continued

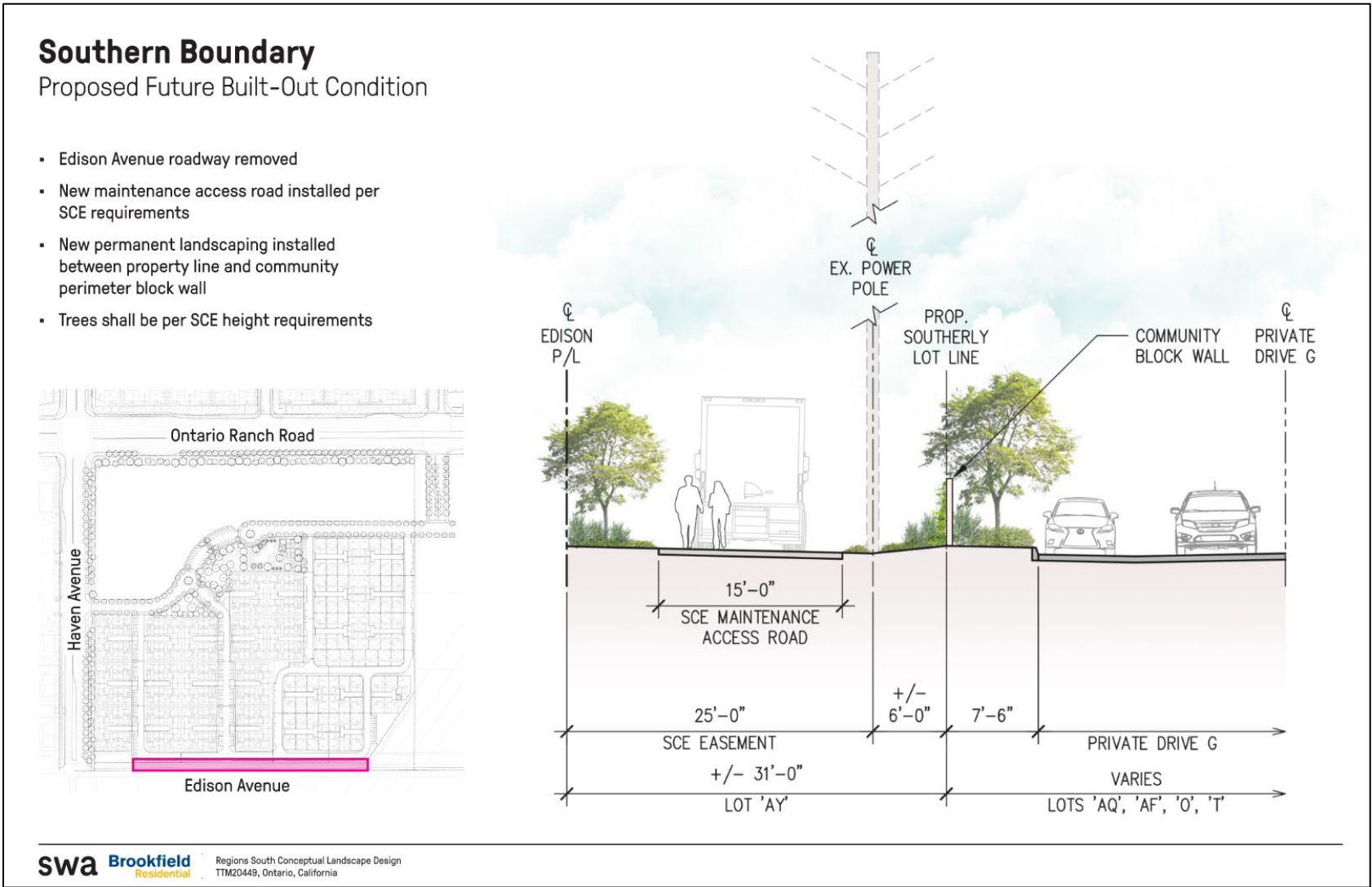
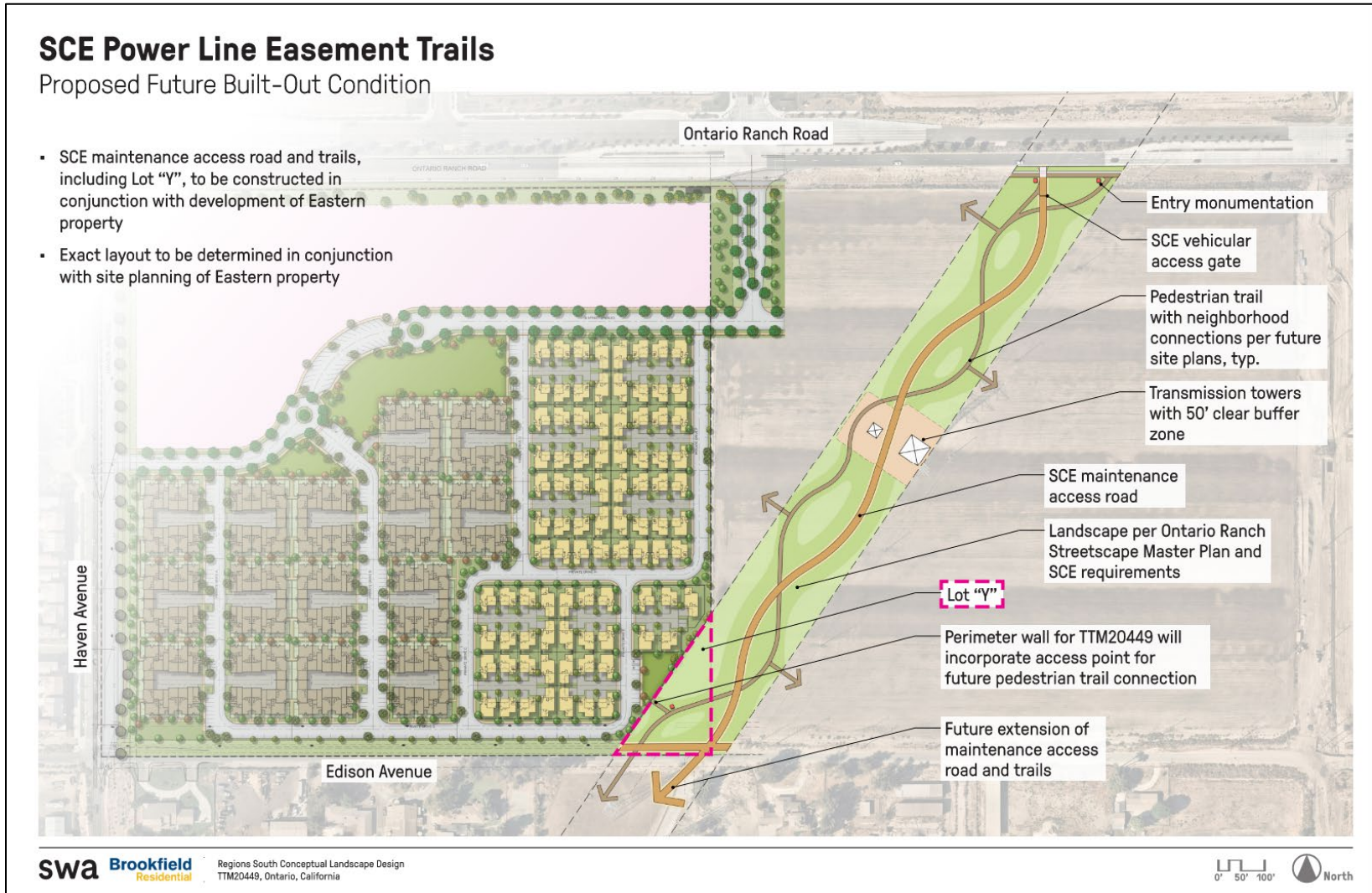


Exhibit C—Open Space Continued



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 20449 (FILE NO. PMTT21-014), SUBDIVIDING 35.65 GROSS ACRES OF LAND INTO 92 NUMBERED LOTS AND 55 LETTERED LOTS FOR RESIDENTIAL AND COMMERCIAL USES, PUBLIC/PRIVATE STREETS, LANDSCAPE NEIGHBORHOOD EDGES, AND COMMON OPEN SPACE PURPOSES, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF ONTARIO RANCH ROAD AND HAVEN AVENUE, WITHIN MIXED-USE DISTRICT PLANNING AREA 9A (REGIONAL COMMERCIAL, STAND-ALONE RESIDENTIAL OVERLAY AND OPEN SPACE – NON-RECREATION) OF THE RICH HAVEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-211-01.

WHEREAS, BROOKCAL ONTARIO LLC., ("Applicant") has filed an Application requesting the approval of Tentative Tract Map No. 20449 (File No. PMTT21-014), as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 35.65 acres of land generally located at the southeast corner of Ontario Ranch Road and Haven Avenue, within the Mixed-Use District Planning Area 9A (Regional Commercial, Stand-Alone Residential Overlay and Open Space – Non-Recreation) of the Rich Haven Specific Plan, and is presently vacant; and

WHEREAS, the property to the north of the Project site is within the Mixed-Use District PA 6A (Stand-Alone Residential Overlay) of the Rich Haven Specific Plan and is developed with a residential subdivision that is presently under construction. The property to the east is within the Mixed-Use District PA 9B (Stand-Alone Residential Overlay and Open Space – Non-Recreation) of the Rich Haven Specific Plan and is presently vacant. The property to the south is within the Specific Plan and Agricultural Overlay zoning district and is developed with dairy farm. The property to the west is within the Retail Commercial and Low-Density Residential land use district of the Avenue Specific Plan and is developed with commercial shopping center and residential subdivision; and

WHEREAS, proposed Tentative Tract Map No. 20449 will subdivide the Project site into 92 numbered lots and 55 lettered lots for residential and commercial uses, public/private streets, landscape neighborhood edges, and common open space purposes. The northerly portion of the Project site is planned for 8.99 acres of future commercial development. The balance of the Project site is being subdivided for residential condominium purposes to accommodate two residential product types: 6- and 8-Pack Cluster homes and Courtyard Townhomes, totaling 298 units; and

WHEREAS, the 6-Pack and 8-Pack Cluster product comprise the southeasterly portion of the Project site and include lots 1 thru 88, for a total of 88 single-family residential units. The Rich Haven Specific Plan requires cluster lots to maintain a minimum lot size of 2,000 square feet. The proposed lot sizes range from 2,574 to 4,262 square feet, with an average lot size of 2,860; and

WHEREAS, the 14-unit Courtyard Townhomes comprise the southwesterly portion of the Project site and includes lots 89 thru 91, for a total of 210 multiple-family residential units. The Rich Haven Specific Plan requires courtyard town homes to maintain a minimum unit size of 1,800 square feet and a minimum lot size is not specified for this product type. The proposed lot sizes range from 71,001 to 143,694 square feet; and

WHEREAS, the Project site will have one access point from Haven Avenue, which runs north and south along the westerly Project boundary, and one access point from Ontario Ranch Road, which runs east and west along the northerly Project boundary. The Tentative Tract Map will provide for the construction of the interior tract streets and private lanes that will provide access to the future residential and commercial development; and

WHEREAS, a parking plan was completed for the proposed Tentative Tract Map to demonstrate that sufficient parking has been provided throughout the residential portion of the Project site. The Tentative Tract Map's proposed residential product types would require a total of 684 parking spaces, with 566 of those parking spaces being provided within a garage. The parking plan demonstrates that 973 parking spaces will be provided, and the required minimum number of parking spaces would be exceeded by 289 spaces; and

WHEREAS, the proposed Project is required to provide 2.09 acres of parkland to meet the minimum TOP private park requirement and 2.44 acres of parkland have been provided exceeding the minimum requirement; and

WHEREAS, the Rich Haven Specific Plan allows the averaging of units between Planning Areas 6A and 9A to meet residential density requirements (14.0 to 50 du/ac). At 14 dwelling units per acre, Planning Area 6A, which includes Tract Map No. 20081 and Tentative Tract Map No. 20345, is required to construct 526 units, while the Project built a total of 536 units, providing a surplus of 10 units. The proposed Tentative Tract Map will develop Planning Area 9A with a combination of residential and commercial land uses. Planning Area 9A is required to construct 304 units and the Project is proposing 298 units, which is deficient by 6 units. However, between the 10-unit surplus of Planning Area 6A and the 6-unit deficit of Planning Area 9A, the two planning areas combined will produce a surplus of 4 units, maintaining the minimum average of 14 dwelling units per acre over the two planning areas; and

WHEREAS, a Development Agreement (File No. PDA21-014) has been filed concurrently with Tentative Tract Map No. 20449 to facilitate infrastructure improvements that will serve the site. The approval of the Tract Map application is contingent upon City Council approval of the Development Agreement; and

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

WHEREAS, the Rich Haven Specific Plan Environmental Impact Report (State Clearinghouse No. 2006051081) was certified on December 4, 2007 ("Certified EIR"), in conjunction with File No. PSP05-004; and

WHEREAS, The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) was certified by the City Council on January 27, 2010 ("Certified EIR"), in conjunction with File No. PGPA06-001; and

WHEREAS, an Addendum to the Rich Haven Specific Plan Environmental Impact Report (State Clearinghouse No. 2006051081) that was approved for use by the City Council on March 15, 2016 ("Approved Addendum") in conjunction with File No. PSPA16-001, in which development and use of the Project site was discussed and this Application introduces no new significant environmental impacts; and

WHEREAS, an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) that was approved for use by the City Council on February 20, 2018 ("Approved Addendum") in conjunction with File No. PSPA16-005, in which development and use of the Project site was discussed and this Application introduces no new significant environmental impacts; and

WHEREAS, an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) that was approved for use by the City Council on May 18, 2021 ("Approved Addendum") in conjunction with File Nos. PGPA19-005 and PSPA19-006, in which development and use of the Project site was discussed and this Application introduces no new significant environmental impacts; and

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

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

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

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

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

WHEREAS, on April 18, 2022, 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. DAB22-012 recommending the Planning Commission approve the Application; and

WHEREAS, on April 26, 2022, 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 EIRs, Approved Addendums and supporting documentation. Based upon the facts and information contained in the

previous Certified EIRs, Approved Addendums and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this Project were previously analyzed in the following environmental documents:

(a) The Rich Haven Specific Plan Environmental Impact Report (State Clearinghouse No. 2006051081) was certified by the City Council on December 4, 2007 ("Certified EIR"), in conjunction with File No. PSP05-004.

(b) The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) was certified by the City Council on January 27, 2010 ("Certified EIR"), in conjunction with File No. PGPA06-001.

(c) An Addendum to The Rich Haven Specific Plan EIR (State Clearinghouse No. 2006051081) in conjunction with File No. PSP05-004 that was adopted by the City Council on December 4, 2007.

(d) An Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) that was approved for use by the City Council on February 20, 2018 ("Approved Addendum") in conjunction with File No. PSPA16-005.

(e) An Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) that was approved for use by the City Council on May 18, 2021 ("Approved Addendum") in conjunction with File Nos. PGPA19-005 and PSPA19-006.

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

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

(4) The previous Certified EIRs and Approved Addendums 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 EIRs and Approved Addendums, and all mitigation measures previously adopted with the Certified EIRs and Approved Addendums, 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 EIRs and Approved Addendums is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIRs and Approved Addendums that will require major revisions to the Certified EIRs and Approved Addendums 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 EIRs and Approved Addendums was prepared, that will require major revisions to the Certified EIRs and Approved Addendums 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 EIRs and Approved Addendums was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIRs and Approved Addendums; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIRs and Approved Addendums; 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 EIRs and Approved Addendums 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. 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 (298) and density (13.7) specified in the Available Land Inventory.

SECTION 4: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the ALUCP, establishing the Airport Influence Area for Ontario International Airport, 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 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 Mixed-Use land use district of the Policy Plan Land Use Map, and the Mixed-Use District Planning Area 9A (Regional Commercial, Stand-Alone Residential Overlay and Open Space – Non-Recreation) of the Rich Haven Specific Plan. The proposed subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the Project will contribute to providing “a spectrum of housing types and price ranges that match the jobs in the City, and that make it possible for people to live and work in Ontario and maintain a quality of life” (Goal LU1). Furthermore, the Project will promote the City’s policy to “incorporate a variety of land uses and building types that contribute to a complete community where residents at all stages of life, employers,

workers, and visitors, have a wide spectrum of choices of where they can live, work, shop, and recreate within Ontario” (Policy LU1-6 *Complete Community*).

(2) ***The design or improvement of the proposed Tentative Tract Map is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable specific plans and planned unit developments.*** The proposed Tentative Tract/Parcel Map is located within the Mixed-Use land use district of the Policy Plan Land Use Map, and the Mixed-Use District Planning Area 9A (Regional Commercial, Stand-Alone Residential Overlay and Open Space – Non-Recreation) of the Rich Haven Specific Plan. The proposed design or improvement of the subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the Project will contribute to providing “[a] high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional, and distinct” (Goal CD2). Furthermore, the Project will promote the City’s policy to “create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

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

(3) ***The site is physically suitable for the type of development proposed.*** The Project site meets the minimum lot area and dimensions of the Mixed-Use District Planning Area 9A (Regional Commercial, Stand-Alone Residential Overlay and Open Space – Non-Recreation) of the Rich Haven Specific Plan and is physically suitable for the type of residential and commercial 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 and commercial development at a density of 13.7 DUs/acre. The Project site meets the minimum lot area and dimensions of the Mixed-Use District Planning Area 9A (Regional Commercial, Stand-Alone Residential Overlay and Open Space – Non-Recreation) of the Rich Haven Specific Plan and is physically suitable for this proposed density / intensity of development.

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

(6) ***The design of the subdivision, or the type of improvements thereon, are not likely to cause serious public health problems.*** The design of the proposed subdivision, and the residential and commercial infrastructure improvements existing or proposed on the Project site, are not likely to cause serious public health problems, as the Project is not anticipated to involve the transport, use, or disposal of hazardous materials during either construction or Project implementation, include the use of hazardous materials or volatile fuels, nor are there any known stationary commercial or industrial land uses within close proximity to the subject site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the Project site.

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

SECTION 6: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 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 26th day of April 2022, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Jim Willoughby
Planning Commission Chairman

ATTEST:

Rudy Zeledon
Planning Director and
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. _____ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on April 26, 2022, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PMTT21-014
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)

Date Prepared: 4/18/2022

File No: PMTT21-014

Related Files: N/A

Project Description: A hearing to consider Tentative Tract Map No. 20449, subdividing 35.65 gross acres of land into 92 numbered lots and 55 lettered lots for residential and commercial uses, public/private streets, landscape neighborhood edges, and common open space purposes, generally located at the southeast corner of Ontario Ranch Road and Haven Avenue, within Mixed-Use District Planning Area 9A (Regional Commercial, Stand-Alone Residential Overlay and Open Space – Non-Recreation) of the Rich Haven Specific Plan; (APN: 0218-211-01) **submitted by BrookCal Ontario LLC.**

Prepared By: Lorena Mejia, Senior Planner
Phone: 909.395.2276 (direct)
Email: lmejia@ontarioca.gov

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

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

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 Tract Map approval shall become null and void 2 years following the effective date of application approval, unless the final 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 Tract Map shall be in conformance with the approved Tentative Tract Map on file with the City. Variations from the approved Tentative Tract Map may be reviewed and approved by the Planning Department. A substantial variation from the approved

Tentative Tract Map may require review and approval by the Planning Commission, as determined by the Planning Director.

(b) Tentative Tract 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 Tract Map for condominium purposes shall require the recordation of a condominium plan concurrent with the recordation of the Final Tract 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 Landscaping.

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

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

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

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

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

2.6 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).

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

2.8 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).

2.9 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 or with the Final Tract Map.

(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.

2.10 Disclosure Statements.

(a) A copy of the Public Report from the Department of Real Estate, prepared for the subdivision pursuant to Business and Professions Code Section 11000 et seq., shall be provided to each prospective buyer of the residential units and shall include a statement to the effect that:

(i) This tract is subject to noise from the Ontario International Airport and may be more severely impacted in the future.

(ii) Some of the property adjacent to this tract is zoned for agricultural uses and there could be fly, odor, or related problems due to the proximity of animals.

(iii) The area south of Riverside Drive lies within the San Bernardino County Agricultural Preserve. Dairies currently existing in that area are likely to remain for the foreseeable future.

(iv) This tract is part of a Landscape Maintenance District. The homeowner(s) will be assessed through their property taxes for the continuing maintenance of the district.

2.11 Environmental Review.

(a) The environmental impacts of this Project were previously analyzed in an Addendum to the Rich Haven Specific Plan Environmental Impact Report (State Clearinghouse No. 2006051081) and an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140). This Application is consistent with the previously Certified Environmental Impact Reports and Approved Addendums and introduces no new significant environmental impacts.

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

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

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

2.13 Tribal Consultation Conditions.

(a) The project developer shall retain a Native American Monitor of (Gabrieleno Band of Mission Indians - Kizh Nation) Ancestry (the "Tribe" or the "Consulting Tribe" that was consulted on this project pursuant to Assembly Bill A52 - SB18) to conduct a Native American Indian Sensitivity Training for construction personnel prior to commencement of any excavation activities. The training session shall include a handout and focus on how to identify Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered, the duties of the Native American Monitor of (Gabrieleno Band of Mission Indians - Kizh Nation) Ancestry and the general steps the Monitor would follow in conducting a salvage investigation.

(b) The project developer shall retain a Native American Monitor of (Gabrieleno Band of Mission Indians - Kizh Nation) Ancestry (the "Tribe" or the "Consulting Tribe" that was consulted on this project pursuant to Assembly Bill A52 - SB18) to be on-site during all project-related, ground-disturbing construction activities (e.g., pavement removal, auguring, boring, grading, excavation, potholing, trenching, and grubbing) of previously undisturbed native soils to a maximum depth of 30 feet below ground surface. A copy of the executed contract shall be submitted to the City of Ontario Planning Department prior to the issuance of any grading permit (any ground-disturbing activity). At their discretion, a Native American Monitor of (Gabrieleno Band of Mission Indians - Kizh Nation) Ancestry can be present during the removal of dairy manure to native soil, but not at the developers' expense.

(c) A qualified archaeologist and a Native American Monitor of (Gabrieleno Band of Mission Indians - Kizh Nation) Ancestry (the “Tribe” or the “Consulting Tribe” that was consulted on this project pursuant to Assembly Bill A52 - SB18) shall evaluate all archaeological resources unearthed by project construction activities. If the resources are Native American in origin, the Tribe shall coordinate with the developer regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. If archeological features are discovered, the archeologist shall report such findings to the Ontario Planning Director. If the archeological resources are found to be significant, the archeologist shall determine the appropriate actions, in cooperation with the City that shall be taken for exploration and/or salvage in compliance with CEQA Guidelines Section 15064.5(f).

(d) Prior to the start of ground disturbing activities, the developer shall arrange a designated site location within the footprint of the project for the respectful reburial of Tribal human remains and/or ceremonial objects. All human skeletal material discoveries shall be reported immediately to the County Coroner. The Native American Monitor shall immediately divert work a minimum of 50 feet from the discovery site and place an exclusion zone around the burial. The Native American Monitor shall notify the construction manager who shall contact the San Bernardino County Coroner. All construction activity shall be diverted while the San Bernardino County Coroner determines if the remains are Native American. The discovery shall be confidential and secure to prevent further disturbance. If Native American, the San Bernardino County Coroner shall notify the Native American Heritage Commission (NAHC) as mandated by state law who will then appoint a Most Likely Descendent. In the case where discovered human remains cannot be documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside working hours. The Tribe shall make every effort to recommend diverting the project and keep the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. If data recovery is approved by the Tribe, documentation shall be taken, which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or means necessary to ensure complete recovery of all material. If the discovery of human remains includes four (4) or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The project developer shall consult with the Tribe regarding avoidance of all cemetery sites. Once complete, a final report of all activities shall be submitted to the NAHC.

(e) There shall be no Scientific study or the utilization of any invasive diagnostics on any Native American human remains.

(f) If the San Bernardino County Coroner determines the remains represent a historic non-Native American burial, the burial shall be treated in the same manner of respect with agreement of the San Bernardino County Coroner. Reburial will be in an appropriate setting. If the San Bernardino County Coroner determines the remains to be modern, the San Bernardino County Coroner shall take custody of the remains.

(g) Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items shall be retained and reburied within six months of recovery. The site of reburial/repatriation shall

be on the project site, but at a location agreed upon between the Tribe and the developer and protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

2.14 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination ("NOD") filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act ("CEQA"). Failure to provide said fee within the time specified will result in the extension of the statute of limitations for the filing of a CEQA lawsuit from 30 days to 180 days.

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

2.15 Additional Requirements.

(a) All applicable conditions of approval of Development Agreement (File No. PDA21-014) shall apply to this tract.

(b) All applicable conditions of approval of the Rich Haven Specific Plan shall apply to this tract.

(c) The City Council has authorized the Baldy View Chapter of the Building Industry Association to manage a standardized off-site directional sign program on a non-profit basis. The program uses uniform sign structures and individual identification and directional signs for residential development. **No other off-site signing is authorized.** (For additional information, contact the Baldy View Chapter BIA at (909) 945-1884.

(d) All parks shall be constructed prior to the final occupancy of the 146th unit.



**ENGINEERING DEPARTMENT
CONDITIONS OF APPROVAL**

(Engineering Services Division [Land Development Section and Environmental Section], Traffic & Transportation Division, Ontario Municipal Utilities Company and Broadband Operations & Investment and Revenue Resources Department Conditions incorporated)

<input type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> OTHER	<input type="checkbox"/> PARCEL MAP <input checked="" type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
PROJECT FILE NO. TM-20449 RELATED FILE NO(S). PMTT21-014	
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: __/__/__	

CITY PROJECT ENGINEER & PHONE NO: Michael Bhatanawin, P.E. (909) 395-2130

CITY PROJECT PLANNER & PHONE NO: Lorena Mejia (909) 395-2276

DAB MEETING DATE: April 18, 2022

PROJECT NAME / DESCRIPTION: TM-20449, a Tentative Tract Map for condominium purposes to subdivide 35.65 acres of land into 93 numbered lots for residential units and 53 lettered lots for common open space, located within Planning Area 9A (Residential & Commercial) of the Rich Haven Specific Plan

LOCATION: Southeast corner of Haven Avenue and Ontario Ranch Road

APPLICANT: BrookCal Ontario LLC

REVIEWED BY: Raymond Lee 4/18/22
 Raymond Lee, P.E. Date
 Assistant City Engineer

APPROVED BY: [Signature] 4-18-22
 Khoi Do, P.E. Date
 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) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE CHECKED. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO FINAL MAP, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT.

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

- 1.01 Dedicate to the City of Ontario, the right-of-way, described below:**
 - A. An additional 35 feet from the ultimate right-of-way along the project frontage on the south side of Ontario Ranch Rd for a 50 feet neighborhood edge
 - B. An additional 14 feet from the ultimate right-of-way along the project frontage on the east side of Haven Ave for a 40 feet neighborhood edge
 - C. 'A' St to the ultimate full street right-of-way width of 60 feet from Haven Ave to Lot 'Z'
 - D. 'B' St to the ultimate full street right-of-way width of 60 feet from Lot 'Z' to easterly tract boundary

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

 - A. Haven Ave & 'A' St
- 1.02 Dedicate to the City of Ontario, the following easement(s):**
 - A. 34 feet wide easement for public utility purposes over all private drives. Additional 5 feet required for domestic water appurtenances (e.g. fire hydrant, water meter, etc.)
 - B. 20 feet wide easement for public utility purposes over private alleys (Lots 'E', 'F', 'G', 'K', 'L', 'M', 'P', 'Q', 'U', 'V', 'W')
 - C. 34 feet wide easement for public utility purposes over Lot 'Z'
- 1.03 Restrict vehicular access to the site as follows:** _____
- 1.04 Vacate the following street(s) and/or easement(s):**
 - A. All interfering on-site easements shall be quitclaimed, vacated, and/or submit non-interference letter from affected owner/utility company.
- 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 Financial Services Department at (909) 395-2124 regarding this requirement.
 - (1) _____
 - (2) _____

- 1.09 Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.

- 1.10 Provide a monument bond (i.e. cash deposit) in an amount calculated by the City's approved cost estimate spreadsheet (available for download on the City's website: www.ci.ontario.ca.us) or as specified in writing by the applicant's Registered Engineer or Licensed Land Surveyor of Record and approved by the City Engineer, whichever is greater.

- 1.11 Provide a preliminary title report current to within 30 days.

- 1.12 File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of four (4) 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 Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.

- 1.13 Ontario Ranch Developments:
 - 1) Provide evidence of final cancellation of Williamson Act contracts associated with this tract, prior to approval of any final subdivision map. Cancellation of contracts shall have been approved by the City Council.
 - 2) Provide evidence of sufficient storm water capacity availability equivalents (Certificate of Storm Water Treatment Equivalents).
 - 3) Provide evidence of sufficient water availability equivalents (Certificate of Net MDD Availability).

- 1.14 Other conditions:
 - A. Dedicate to the City of Ontario, the right-of-way, via separate instrument described below:
 - 1. 'B' St to the ultimate full street right-of-way width of 60 feet from easterly tract boundary to 'C' St
 - 2. 'C' St to the ultimate full street right-of-way width of 60 feet from Ontario Ranch Rd to 'B' StProperty line corner 'cut-back' required at the intersection of:
 - 1. 'C' St & 'B' St
 - 2. 'C' St & Ontario Ranch Rd



- B. The Tract Map shall comply with the approved Rich Haven Specific Plan, the Development Agreement and the Conditions of Approval for Tentative Tract Map No. 20449.
- C. Applicant/developer shall obtain all off-site right-of-way/easements necessary to construct the required public improvements identified within Section 2 of these Conditions of Approval.

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

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

- 2.01 Record Tract Map No. 20449 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a PDF of the recorded map to the City Engineer’s office.
- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario per _____
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4, 1972.
- 2.05 Apply for a:
 - Certificate of Compliance with a Record of Survey;
 - Lot Line Adjustment (Record a Conforming Deed with the County of San Bernardino within six months of the recordation of the Lot Line Adjustment to conform the new LLA legal description. Submit a copy of the recorded Conforming Deed to the Engineering Department.);
 - Make a Dedication of Easement.
- 2.06 Provide (original document) Covenants, Conditions and Restrictions (CC&R’s), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R’s shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.
- 2.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume “Disclosure Letter”. Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.
- 2.08 Submit a soils/geology report.
- 2.09 Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies:
 - State of California Department of Transportation (Caltrans)
 - San Bernardino County Road Department (SBCRD)
 - San Bernardino County Flood Control District (SBCFCD)
 - Federal Emergency Management Agency (FEMA)



- Cucamonga Valley Water District (CVWD) for sewer/water service
- United States Army Corps of Engineers (USACE)
- California Department of Fish & Game
- Inland Empire Utilities Agency (IEUA)
- Other: Southern California Edison (SCE) – for any improvements encroaching into their easements**

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 Vacate the following street(s) and/or easement(s):
 A. All interfering on-site easements shall be quitclaimed, vacated, and/or submit non-interference letter from affected owner/utility company.

2.13 **Ontario Ranch 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.**

2.14 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.

2.15 **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.**

2.16 **Pay all Development Impact Fees (DIF) to the Building Department. Final fee shall be determined based on the approved site plan.**

2.17 **Other conditions:**
 A. **Final Utilities Systems Map (USM):** As part of the precise grading plans submittal, provide a Final Utilities Systems Map that shows all existing and proposed utilities (Potable Water, Recycled Water, Sewer, Storm Drain, and other utilities) including each of the City's public utilities' points of connection to the existing systems.



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	Haven Ave	Ontario Ranch Rd	Edison Ave (E)	'A' St
Curb and Gutter	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input checked="" type="checkbox"/> Remove and replace (B)	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 18 ft. from C/L (F,G) <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input checked="" type="checkbox"/> Replacement (A) <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> New (F, G)
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New (C) <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" 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 checked="" type="checkbox"/> New (F, G) <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 checked="" 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"/> Neighborhood edge	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation) <input checked="" type="checkbox"/> Neighborhood edge <input checked="" type="checkbox"/> Multi-purpose trail	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees (F, G) <input checked="" type="checkbox"/> Landscaping (w/irrigation) (F, G)
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace



Fire Hydrant	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input checked="" type="checkbox"/> Modify existing	<input 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
Traffic Signing and Striping (see Sec. 2.F)	<input type="checkbox"/> New <input checked="" type="checkbox"/> Modify existing	<input type="checkbox"/> New <input checked="" type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New (F, G) <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New (F, G) <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Storm Drain (see Sec. 2G)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral (D)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral
Fiber Optics (see Sec. 2K)	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input checked="" type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	_____	_____	_____
Other Improvements	_____	_____	_____	_____



Improvement	'B' St	South Sunrise Ave (TM-20081)/'C' St	All Private Drives	Private Alleys (L)
Curb and Gutter	<input checked="" type="checkbox"/> New; 18 ft. from C/L (H,I) <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 18 ft. from C/L (J, K) <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"/> New (H, I)	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> New (J, K)	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Sidewalk	<input checked="" type="checkbox"/> New (H, I) <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New (J, K) <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 (H, I) <input checked="" type="checkbox"/> Landscaping (w/irrigation) (H, I)	<input checked="" type="checkbox"/> Trees (J, K) <input checked="" type="checkbox"/> Landscaping (w/irrigation) (J, K)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Fire Hydrant	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service



Recycled Water (see Sec. 2.E)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input checked="" 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 (H, I) <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New (J, K) <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 (H, I) <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New (J, K) <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Storm Drain (see Sec. 2G)	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Fiber Optics (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	_____	_____	_____
Other Improvements	_____	_____	_____	_____

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

- A. Redesign and reconstruct the crown at the intersection of Haven Ave at New Haven Marketplace to address rideability concerns to the satisfaction of the City Engineer. The improvements shall be consistent with City standards and Highway Design Manual.**
- B. Remove existing asphalt curb and replace with curb and gutter along the south side of Ontario Ranch Rd to accommodate intersection improvements for South Sunrise Ave/C' St & Ontario Ranch Rd**
- C. Limits of work are the remaining portion of the signalized intersection of S Sunrise Ave/C' St & Ontario Ranch Rd. The scope of work, includes but is not limited to, installing PCC pavement per City Std. No. 1207 and removing an replacing any existing PCC panels to the nearest joint line.**
- D. There are existing temporary storm drain riser structures and appurtenances on the south side of Ontario Ranch Rd approximately 160' east of Haven Ave that are not connected to the existing storm drain system on Ontario Ranch Rd. Make final**



connection to nearby catch basin.

- E. The portion of existing Edison Ave east of Haven Ave will not be vacated at the present time and a paved roadway shall be maintained to provide access for the existing farms and houses located along the south side of Edison Ave. The applicant/developer shall pay an in-lieu fee for the removal of half of existing Edison Ave, including but not limited to, removal of asphalt pavement, asphalt berm and any other public utilities and replacing with landscape and irrigation. The in-lieu fee shall be based on an Engineering cost estimate that is to be reviewed and approved by the City.
- F. Limits are from Haven Ave to Lot 'Z'
- G. Both north and south sides from Haven Ave to Lot 'Z'
- H. Limits are from Lot 'Z' to 'C' St
- I. Both north and south sides from Lot 'Z' to 'C' St
- J. Limits are from 'B' St to Ontario Ranch Rd
- K. Both east and west sides from 'B' St to Ontario Ranch Rd
- L. Lots 'E', 'F', 'G', 'K', 'L', 'M', 'P', 'Q', 'U', 'V', 'W' ONLY.
- M. All utilities and infrastructure shall be designed and installed to the ultimate condition

- 2.18 Construct a 2" asphalt concrete (AC) overlay on the following street(s): Edison Ave along project frontage from edge of pavement to edge of pavement
- 2.19 Reconstruction of the full pavement structural section, per City of Ontario Standard Drawing number 1011, may be required based on the existing pavement condition and final street design. Minimum limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.
- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide water service sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.
- 2.21 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892).
- 2.22 Other conditions:
 - A. Pay an in-lieu fee for the future SCE multi-purpose trail improvements in Lot 'Y'. The in-lieu fee shall be based on an Engineering cost estimate that is to be reviewed and approved by the City.

C. SEWER

- 2.23 A 15 inch sewer main is available for connection by this project in Haven Ave. (Ref: Sewer plan bar code: S15510)
- 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:
 - A. Design and construct an adequately sized sewer main extension in "A" Street, from the point of connection in the intersection of Haven Avenue and "A" Street, extending along the alignment of "A" Street, with a point of connection included towards the easterly limit of "A" Street for future development north of this project.

D. WATER

- 2.27 12 inch water mains are available for connection by this project in Haven Ave and Ontario Ranch Rd. (Ref: Water plan bar code: W15608, W15610)



- 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:**
 - A. **Potable Water Infrastructure:** Design and construct a 12-inch water main extension in "A" Street, from the point of connection in the intersection of Haven Avenue and "A" Street, extending along the alignment of "A" Street, through Lot 'Z' and transitioning into "B" Street to the intersection of "B" Street and "C" Street, due north in "C" Street to the point of connection in the intersection of "C" Street and Ontario Ranch Road. A point of connection shall be included at the intersection of "B" Street and "C" Street to future development east of this project.
 - B. **Domestic Service:** Provide master meter for each type of product (14-plex, 8-unit cluster and 6-unit cluster).
 - C. **Fire Service:** Provide by showing (on Final USM) a fire service for each building for product type 14-plex with a DCDA on private property. Take note other dry utilities such as gas (requires 5' separation) and electrical. No fire service in or crossing the private streets and must maintain Division of Drinking Water (DDW) separation requirements between city's utilities, gas and electric.

E. RECYCLED WATER

- 2.30 A 8 inch recycled water main is available for connection by this project in 'A' St. (Ref: Recycled Water plan bar code: P11430)
- 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:**
 - A. Design and construct an 8-inch recycled water main extension in "A" Street, from the point of connection in the intersection of Haven Avenue and "A" Street.

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:**
 - A. The proposed cul-de-sacs on 'A' St and 'B' St will need to have signing/stripping consistent with roundabouts to avoid wrong way, head on collisions. The cul-de-sacs will need centerline/median striping on the approaches to direct drivers around the



- landscaped circle.
- B. Verify that the proposed traffic control (all-way stop) for the intersection of South Sunrise Ave/'C' St and 'B' St will not cause traffic to back up onto 'C' St and Ontario Ranch Rd.
 - C. Design and construct modifications to the existing traffic signal on Ontario Ranch Rd and South Sunrise Ave/'C' St. The traffic signal modification shall address relocation or upgrade of any affected equipment including poles, video detection, 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. Design and construct the ultimate signing and striping improvements on Ontario Ranch Rd and Sunrise Ave necessary to accommodate 'C' St at the traffic signal.
 - D. Design and construct modifications to the existing traffic signal on Haven Ave and 'A' St/Existing Commercial Driveway. The traffic signal modification shall address relocation or upgrade of any affected equipment including poles, video detection, 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. Design and construct the ultimate signing and striping improvements on Haven Ave and Existing Commercial Driveway necessary to accommodate 'A' St at the traffic signal.
 - E. Design and construct the ultimate signing and striping improvements along the property frontage of Ontario Ranch Rd. Interim striping and pavement transitions may be required beyond the easterly property line to transition back to the existing roadway width.
 - F. Design and construct the ultimate signing and striping improvements along the property frontage of Haven Ave including the northbound section of Haven Avenue north of Schaefer Ave to Aspen/Nelson to install the required 2 northbound thru lanes with a trap right turn lane at the intersection of Aspen/Nelson.
 - G. Design and construct street improvements along property frontage of Ontario Ranch Road, Haven Avenue, 'A' Street (public), 'B' Street (public), and 'C' Street (public) in accordance with conditions listed in 2.17. These, and all other street improvements required herein, shall include, but not limited to, concrete curb and gutter, sidewalk, LED street lights, signing and striping, and parkway landscaping.
 - H. Design and construct speed bumps in the parking lot between the two proposed cul-de-sacs to deter speeding from cut-thru traffic between 'A' Street and 'B' Street. Speed bumps to be shown on the Precise Grading Plan and reviewed/approved by the Building Department and Engineering Department.
 - I. Haven Ave and Ontario Ranch Rd shall be signed "No Stopping Anytime".
 - J. 'A' St shall be signed "No Parking Anytime".
 - K. Parking shall be restricted on 'B' St as it approaches the cul-de-sac and intersection at 'C' St.
 - L. If, at the time of development of TM-20449, "B" Street has not been constructed east of "C" Street into TM-20449, then the Applicant/Developer shall construct temporary dead-end street guard rail per City of Ontario Standard Drawing No. 1310 and 1311.
 - M. All landscaping, block walls, and other obstructions shall be compatible with the stopping sight distance requirements per City of Ontario Standard Drawing No. 1309.
 - N. The Applicant/Developer's engineer-of-record shall meet with City Engineering staff prior to designing and submitting for plan check the signing/striping, street lighting and traffic signal design plans to define limits of improvements.

G. DRAINAGE / HYDROLOGY

- 2.38 A 84 inch storm drain main is available to accept flows from this project in Haven Ave. (Ref: Storm Drain plan bar code: D13610)
- 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:**
 - A. Construct a 36” storm drain line on ‘A’ St from Haven Ave to Lot ‘Z’ and connect to existing 36” storm drain line.
 - B. Construct a 30” storm drain line on Lot ‘Z’ from ‘A’ St to ‘B’ St.
 - C. Construct a 24” storm drain line on ‘B’ St from Lot ‘Z’ to the terminus of ‘B’ St e/o ‘C’ St.
 - D. Construct a 42” storm drain lateral on Haven Ave and connect to existing 84” storm drain line.

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 **Design and construct a Connector Pipe Trash Screen or equivalent Trash Treatment Control Device, per catch basin located within or accepting flows tributary of a Priority Land Use (PLU) area that meets the Full Capture System definition and specifications, and is on the Certified List of the State Water Resources Control Board. The device shall be adequately sized per catch basin and include a deflector screen with vector control access for abatement application, vertical support bars, and removable component to facilitate maintenance and cleaning.**
- 2.47 Other conditions: _____

J. SPECIAL DISTRICTS



- 2.48 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 four (4) 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 Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.
- 2.49 Other conditions: _____

K. FIBER OPTIC

- 2.50 A fiber optic line is available for connection by this project at the southeast corner of Haven Ave and Ontario Ranch Rd and the north side of Ontario Ranch Rd at Sunrise Ave
- 2.51 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. Limits of work are generally located along the project frontages of Haven Ave, Ontario Ranch Rd, 'A' St, 'B' St, 'C' St, all private drives, private alleys (Lots 'E', 'F', 'G', 'K', 'L', 'M', 'P', 'Q', 'U', 'V', 'W') and Lot 'Z'.
- 2.52 Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Broadband Operations Department at (909) 395-2000, regarding this requirement.

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 Ontario Ranch 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.).

4. PRIOR TO FINAL ACCEPTANCE, APPLICANT SHALL:

- 4.01** Complete all Conditions of Approval listed under Sections 1-3 above.
- 4.02** Pay all outstanding fees pursuant to the City of Ontario Municipal Code, including but not limited to, plan check fees, inspection fees and Development Impact Fees.
- 4.03** The applicant/developer shall submit a written request for the City's final acceptance of the project addressed to the City Project Engineer. The request shall include a completed Acceptance and Bond Release Checklist, state that all Conditions of Approval have been completed and shall be signed by the applicant/developer. Upon receipt of the request, review of the request shall be a minimum of 10 business days. Conditions of Approval that are deemed incomplete by the City will cause delays in the acceptance process.
- 4.04** Submit record drawings (PDF) for all public improvements identified within Section 2 of these Conditions of Approval.



EXHIBIT 'A'

ENGINEERING DEPARTMENT First Plan Check Submittal Checklist

Project Number: PMTT21-014, and/or Tract Map No. 20449

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. **Include a PDF (electronic submittal) of each required improvement plan at every submittal.**
6. **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).**
7. **Three (3) sets of Public 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 processing fee**



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



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director
Rudy Zeledon, Planning Director (Copy of memo only)
Diane Ayala, Advanced Planning Division (Copy of memo only)
Charity Hernandez, Economic Development
Matt Montieth, Building Department
Raymond Lee, Engineering Department
Jamie Richardson, Landscape Planning Division
Dennis Mejia, Municipal Utility Company
Gabriel Gutierrez, Police Department
Mike Gerken, Deputy Fire Chief/Fire Marshal
Jay Bautista, T. E., Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Eric Woosley, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department

FROM: Lorena Mejia, Senior Planner

DATE: August 10, 2021

SUBJECT: FILE #: PMTT21-014

Finance Acct#:

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

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

PROJECT DESCRIPTION: A Tentative Tract Map (TT20449) for condominium purposes to subdivide 35.65 gross acres of land into 93 numbered lots for residential units and 53 lettered lots for common open space, located within Planning 9A (Residential & Commercial) land use district of the Rich-Haven Specific Plan, located on the SEC of Ontario Ranch Road and Haven Avenue. APN:0218-211-01

The plan does adequately address the departmental concerns at this time.

- No comments
- Report attached (1 copy and email 1 copy)
- Standard Conditions of Approval apply

The plan does not adequately address the departmental concerns.

- The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

FIRE Department [Signature] Signature FIRE MARSHAL Title 8/11/2021 Date



CITY OF ONTARIO

MEMORANDUM

TO: Lorena Mejia, Senior Planner
Planning Department

FROM: Mike Gerken, Deputy Fire Chief/Fire Marshal
Fire Department

DATE: August 11, 2021

SUBJECT: PMTT21-014 - A Tentative Tract Map (TT20449) for condominium purposes to subdivide 35.65 gross acres of land into 93 numbered lots for residential units and 53 lettered lots for common open space, located within Planning 9A (Residential & Commercial) land use district of the Rich-Haven Specific Plan, located on the SEC of Ontario Ranch Road and Haven Avenue. APN;0218-211-01

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

SITE AND BUILDING FEATURES:

- A. 2019 CBC Type of Construction: Type V-B wood frame
- B. Type of Roof Materials: non-rated
- C. Ground Floor Area(s): Various
- D. Number of Stories: Not Listed
- E. Total Square Footage: Various
- F. 2019 CBC Occupancy Classification(s): R-3, U

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 website at www.ontarioca.gov/Fire/Prevention.
- 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.
- 2.7 Any time PRIOR to on-site combustible construction and/or storage, a minimum twenty-four (24) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services.

3.0 WATER SUPPLY

- 3.1 The required fire flow per Fire Department standards, based on the 2019 California Fire Code, Appendix B, is 1500 gallons per minute (g.p.m.) for 2 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300’) apart, per Engineering Department specifications.
- 3.4 The public water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

4.0 FIRE PROTECTION SYSTEMS

- 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 13 D. 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.

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. Homes that do not front street shall be provided with an address entry sign at the street. 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.
- 5.5 All residential chimneys shall be equipped with an approved spark arrester meeting the requirements of the California Building Code.



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director
Rudy Zeledon, Planning Director (Copy of memo only)
Diane Ayala, Advanced Planning Division (Copy of memo only)
Charity Hernandez, Economic Development
Matt Montieth, Building Department
Raymond Lee, Engineering Department
Jamie Richardson, Landscape Planning Division
Dennis Mejia, Municipal Utility Company
Gabriel Gutierrez, Police Department
Mike Gerken, Deputy Fire Chief/Fire Marshal
Jay Bautista, T. E., Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Eric Woosley, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department

FROM: Lorena Mejia, Senior Planner

DATE: August 10, 2021

SUBJECT: FILE #: PMTT21-014 Finance Acct#:

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

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 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
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- No comments
- Report attached (1 copy and email 1 copy)
- Standard Conditions of Approval apply

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- The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

POLICE
Department

ANTONIO GALSA
Signature

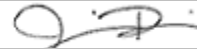
POLICE OFFICER
Title

8/16/21
Date

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

CONDITIONS OF APPROVAL

Sign Off



1/10/2022

Jamie Richardson, Sr. Landscape Planner

Date

Reviewer's Name:

Jamie Richardson, Sr. Landscape Planner

Phone:

(909) 395-2615

D.A.B. File No.:

PMTT21-014

Case Planner:

Lorena Mejia

Project Name and Location:

Tentative Tract Map for condominium purposes to subdivide 35.65 for residential & commercial
 TM20449

Applicant/Representative:

BrookCal – Tim Robert
 3200 Park Center Drive
 Costa Mesa, CA 92626



A Tentative Tract Map (dated 12/09/2021) has been approved considering that the following conditions below be met upon submittal of the landscape construction documents.



A Tentative Tract Map (dated) has not been approved. Corrections noted below are required before DAB approval.

A RESPONSE SHEET IS REQUIRED WITH RESUBMITTAL OR PLANS WILL BE RETURNED AS INCOMPLETE.

Landscape construction plans with plan check number may be emailed to:

landscapeplancheck@ontarioca.gov

Future Development Plan Conditions based on Tract Map Approval:

1. Design utilities and show required separations. Utilities shall be designed to allow for a required minimum of 5' landscape areas within private alleys.
2. Residential projects shall use recycled water for HOA maintained property (parks, parkways, neighborhood edges, common areas). Potable water with a backflow shall only be used on single-family detached properties even if HOA maintained.
3. Note decorative paving for all motor courts, including the lots facing the parking rows aisles.
4. Note on Tract Map for Future Development: Common open space shall be designed to create spaces that utilize trees, landscaping, and recreational facilities. Consider incorporating elements such as landscape planters, pathways, benches, gazebos, raised planters, and other unique features. Recreational features may include permanent play areas, bocce ball, bags (cornhole), table tennis, or other activities. Consider play equipment that incorporates nature play, splash pads, or other interactive features other than traditional play equipment. Park space shall include amenities; consider spaces for family gatherings and games such as permanent table tennis, bocce ball, shade structures, fire pits, BBQ. Incorporate with play areas. Provide unique, challenging play equipment for playgrounds. Consider Nature-inspired equipment from Landscape Structures, Play World, etc. Consider a small splash pad in the play area, if possible.
5. DG trails and parkways at corners (Haven Ave. and Ontario Ranch Road) shall have the trail curve into the sidewalk rather than out to the corner ramp; OK to end parkway landscape before corner utilities.
6. Note corner ramp and sidewalk per city standard drawing 1213 with max 10' or 13' of ramp and sidewalk behind corners.
7. Corners: Verify dimension and grade for required monumentation (see Specific Plan for detail). Adjacent walls shall not interfere with required monumentation.
8. Identify any privately maintained monumentation; show the entire monumentation, including footings, within a private lettered lot.

9. Show and identify any on-site stormwater infiltration areas or stormwater infiltration devices proposed in parkways or other landscape areas.

On Grading or Utility Construction Plans:

10. Stormwater infiltration devices located in parkways or other landscape areas shall be routed to this department to be reviewed and approved before permit approval or installation.
11. Note decorative paving for all motor courts, including the lots facing the parking rows aisles.
12. Note for compaction to not be greater than 85% at landscape areas; all finished grades 1 ½" below finished surfaces; landscaped slopes to max 3:1.
13. Show infiltrating catch basins with two ¾" dia. holes in bottom set on 12" square of filter fabric wrapped gravel, located 5' or greater from buildings and 24" from the sidewalk, add detail.
14. Show or note transformers shall be located in planter areas and set back 3' from paving for small transformers less than 4' high and 5' setback for large transformers greater than 4' high. Locate on level grade. Coordinate with landscape plans.
15. Show or note backflow devices shall be located in planter areas and set back min 3' from paving. Locate on level grade. Coordinate with landscape plans.
16. Provide a utility clear space 8' wide in parkways 30' apart for street trees. Move water meters, drain lines, light standards to the minimum spacing to allow space for street trees.
17. Show light standards 15' away from required tree locations.
18. Wall footings shall not restrict landscape; max 12" in front of footing with 12" of cover.
19. Show on plans step-outs at parking spaces adjacent to planters; 12" wide monolithic curb, 12" compacted decomposed granite or pavers adjacent to the 6" curb.
20. Wall openings for drainage overflow shall be max 4" wide.
21. Provide a solid surface path from the driveway to the side yard gate for entry and trash bin access.
22. AC units shall be located in residential side yards, opposite the main back yard access path with gate, or a second gate and solid surface path on the opposite side added for access.
23. Before installation, stormwater infiltration devices located in landscape areas shall be reviewed and approved by the Landscape Planning Division.
24. 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.
25. Add notes for any tree removal to occur outside of typical nesting season (February 1 through August 31) or per the specific plan EIR mitigation Measures.
26. After a project's entitlement approval, the applicant shall pay all applicable fees at a rate established by resolution of the City Council.

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PMTT21-014

Address: SEC of Ontario Ranch Road & Haven Avenue

APN: 0218-211-01

Existing Land Use: Vacant/Mass Graded

Proposed Land Use: TTM (TT20449) to subdivide 35.65 acres of land into 93 numbered lots for residential units and 53 lettered lots

Site Acreage: 35.56 Proposed Structure Height: N/A

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Lorena Mejia

Date: 12/23/2021

CD No.: 2021-050

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

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

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

Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

Real Estate Transaction Disclosure Required

Airport Planner Signature: _____



PLANNING COMMISSION STAFF REPORT

April 26, 2022

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

FILE NO.: PDCA22-003

SUBJECT: A public hearing to consider certain clarifications and revisions to the City of Ontario Development Code, addressing: [1] time extensions for discretionary projects (Section 2.02.025.B.2.c); [2] public notification requirements for Minor Variances (Section 2.03.010); [3] administrative exceptions (Sections 4.02.020 and 4.03.050, and Tables 2.02-1 and 2.03-1); [4] specific plan minor amendments (Section 4.02.080); [5] housing and reasonable accommodations (Sections 4.02.035 and 4.03.055, and Tables 2.02-1 and 2.03-1); [6] accessory dwelling units (Section 5.03.010); [7] minimum useable rear yard area for single-family dwellings (Section 5.03.011); [8] banquet facilities on historic properties (Section 5.03.067); [9] retail sales events (Section 5.03.395 and Table 8.01-1); [10] conversion of garages to accommodate accessory dwelling units (section 6.01.010); [11] definition for “garage” (Section 9.01.010.G); [12] single-family two-unit projects and urban lot splits, rescinding Urgency Ordinance No. 3200 and adopting standards (Sections 5.03.403 and 6.08.060, and Tables 2.02-1 and 2.03-1); and [13] certain allowed land uses (Table 5.02-1); **City Initiated. City Council action is required.**

RECOMMENDED ACTION: That the Planning Commission consider and adopt the resolution recommending the City Council approve File No. PDCA22-003, pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: The proposed Development Code Amendment is of citywide impact, affecting approximately 50 square miles (31,789 acres) of land, which is generally bordered by Benson Avenue and Euclid Avenue on the west; Interstate 10 Freeway, Eighth Street, and Fourth Street on the north; Etiwanda Avenue and Hamner Avenue on the east; and Merrill Avenue and the San Bernardino County/Riverside County boundary on the south. The City of Ontario is substantially built-out with a mix of residential, commercial, industrial, agricultural, airport, recreational, and institutional/public land uses. According to the latest US Census forecast, the City of Ontario's 2022 estimated population is 197,866 persons and in terms of population, is ranked the 23rd largest city in the State and the 126th largest in the nation.

PROJECT ANALYSIS: The proposed Development Code Amendment consists of certain clarifications and revisions to the City of Ontario Development Code, as follows:

Case Planner:	Charles Mercier, Principal Planner
Planning Director Approval:	
Submittal Date:	3/8/2022

Hearing Body	Date	Decision	Action
PC	4/26/2022		Recommend
CC-1 st Reading	6/7/2022		Introduction
CC-2 nd Reading	6/21/2022		Final

(1) Provisions addressing time extension limits for discretionary projects (Development Code Section 2.02.025.B.2.c) will be revised to clarify that a total of three one-year time extensions may be granted for discretionary actions, such as Development Plans, Conditional Use Permits, and Variances. Time extensions for Tentative Tract and Parcel Maps will continue to be subject to the requirements of the State's Subdivision Map Act, which allows one or more extensions, not exceed a total of six years.

(2) Public notification requirements for Minor Variances will be added to clarify that the notification of the owners of any property that abuts a property with a proposed Minor Variance will be required to be notified of the proposed application (Development Code Section 2.03.010). Additionally, Minor Variances will be retitled as "Minor Adjustments and Alterations."

(3) Development Code provisions governing Specific Plan Minor Amendments will be retitled as "Specific Plan Minor Adjustments and Alterations" to reflect the limited scope of the application (Development Code Section 4.02.080).

(4) Development Code provisions governing Administrative Exceptions currently incorrectly classify the application as requiring a discretionary action and will, therefore, be rescinded. New provisions are proposed that correctly establish Administrative Exceptions as a ministerial action (Development Code Sections 4.02.020 and 4.03.050, and Tables 2.02-1 and 2.03-1).

(5) The current Development Code provisions governing Housing and Reasonable Accommodations are incorrectly classified as requiring a discretionary action and will, therefore, be rescinded. New provisions are proposed that correctly establish Housing and Reasonable Accommodations as a ministerial action (Development Code Sections 4.02.035 and 4.03.055, and Tables 2.02-1 and 2.03-1).

(6) Development Code provisions governing Accessory Dwelling Units (ADUs) will be modified, adding the requirements of Assembly Bill 345, which allows for the conveyance of an ADU separate from the primary residence if the ADU or primary dwelling was built or developed by a qualified nonprofit corporation and certain conditions are met (Development Code Section 5.03.010).

(7) The current Development Code provisions stipulating the minimum useable rear yard area for single-family dwellings will be simplified, requiring that a traditional single-family dwelling maintain a useable rear yard area having minimum dimension of 20 FT in any horizontal direction and small lot single-family dwelling maintain a useable rear yard having a minimum dimension of 10 FT in any horizontal direction (Development Code Section 5.03.011). This revision has been proposed eliminate a conflict with current ADU provisions.

(8) Current Development Code provisions governing banquet facilities established in conjunction with commercial structures on historic properties will be amended to clarify

that no banquet facilities shall be allowed in the MU-1 (Downtown Mixed Use) zoning district (Development Code Section 5.03.067). This revision will eliminate an existing conflict with Development Code Table 5.02-1 (Land Use Matrix).

(9) Current Development Code provisions governing Retail Sales Events will be modified to clarify that the provisions also cover "other similar business events." Additionally, the current provisions that limit such events to the holiday sale periods of President's Day, Memorial Day, Independence Day, Labor Day, and four additional periods per year will be amended, eliminating the four stated holidays, and allowing a maximum of eight, one-week periods per calendar year (Development Code Section 5.03.395 and Table 8.01-1).

(10) Current Development Code provisions stipulating that no garage can be converted to another use unless a replacement garage is constructed on-site will be clarified to provide that a garage conversion that accommodates an ADU is exempt from the replacement garage requirement (Development Code section 6.01.010). This revision will eliminate a conflict with the Development Code's current ADU provisions, as well as a conflict with State law.

(11) The current Development Code definition for "garage" will be amended to clarify that a garage must be enclosed on all four sides (Development Code Section 9.01.010.G).

(12) Urgency Ordinance No. 3200 was adopted by the City Council on December 21, 2021, establishing standards for single-family two-unit projects and urban lot splits in accordance with State law (Senate Bill 9). This Development Code Amendment will rescind the urgency ordinance and adopt permanent standards to be included in the Development Code (Development Code Sections 5.03.403 and 6.08.060, and Tables 2.02-1 and 2.03-1).

(13) Amend provisions for certain allowed land uses, as follows (Development Code Table 5.02-1):

(a) Technical, Trade and Vocational Schools — Conditionally permit technical, trade and vocational schools in the IG (General Industrial) zoning district. This revision would allow for the location of technical, trade and vocational schools that specialize in education and training for industrial-related industries, such as motor vehicle fabrication, repair, maintenance, and customization; truck driving; forklift driving and operation; and other industrial activities

(b) Other Residential Care Facilities — Prohibit adult residential care facilities for more than 6 persons, which do not require a State-issued license to operate, such as but not limited to group homes for the hearing or visually impaired, halfway group homes for ex-offenders, group homes for unwed mothers, group homes for the disabled without nursing care, and group sober living facilities.

The proposed provisions of the Development Code Amendment are shown in Exhibit A (Development Code Amendment) of this report. Any provisions proposed for deletion are shown in red strikeout text (~~Abcdefg~~) and all additions are shown in yellow highlighted text (Abcdefg).

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

(1) City Council Goals.

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

(2) Vision.

Distinctive Development:

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

(3) Governance.

Decision Making:

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

(4) Policy Plan (General Plan).

Land Use Element:

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
 - LU1-1: Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.
 - LU1-2 Sustainable Community Strategy. We integrate state, regional and local Sustainable Community/Smart Growth principles into the development and entitlement process.
 - LU1-3 Adequate Capacity. We require adequate infrastructure and services for all development.
 - LU1-4 Mobility. We require development and urban design, where appropriate, that reduces reliance on the automobile and capitalizes on multi-modal transportation opportunities.
 - LU1-6 Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.
 - LU1-7 Revenues and Costs. We require future amendments to our Land Use Plan to be accompanied by analyses of fiscal impacts.
- 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.
- Goal LU4: Development that provides short-term value only when the opportunity to achieve our Vision can be preserved.
 - LU4-3 Infrastructure Timing. We require that the necessary infrastructure and services be in place prior to or concurrently with development.

Housing Element:

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

➤ H2-1 Corridor Housing. We revitalize transportation corridors by encouraging the production of higher density residential and mixed-uses that are architecturally, functionally, and aesthetically suited to corridors.

➤ H2-3 Ontario Airport Metro Center. We foster vibrant, urban, intense and highly amenitized community in the Ontario Airport Metro Center Area through a mix of residential, entertainment, retail and office-oriented uses.

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

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

Community Economics Element:

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

➤ CE1-1 Jobs-Housing Balance. We pursue improvement to the Inland Empire's balance between jobs and housing by promoting job growth that reduces the regional economy's reliance on out-commuting.

➤ CE1-7 Retail Goods and Services. We seek to ensure a mix of retail businesses that provide the full continuum of goods and services for the community.

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

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

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

➤ CE2-6 Public Maintenance. We require the establishment and operation of maintenance districts or other vehicles to fund the long-term operation and maintenance of the public realm whether on private land, in rights-of-way, or on publicly owned property.

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.

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

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

➤ CD1-4 Transportation Corridors. We will enhance our major transportation corridors within the City through landscape, hardscape, signage, and lighting.

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

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

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

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

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

➤ CD2-3 Commercial Centers. We desire commercial centers to be distinctive, pedestrian friendly, functional, and vibrant with a range of businesses, places to gather, and connectivity to the neighborhoods they serve.

➤ CD2-5 Streetscapes. We design new and, when necessary, retrofit existing streets to improve walkability, bicycling and transit integration, strengthen connectivity, and enhance community identity through improvements to the public right of way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.

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

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

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

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

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

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

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

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

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

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

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

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

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

HOUSING ELEMENT COMPLIANCE: The Project will be consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project furthers the purposes, principals, goals, and policies of the Housing Element, in that it will provide for urban lot splits and the construction of two-unit single-family development projects, and, under certain circumstances, provides for the conveyance of accessory dwelling units separate from the main dwelling, thereby further promoting alternate forms of home rental and fee-simple homeownership.

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

ENVIRONMENTAL REVIEW: The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061 (b) (3) of the CEQA Guidelines, in that the activity is covered by the common sense exemption (general rule) that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Exhibit A: DEVELOPMENT CODE AMENDMENT

PART I: Subparagraph B.2.c Development Code Section 2.02.025 (Time Limits and Extensions) shall be amended to read as follows:

“c. A discretionary permit or action may be granted Time Extensions in one-year increments, ~~for a period or periods~~ not to exceed a total of ~~5 years~~ ~~three one-year time extensions~~, excepting tentative subdivision maps, which shall be subject to the provisions of GC Section 66452.6.”

PART II: Subparagraph C.1.b(1) of Development Code Section 2.03.010 (Public Hearing Notification) shall be amended to read as follows:

“(1) ~~For large family daycare facilities, the area of notification shall be within 100 FT of the exterior boundaries of the property that is the subject of the hearing~~ For Minor Variances, the area of notification shall include all properties having a property line common with the affected property; and”

PART III: Development Code Section 4.02.080 (Minor Specific Plan Amendments) shall be amended to read as follows:

“4.02.080: Specific Plan Minor ~~Amendments~~ Adjustments and Alterations

A. Purpose. The purpose of this Section is to establish a procedure by which minor departures from the strict application of the development standards and/or design guidelines established by a Specific Plan may be approved, provided the requested departure is in the interest of furthering the goals and policies of the affected Specific Plan and The Ontario Plan.

B. Applicability.

1. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority is hereby empowered to approve, approve in modified form, or deny a Specific Plan Minor ~~Amendment~~ Adjustments and Alterations application, and to impose reasonable conditions upon the approval of the application.

2. The following constitute minor ~~modifications~~ adjustments and/or alterations, not requiring a Specific Plan Amendment and/or update of the affected specific plan:

a. A net change of not more than 15 percent to the number of units within an individual residential area, provided the total number of units for the entire specific plan area does not exceed that established in the affected specific plan;

b. Adjustment of a residential planning area boundary, provided the total acreage of the affected area does not increase or decrease the total acreage stated in the affected specific plan by more than 15 percent;

c. Minor ~~changes~~ adjustments and/or alterations to landscape materials, wall materials, wall alignment, entry design, and streetscape design, which are consistent with the conceptual design set forth in the affected specific plan's development standards and design guidelines;

d. Minor ~~changes~~ adjustments and/or alterations to design guidelines, which are intended to be conceptual in nature, and are clearly intended to be flexible in implementation;

e. Other ~~modifications~~ adjustments and/or alterations of a similar nature to those listed above, which are deemed minor by the Planning Director to be in keeping with the purpose and intent of the affected specific plan and are in conformance with The Ontario Plan; and

f. Adjustments in street alignments and dimensions that as deemed appropriate by the City Engineer, which are in keeping with the purpose and intent of the specific plan and are consistent with the purpose, principles, goals, and policies, of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, provided the changes do not impact the sizing of master planned infrastructure,

C. Application Filing, Processing and Hearing. A Specific Plan Minor Amendment application shall be filed, processed, and acted upon pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section. A noticed hearing pursuant to Division 2.03 (Public Hearings) of this Development Code shall not be required.

D. Findings and Decision. A Specific Plan Minor ~~Amendment~~ Adjustment and/or Alteration shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The proposed Specific Plan Minor ~~Amendment~~ Adjustment and/or Alteration is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and the specific plan;

2. The proposed Specific Plan Minor ~~Amendment~~ Adjustment and/or Alteration is reasonable and beneficial, and in the interest of good planning practice; and

3. The proposed Specific Plan Minor ~~Amendment~~ Adjustment and/or Alteration will not adversely affect the harmonious relationship with adjacent properties and land uses."

PART IV: Subsection C (Administrative Exceptions) of Development Code Section 4.02.020 (Administrative Exceptions, Minor Variances and Variances) shall be rescinded and all subsequent existing provisions of Development Code Section 4.02.020 shall be renumbered in correct alphanumeric order. Development Code Section 4.03.050 (Administrative Exceptions) shall be added to read as follows:

"4.03.050: Administrative Exceptions

A. Purpose. The Administrative Exception is hereby established for the purpose of granting minor departures from the strict application of certain numerical development standards established by this Development Code, when the departure would result in superior site, landscape, or architectural design features that could not otherwise be incorporated into a development project under the strict application of the development standards contained in this Development Code.

B. Applicability.

a. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority is hereby empowered to approve, approve in modified form, or deny an Administrative Exception application, and to impose reasonable conditions upon the approval of the application.

b. Administrative Exceptions may be approved for reductions of up to 10 percent from:

(1) Minimum setback and separation requirements, excepting nonresidential setback requirements from property lines that are common with any residentially zoned property; and

(2) Off-street parking required for nonresidential land uses pursuant to Table 6.03-1 (Off-Street Parking Requirements).

c. An Administrative Exception shall not be approved for reductions from minimum lot size, lot dimensions, landscape coverage, or residential parking requirements, or for an increase in maximum density, floor area ratio, or the height of a structure.

C. Application Filing, Processing and Hearing.

1. An Administrative Exception shall be filed and processed pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

2. A hearing shall not be required; however, the owners of all properties having a property line common with the affected property shall be notified of the proposed Administrative Exception pursuant to Section 2.03.010 (Public Hearing Notification) of this Development Code and shall be invited to comment on the application.

D. Findings and Decision. An Administrative Exception shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and any comments received from property owners notified pursuant to Subparagraph C.3.b of this Section, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The approval of the Administrative Exception is necessary to the production of a comprehensive development, incorporating an enhanced environment and architectural excellence (e.g., appropriate variety of structure placement and orientation opportunities, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, etc.) than would normally be possible under the strict application of the applicable development standards;

2. The approval of the Administrative Exception will allow for the inclusion of site, architectural, or landscape features that could not otherwise be incorporated into the design of the project under the strict application of the provisions of the applicable development standards; and

3. The approval of the Administrative Exception will not adversely affect the overall quality of development on the project site and will not adversely affect neighboring properties.

4. The proposed Administrative Exception is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and the purposes of any applicable Specific Plan or Planned Unit Development, and the purposes of this Development Code.

E. Conditions of Approval.

1. In approving an Administrative Exception, the Approving Authority may require certain safeguards and impose certain conditions established to ensure that the purposes of this Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s).

2. All conditions of approval or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code."

PART V: Development Code Section 4.02.035 (Fair Housing and Reasonable Accommodations) shall be rescinded and Development Code Section 4.03.055 (Fair Housing and Reasonable Accommodations) shall be added to read as follows:

"4.03.055: Fair Housing and Reasonable Accommodations

A. Purpose. Pursuant to Federal and State fair housing laws, the purpose of this Section is to provide a procedure whereby exceptions from specific applications of this Development Code may be considered and properly evaluated in order to assure that no person is discriminated against on the basis of race, color, religion, sex, sexual orientation, family status, marital status, disability, national origin, source of income, or ancestry, by being denied an equal opportunity to use and enjoy a dwelling.

B. Applicability.

1. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority is hereby empowered to approve, approve in modified form, or deny a Fair Housing and Reasonable Accommodation application and to impose reasonable conditions upon the approval of the application.

2. The Approving Authority may approve reasonable exceptions from the provisions of this Development Code, except that a Fair Housing and Reasonable Accommodation request shall not be approved that would allow the establishment of a land use that would not otherwise be allowed in the zoning district in which the affected property is located, or for increases in residential density.

C. Application Filing, Processing and Hearing. A Fair Housing and Reasonable Accommodation application shall be filed, processed, and heard pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

D. Findings and Decision. A Fair Housing and Reasonable Accommodation request shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The persons who will use the subject property are protected under federal and state fair housing laws;

2. The requested exception is necessary to make specific housing available to a person who will occupy the subject property and who is protected under federal and state fair housing laws;

3. The requested exception will not impose an undue financial or administrative burden upon the City; and

4. The requested exception will comply with all applicable Building and Fire Codes and will not result in a fundamental alteration of the planning, zoning and development laws and procedures of the City.

E. Conditions of Approval.

1. In approving a Fair Housing and Reasonable Accommodation application, the Approving Authority may require certain safeguards and impose certain conditions established to ensure that the purposes of this Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s).

2. All conditions of approval or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code."

PART VI: Paragraphs C.11 (Qualified Buyer) and C.12 (Qualified Nonprofit Corporation) of Development Code Section 5.03.010 (Accessory Dwelling Units) shall be added to read as stated below. All subsequent existing provisions contained in Subsection C (Definitions) shall be renumbered in correct alphanumeric order.

"11. **Qualified Buyer.** Persons and families of low or moderate income, as that term is defined in Health and Safety Code Section 50093.

12. Qualified Nonprofit Corporation. A nonprofit corporation organized pursuant to Internal Revenue Code Section 501(c)(3), which has received a welfare exemption under Revenue and Taxation Code Section 214.15, for properties intended to be sold to low-income families who participate in a special no-interest loan program."

PART VII: Paragraph E.4 (No Separate Conveyance) of Section 5.03.010 (Accessory Dwelling Units) shall be amended to read as follows:

"4. No Separate Sale or Conveyance. An ADU or JADU may be rented; however, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all other dwellings (in the case of a multiple-family lot), except as provided by Subsection H (Sale or Conveyance of ADUs Separate from the Primary Residence) of this Section."

PART VIII: Subsection H (Sale or Conveyance of ADUs Separate from the Primary Residence) of Section 5.03.010 (Accessory Dwelling Units) shall be added to read as follows:

"H. Sale or Conveyance of ADUs Separate from the Primary Residence. Notwithstanding Paragraph E.4 (No Separate Sale or Conveyance) of this Section, an ADU can be sold or conveyed separately from the primary residence to a qualified buyer; provided, all of the following conditions are met:

1. The ADU or the primary dwelling was built or developed by a qualified nonprofit corporation.

2. There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in Revenue and Taxation Code Section 402.1(10(a).

3. The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

a. The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies.

b. A repurchase option that requires the qualified buyer to first offer the purchase of the ADU or primary dwelling to the qualified nonprofit corporation should the buyer desire to later sell or convey the property.

c. A requirement that the qualified buyer occupy the ADU or primary dwelling as the buyer's principal residence.

d. Affordability restrictions on the sale and conveyance of the accessory dwelling unit or primary dwelling that ensures the ADU and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.

e. Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the latter cotenant's obligations to each of the other cotenants have been satisfied.

f. Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.

g. Procedures for dispute resolution among the parties before resorting to legal action.

4. A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Revenue and Taxation Code Section 480.3.

5. Notwithstanding the requirements of Paragraph G.2 (Utility Fees) of this Section, if requested by a utility providing service to the primary residence, the ADU shall be provided separate water, sewer, or electrical connection to that utility."

PART IX: Paragraph D.14 of Development Code Section 5.03.011 (Accessory Dwelling Units) shall be amended to read as follows:

"14. A lot developed with an Accessory Residential Structure shall maintain a useable rear yard as follows: ~~that is equal to a minimum of 10 percent of the net lot area. In addition, a~~

a. A traditional single-family dwelling shall maintain a useable rear yard area having minimum dimension of 20 FT in any **horizontal** direction; and

b. A small lot single-family dwelling shall maintain a useable rear yard having a minimum dimension of 10 FT in any **horizontal** direction."

PART X: Section 5.03.067 (Banquet Facilities - Historic Properties) shall be amended to read as follows:

"**A.** A banquet facility shall be allowed in all zoning districts within a commercial structure or on property designated as a local historic landmark, or a contributing structure within a designated historic district, established pursuant to Section 4.02.040 (Historic Preservation—Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservations Areas) of this Development Code, and shall be subject to the regulations therein during the life of the permit, **except that no banquet facility shall be allowed in the MU-1 (Downtown Mixed Use) zoning district.**

B. The minimum number of parking spaces required shall be provided pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code. A parking demand study may be prepared by a qualified traffic consultant or engineer to support a reduction in the required number of parking spaces. The intent is to provide lower, flexible parking standards wherever possible and appropriate. Consideration shall be given to shared parking systems, on and off-street parking resources, compatibility with historic patterns of development, and the availability of mass transit resources.

C. Live entertainment shall be prohibited. Request for live entertainment shall require conditional use permit approval by the Zoning Administrator. Karaoke, DJs, live musical acts, and other similar forms of entertainment are considered live entertainment. Amplified prerecorded music may be permitted; however, the sound emitted from the premises shall not be audible beyond the property lines of the business establishment.

D. Alcohol beverage sales shall be ~~prohibited. Request for service of alcohol beverage sales shall require a conditional use permit by the Zoning Administrator~~ **allowed subject to the approval of a Conditional Use Permit issued pursuant to the requirements of Section 4.02.015 (Conditional Use Permits) and Section 5.03.025 (Alcoholic Beverage Sales) of this Development Code.**

E. The applicant shall comply with all applicable building code regulations related to the change of use of the structure to a banquet facility."

PART XI: Subparagraph G.1 (Retail Sales Events) of Development Code Section 5.03.395 (Temporary and Interim Land Uses, Buildings, and Structures) shall be amended to read as follows:

"1. Retail Sales Events and Other Similar Business Events. Retail sales events and other similar business events, including but not limited to special outdoor sales, sidewalk sales, and parking lot sales, are subject to the following:

a. A retail sales event or other similar business event shall only be allowed in conjunction with a legally established business that has been operated for a period of at least 180 days prior to the retail sales event or other similar business event.

b. Retail sales events and other similar business events shall be limited to ~~the holiday sale periods of President's Day, Memorial Day, Independence Day, and Labor Day, and 4 additional periods~~ eight, one-week periods per calendar year, for each per business location. The additional one-week periods may be used consecutively, not to exceed a total of 56 days per calendar year.

~~c. Retail sales events shall be limited to maximum 7 days duration.~~

c. The outdoor display of merchandise shall be restricted to an area directly adjacent to the business' exterior storefront; however, in the case of shopping centers, when it is not practical for the outdoor display area to be located directly adjacent to the business front, the sale area shall be located in an area as close as practically possible, to the business' exterior storefront.

d. The display of merchandise shall not impede pedestrian or vehicular circulation.

e. All merchandise, materials, signs, and debris shall be removed from the outdoor area by 9:00AM following the last day of the retail sales event."

PART XII: Paragraph F.8 of Development Code Section 6.01.010 (Residential Zoning Districts) shall be amended to read as follows:

"8. Conversion of Garages. No garage shall be converted to another use unless a replacement garage is constructed on-site, which meets the minimum requirements of Division 6.03 (Off-Street Parking and Loading) of this Chapter, excepting a garage conversion to accommodate an Accessory Dwelling Units conforming to Section 5.03.010 (Accessory Dwelling Units) of this Development Code."

PART XIII: Subsection G (Definition of Words Beginning with the Letter "G") of Development Code Section 9.01.010 (Terms and Phrases) shall be amended, revising the definition of "garage" as follows:

"**Garage.** An accessory structure or portion of a main structure that is fully enclosed ~~on 3 or more sides~~ and designed for the shelter or storage of motor vehicles."

PART XIV: Rescind Ordinance No. 3200, an urgency ordinance establishing standards for the development of Single-Family Two-Unit Projects and Urban Lot Splits, and Development Code Section 5.03.403 (Single-Family Two-Unit Projects) and Section 6.08.060 (Urban Lot Splits) shall be added to read as follows:

“Section 5.03.403: Single-Family Two-Unit Projects

A. Purpose. The purpose of this Section is to allow and appropriately regulate Single-Family Two-Unit Projects pursuant to GC Section 65852.21.

B. Definition. A “Two-Unit Project” means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot pursuant to the requirements of this Section.

C. Application.

1. Only individual property owners may apply for a Two-Unit Project. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corporation, S corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Section 214.15).
2. An application for a Two-Unit Project shall be submitted on a City application form.
3. The applicant shall obtain a certificate of compliance with the Subdivision Map Act for the lot and provide the certificate with the application.
4. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days following application submittal.
5. The City may establish a fee to recover its costs for adopting, implementing, and enforcing this Section of the Development Code, pursuant to applicable law. The City council may establish and change the fee by resolution. The fee shall be paid with the application.

D. Approval.

1. An application for a Two-Unit Project is approved or denied ministerially, by the Planning Director, without discretionary review.

2. The ministerial approval of a Two-Unit Project does not take effect until the City has confirmed that all required documents have been recorded, such as the deed restriction and easements.
3. The approval shall require the owner and applicant to hold the City harmless from all claims and damages related to the approval and its subject matter.
4. The approval shall require the owner and applicant to reimburse the City for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this Development Code.

E. Requirements. A Two-Unit Project shall satisfy all of the following requirements:

1. Subdivision Map Act (SMA) Compliance. The lot shall have been legally subdivided.
2. Zoning District. The lot is in a single-family residential zoning district. For the purpose of this Section, the term "single-family residential zoning district" shall mean the LRD-5 (Low Density Residential – 2.1 to 5.0 DU/Acre) zoning district.
3. Lot Location. Pursuant to the GC Section 65913.4(a)(6)(B) through (K), the lot to be split shall not be located on a site that is any of the following:
 - a. Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
 - b. A wetland.
 - c. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.
 - d. A hazardous waste site that has not been cleared for residential use.
 - e. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.
 - f. Within a 100-year flood hazard area, unless the site has either:
 - (1) Been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or

- (2)** Meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
 - g.** Within a regulatory floodway, unless all development on the site has received a no-rise certification.
 - h.** Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.
 - i.** Habitat for protected species.
 - j.** Land under conservation easement.
- 4.** Not Historic. The lot shall not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark, or as a historic property or district.
- 5.** No Impact on Protected Housing. The Two-Unit Project shall not require or include the demolition or alteration of any of the following types of housing:
 - a.** Housing that is income-restricted for households of moderate, low, or very low income.
 - b.** Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.
 - c.** Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (GC Sections 7060–7060.7) at any time in the 15 years prior to submission of the Urban Lot Split application.
 - d.** Housing that has been occupied by a tenant in the last 3 years. The applicant and the owner of a property for which an Urban Lot Split is sought shall provide a sworn statement as to this fact with the application for the tentative parcel map. The City may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the City may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.
- 6.** Unit Standards.

a. *Quantity.*

- (1)** No more than two dwelling units of any kind may be built on a lot that results from an Urban Lot Split. For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created pursuant to Section 5.03.403 (Two-Unit Projects) of this Development Code, or an ADU or JADU created pursuant to State law and Section 5.03.010 (Accessory Dwelling Unit) of this Development Code.
- (2)** A lot that is not created by an Urban Lot Split may have a Two-Unit Project as provided by this Section, plus any ADU or JADU that shall be allowed pursuant to State law and Section 5.03.010 (Accessory Dwelling Unit) of this Development Code.

b. *Unit Size.*

- (1)** The total floor area of each primary dwelling that is developed under this Section shall be a minimum of 500 SF in area and a maximum of 800 SF in area.
- (2)** A primary dwelling that was legally established on the lot prior to the Two-Unit Project and is larger than 800 SF is limited to the lawful floor area at the time of the Two-Unit Project. The unit may not be expanded.
- (3)** A primary dwelling that was legally established prior to the Two-Unit Project and is smaller than 800 SF may be expanded to 800 SF after or as part of the Two-Unit Project.

c. *Height Restrictions.*

- (1)** On a lot that is larger than 2,000 SF, no new primary dwelling unit may exceed one-story or 16 FT in height, measured from grade to peak of the structure.
- (2)** On a lot that is smaller than 2,000 SF, no new primary dwelling unit may exceed two-stories or 22 FT in height, measured from grade to peak of the structure. Any portion of a new primary dwelling that exceeds one story in height shall be stepped back by an additional 5 FT from the ground floor; no balcony deck or other portion of the second story may project into the setback.

- (3)** No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot with a Two-Unit Project.
- d.** *Demo Cap.* The Two-Unit Project shall not involve the demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last 3 years.
- e.** *Lot Coverage.* [Include a lot coverage standard here if desired.] This lot coverage standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 SF each.
- f.** *Setback Requirements.*

 - (1) Generally.** All setbacks shall conform to the minimum requirements of the underlying zoning district.
 - (2) Exceptions.** Notwithstanding subpart E.6.f above:

 - (a) Existing Structures.** No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - (b) Cannot Preclude Construction of Two 800-SF Units and 4-FT Side/Rear Setbacks.** The setbacks imposed by the underlying zoning district shall yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 SF in floor area; but in no event may any structure be less than 4 FT from a side or rear property line.
 - (3) Front Setback Area.** Notwithstanding any other part of this code, dwellings that are constructed under this Section shall conform to the front setback requirement of the underlying zoning district. The front setback area shall:

 - (a)** Be kept free from all structures greater than 3 FT high; and
 - (b)** Allow for vehicular and fire-safety access to the front structure.
- g.** *Parking.* Each new primary dwelling unit shall have at least one off-street parking space per unit within a fully enclosed garage having

a minimum interior clear area measuring 10 FT in width and 20 FT in length, unless one of the following applies:

- (1)** The lot is located within one-half mile walking distance of either
 - (a)** A corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours or
 - (b)** A site that contains:
 - (i)** An existing rail or bus rapid transit station,
 - (ii)** A ferry terminal served by either a bus or rail transit service, or
 - (iii)** The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
- (2)** The site is located within one block of a permanently established car-share vehicle pickup/drop-off location.

h. *Architecture.*

- (1)** If there is a legal primary dwelling on the lot that was established before the Two-Unit Project, any new primary dwelling unit shall match the existing primary dwelling unit with respect to exterior materials, finishes, color, and dominant roof pitch. The dominant roof pitch means the slope shared by the largest portion of the roof.
- (2)** If there is no legal primary dwelling on the lot before the Two-Unit Project, and if two primary dwellings are developed on the lot, the dwellings shall match each other with respect to exterior materials, finishes, color, and dominant roof pitch. The dominant roof pitch means the slope shared by the largest portion of the roof.
- (3)** All exterior lighting shall be limited to down-lights.
- (4)** No window or door of a dwelling that is constructed on the lot may have a direct line of sight to an adjoining residential property. Decorative masonry block walls, dense

landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.

- (5)** If any portion of a dwelling is less than 30 FT from a property line that is not a public street right-of-way line, then all windows and doors in that portion shall either be (for windows) clerestory with the bottom of the glass at least 6 FT above the finished floor, or (for windows and doors) utilize frosted or obscure glass.

i. *Walls, Fences, and Obstructions.*

- (1)** A lot comprising a Two-Unit Project shall be provided with 6-FT high decorative masonry block walls (reduced to 3 FT in height within front setback areas) at the following locations:

- (a)** Interior side and rear lot lines of each lot; and

- (b)** Street side property lines and along the rear property line of through lots, setback a minimum of 5 FT behind the sidewalk.

- (2)** The construction and maintenance of walls, fences, and other obstructions shall comply with the requirements of Chapter 6.0 (Development and Subdivision Regulations), (Division 6.02 (Walls, Fences, and Obstructions) of this Development Code.

- j.** *Landscaping.* A lot comprising a Two-Unit Project shall be fully landscaped and provided with a permanent automatic irrigation system pursuant to the requirements Chapter 6.0 (Development and Subdivision Regulations), Division 6.05 (Landscaping) of this Development Code.

- k.** *Nonconforming Conditions.* A Two-Unit Project shall be approved only if all nonconforming zoning conditions are corrected.

l. *Utilities.*

- (1)** Each primary dwelling unit on the resulting lots shall have its own direct utility connection to the utility service provider.

- (2)** Each primary dwelling unit on the resulting lots that is or that is proposed to be connected to an onsite wastewater treatment system shall first have a percolation test completed

within the last 5 years or, if the percolation test has been recertified, within the last 10 years.

m. *Building & Safety.* All structures built on a lot comprising a Two-Unit Project shall comply with all current local building standards. A project under this Section is a change of use and subjects the whole of the lot, and all structures, to the City's current code.

7. Fire-Hazard Mitigation Measures. A lot in a very high fire hazard severity zone shall comply with each of the following fire-hazard mitigation measures:

a. It shall have direct access to a public street right-of-way with a paved street with a width of at least 40 FT. The public street right-of-way shall have at least two independent points of access for fire and life safety to access and for residents to evacuate.

b. All dwellings on the site shall comply with current fire code requirements for dwellings in a very high fire hazard severity zone.

c. All enclosed structures on the site shall have fire sprinklers.

d. All sides of all dwellings on the site shall be within a 150-FT hose-pull distance from either the public street right-of-way or of an onsite fire hydrant or standpipe.

e. If the lot does not have a swimming pool, the lot shall have a water reservoir of at least 5,000 gallons per dwelling, with fire-authority approved hookups compatible with fire-authority standard pump and hose equipment.

8. Separate Conveyance.

a. Primary dwelling units on the lot may not be owned or conveyed separately from each other.

b. Condominium airspace divisions and common interest developments are prohibited.

c. All fee interest in a lot and all dwellings on the lot shall be held equally and undivided by all individual property owners.

9. Regulation of Uses.

a. *Residential-Only.* No non-residential use is permitted on the lot.

b. *No Short Term Rentals.* No dwelling unit on a lot comprising a Two-Unit Project shall be rented for a period of less than 30 days.

- c.** **Owner Occupancy.** Unless the lot comprising a Two-Unit Project was formed by an Urban Lot Split, the individual property owners of a lot with a Two-Unit Project shall occupy one of the dwellings on the lot as the owners' principal residence and legal domicile.

10. Notice of Construction.

- a.** At least 30 business days before starting any construction of a Two-Unit Project, the property owner shall give written notice to all the owners of record of each of the adjacent residential parcels, which notice shall include the following information:

- (1)** Notice that construction has been authorized,

- (2)** The anticipated start and end dates for construction,

- (3)** The hours of construction,

- (4)** Contact information for the project manager (for construction-related complaints), and

- (5)** Contact information for the Building & Safety Department.

- b.** This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a particular project under this Section. This notice requirement is purely to promote neighborhood awareness and expectation.

11. Deed Restriction. The owner shall record a deed restriction, acceptable to the City, that does each of the following:

- a.** Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.

- b.** Expressly prohibits any non-residential use of the lot.

- c.** Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.

- d.** If the lot is not created by an Urban Lot Split: Expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.

- e. States that the property is formed by an Urban Lot Split and is therefore subject to the City's Urban Lot Split regulations, including all applicable limits on dwelling size and development.

F. Specific Adverse Impacts.

1. Notwithstanding anything else in this Section, the City may deny an application for a Two-Unit Project if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
2. The term "specific adverse impact" has the same meaning as in GC Section 65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g).
3. The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.

G. Remedies. If a Two-Unit Project violates any part of this Development Code or any other legal requirement:

1. The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.
2. The City may:
 - a. Bring an action to enjoin any attempt to sell, lease, or finance the property.
 - b. Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
 - c. Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
 - d. Record a notice of violation.
 - e. Withhold any or all future permits and approvals.

- f. Pursue all other administrative, legal, or equitable remedies that are allowed by law, this Development Code, or the City's Municipal Code."

"Section 6.08.060: Urban Lot Splits

A. Purpose. The purpose of this Section is to allow and appropriately regulate Urban Lot Splits pursuant to GC Section 66411.7.

B. Definition. An "Urban Lot Split" means the subdivision of an existing, legally subdivided lot into two lots pursuant to the requirements of this Section.

C. Application.

1. Only individual property owners may apply for an Urban Lot Split. "Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corporation, S corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Section 214.15).
2. An application for an Urban Lot Split shall be submitted on a City application form. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days following application submittal.
3. The City may establish a fee to recover its costs for adopting, implementing, and enforcing this Section of the Development Code, pursuant to applicable law. The City council may establish and change the fee by resolution. The fee shall be paid with the application.

D. Approval.

1. An application for a parcel map for an Urban Lot Split is approved or denied ministerially, by the City Engineer, without discretionary review.
2. A tentative parcel map for an Urban Lot Split shall be approved ministerially if it complies with all the requirements of this Section. The tentative parcel map may not be recorded. A final parcel map shall be approved ministerially as well, but not until the owner demonstrates that all required documents have been recorded, such as the deed restriction and easements. The tentative parcel map shall expire 3 months following approval.

3. The approval shall require the owner and applicant to hold the City of Ontario harmless from all claims and damages related to the approval and its subject matter.
4. The approval shall require the owner and applicant to reimburse the City for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this Development Code.

E. Requirements. An Urban Lot Split shall satisfy each of the following requirements:

1. Subdivision Map Act Compliance.

- a. The Urban Lot Split shall conform to all applicable objective requirements of the Subdivision Map Act (GC Section 66410 et seq., "SMA"), including implementing requirements in this Development Code, except as otherwise expressly provided in this Section.
- b. If an Urban Lot Split violates any part of the SMA, the City's subdivision regulations, including this Section, or any other legal requirement:
 - (1) The buyer or grantee of a lot that is created by the Urban Lot Split has all the remedies available under the SMA, including but not limited to an action for damages or to void the deed, sale, or contract.
 - (2) The City has all the remedies available to it under the SMA, including but not limited to the following:
 - (a) An action to enjoin any attempt to sell, lease, or finance the property.
 - (b) An action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
 - (c) Criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
 - (d) Record a notice of violation.
 - (e) Withhold any or all future permits and approvals.
- c. Notwithstanding Section 66411.1 of the SMA, no dedication of rights-of-way or construction of offsite improvements is required for an Urban Lot Split.

- 2.** Zoning District. The lot to be split is in a single-family residential zoning district. For purposes of this Section, the term "single-family residential zoning district" shall mean the LDR-5 (Low Density Residential – 2.1 to 5.0 DU/Acre) zoning district.
- 3.** Lot Location. Pursuant to the GC Section 65913.4(a)(6)(B) through (K), the lot to be split shall not be located on a site that is any of the following:
 - a.** Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
 - b.** A wetland.
 - c.** Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.
 - d.** A hazardous waste site that has not been cleared for residential use.
 - e.** Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.
 - f.** Within a 100-year flood hazard area, unless the site has either:
 - (1)** Been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or
 - (2)** Meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
 - g.** Within a regulatory floodway, unless all development on the site has received a no-rise certification.
 - h.** Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.
 - i.** Habitat for protected species.
 - j.** Land under conservation easement.

- 4. Not Historic.** The lot to be split shall not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.
- 5. No Prior Urban Lot Split.**
 - a.** The lot to be split was not established through a prior Urban Lot Split.
 - b.** The lot to be split is not adjacent to any lot that was established through a prior Urban Lot Split by the owner of the lot to be split or by any person acting in concert with the owner. For the purposes of this Section, the term "any person acting in concert with the owner" shall include any third-party that coordinates or assists the owners of two adjacent lots with their respective Urban Lot Splits.
- 6. No Impact on Protected Housing.** The Urban Lot Split shall not require or include the demolition or alteration of any of the following types of housing:
 - a.** Housing that is income-restricted for households of moderate, low, or very low income.
 - b.** Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.
 - c.** Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (GC Sections 7060–7060.7) at any time in the 15 years prior to submission of the Urban Lot Split application.
 - d.** Housing that has been occupied by a tenant in the last 3 years. The applicant and the owner of a property for which an Urban Lot Split is sought shall provide a sworn statement as to this fact with the application for the tentative parcel map. The City may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the City may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.
- 7. Lot Size.**
 - a.** The lot to be split shall be at least 2,400 SF.
 - b.** Each lot created by an Urban Lot Split shall be at least 1,200 SF.

- c. Each lot created by an Urban Lot Split shall be between 60 percent and 40 percent of the original lot area.

8. Easements.

- a. The owner shall enter into an easement agreement with each public-service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.
- b. Each easement shall be shown on the parcel map.
- c. Copies of the unrecorded easement agreements shall be submitted with the application. The easement agreements shall be recorded against the property before the final parcel map may be approved pursuant to subpart D.2 above.

9. Lot Access.

- a. Each lot created by an Urban Lot Split shall adjoin a public street right-of-way.
- b. Each lot created by an Urban Lot Split shall have frontage on the public street right-of-way of at least 20 FT.

10. Unit Standards.

- a. *Quantity.* No more than two dwelling units of any kind may be built on a lot that results from an Urban Lot Split. For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created pursuant to State law and Section 5.03.403 (Two-Unit Projects) of this Development Code, or an ADU or JADU created pursuant to Section 5.03.010 (Accessory Dwelling Unit) of this Development Code.
- b. *Unit Size.*
 - (1) The total floor area of each primary dwelling that is developed on a lot resulting from an Urban Lot Split shall be a minimum of 500 SF in area and a maximum of 800 SF in area.
 - (2) A primary dwelling that was legally established prior to the Urban Lot Split and that is larger than 800 SF is limited to the lawful floor area at the time of the Urban Lot Split and shall not be expanded

- (3) A primary dwelling that was legally established prior to the Urban Lot Split and is smaller than 800 SF may be expanded to a maximum of 800 SF after the Urban Lot Split.

c. Height Restrictions.

- (1) On a resulting lot that is 2,000 SF or larger, no new primary dwelling unit may exceed one-story or 16 FT in height, measured from grade to peak of the structure.
- (2) On a resulting lot that is smaller than 2,000 SF, no new primary dwelling unit may exceed two-stories or 22 FT in height, measured from grade to peak of the structure. Any portion of a new primary dwelling that exceeds one story in height shall be stepped back by an additional 5 FT from the ground floor; no balcony deck or other portion of the second story may project into the setback.
- (3) No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot resulting from an Urban Lot Split.

- d. Lot Coverage.** Maximum lot coverage shall conform to the requirement of the underlying zoning district. This lot coverage standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 SF each.

e. Setback Requirements.

- (1) **Generally.** All setbacks shall conform to the minimum requirements of the underlying zoning district.
- (2) **Exceptions.** Notwithstanding subpart E.10.e above:
 - (a) **Existing Structures.** No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - (b) **Cannot Preclude Construction of Two 800-SF Units and 4-FT Side/Rear Setbacks.** The setbacks imposed by the underlying zoning district shall yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 SF in floor area; but in no event may any structure be less than 4 FT from a side or rear property line.

(3) Front Setback Area. Notwithstanding any other part of this Development Code, dwellings that are constructed after an Urban Lot Split shall conform to the front setback requirement of the underlying zoning district. The front setback area shall:

(a) Be kept free from all structures greater than 3 FT high; and

(b) Allow for vehicular and fire-safety access to the front structure.

f. Parking. Each new primary dwelling unit shall have at least one off-street parking space per unit within a fully enclosed garage having a minimum interior clear area measuring 10 FT in width and 20 FT in length, unless one of the following applies:

(1) The lot is located within one-half mile walking distance of either

(a) A corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours or

(b) A site that contains:

(i) An existing rail or bus rapid transit station,

(ii) A ferry terminal served by either a bus or rail transit service, or

(iii) The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

(2) The site is located within one block of a permanently established car-share vehicle pickup/drop-off location.

g. Architecture.

(1) If there is a legal primary dwelling on the lot that was established before the Urban Lot Split, any new primary dwelling unit shall match the existing primary dwelling unit with respect to exterior materials, finishes, color, and dominant roof pitch. The dominant roof pitch means the slope shared by the largest portion of the roof.

(2) If there is no legal primary dwelling on the lot before the Urban Lot Split, and if two primary dwellings are developed on the lot, the dwellings shall match each other with respect to exterior materials, finishes, color, and dominant roof pitch. The dominant roof pitch means the slope shared by the largest portion of the roof.

(3) All exterior lighting shall be limited to down-lights.

(4) No window or door of a dwelling that is constructed on the lot may have a direct line of sight to an adjoining residential property. Decorative masonry block walls, dense landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.

(5) If a dwelling is constructed on a lot after an Urban Lot Split and any portion of the dwelling is less than 30 FT from a property line that is not a public street right-of-way line, then all windows and doors in that portion shall either be (for windows) clerestory with the bottom of the glass at least 6 FT above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

h. *Walls, Fences, and Obstructions.*

(1) Lots created as a result of an Urban Lot Split shall be provided with 6-FT high decorative masonry block walls (reduced to 3 FT in height within front setback areas) at the following locations:

(a) Interior side and rear lot lines of each lot; and

(b) Street side property lines and along the rear property line of through lots, setback a minimum of 5 FT behind the sidewalk.

(2) The construction and maintenance of walls, fences, and other obstructions shall comply with the requirements of Division 6.02 (Walls, Fences, and Obstructions) of this Chapter.

i. *Landscaping.* Lots created as a result of an Urban Lot Split shall be fully landscaped and provided with a permanent automatic irrigation system pursuant to the requirements Division 6.05 (Landscaping) of this Chapter.

j. *Nonconforming Conditions.* An Urban Lot Split may be approved without requiring a legal nonconforming zoning condition to be corrected.

k. *Utilities.*

(1) Each primary dwelling unit on the resulting lots shall have its own direct utility connection to the utility service provider.

(2) Each primary dwelling unit on the resulting lots that is or that is proposed to be connected to an onsite wastewater treatment system shall first have a percolation test completed within the last 5 years or, if the percolation test has been recertified, within the last 10 years.

l. *Building & Safety.* All structures built on a lot resulting from an Urban Lot Split shall comply with all current local building standards. An Urban Lot Split is a change of use.

11. Fire-Hazard Mitigation Measures.

a. A lot in a very high fire hazard severity zone shall comply with each of the following fire-hazard mitigation measures:

(1) It shall have direct access to a public street right-of-way with a paved street with a width of at least 40 FT. The public street right-of-way shall have at least two independent points of access for fire and life safety to access and for residents to evacuate.

(2) All dwellings on the site shall comply with current Fire Code requirements for dwellings in a very high fire hazard severity zone.

(3) All enclosed structures on the site shall have fire sprinklers.

(4) All sides of all dwellings on the site shall be within a 150-FT hose-pull distance from either the public street right-of-way or of an onsite fire hydrant or standpipe.

(5) If the lot does not have a swimming pool, the lot shall have a water reservoir of at least 5,000 gallons per dwelling, with fire-authority approved hookups compatible with fire-authority standard pump and hose equipment.

b. Prior to submitting an application for an Urban Lot Split, the applicant shall obtain a certificate of compliance with all applicable fire-

hazard mitigation measures pursuant to this subpart E.11. The City or its authorized agent shall inspect the site, including all structures on the site, and certify as to its compliance. The certificate shall be included with the application. The applicant shall pay the City's costs for inspection. Failure to pay is grounds for denying the application.

12. Separate Conveyance.

a. On a lot created by an Urban Lot Split:

(1) Primary dwelling units cannot be owned or conveyed separately from each other.

(2) Condominium airspace divisions and common interest developments are prohibited.

(3) All fee interest in a lot and all dwellings on the lot shall be held equally and undivided by all individual property owners.

b. Separate conveyance of lots created by an Urban Lot Split is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the Urban Lot Split boundary may separate them for conveyance purposes if the structures meet Building Code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner shall record appropriate CC&Rs, easements, or other documentation that is necessary to allocate rights and responsibility between the owners of the two lots.

13. Regulation of Uses.

a. *Residential-Only.* Nonresidential land uses shall be prohibited on any lot created by Urban Lot Split.

b. *No Short Term Rentals.* No dwelling unit on a lot that is created by an Urban Lot Split may be rented for a period of less than 30 days.

c. *Owner Occupancy.* The applicant for an Urban Lot Split shall sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of 3 years after the Urban Lot Split is approved.

14. Notice of Construction.

a. At least 30 business days prior to the starting any construction of a structure on a lot created by an Urban Lot Split, the property owner shall give written notice to all the owners of record of each of the adjacent residential parcels, which notice shall include the following information:

(1) Notice that construction has been authorized,

(2) The anticipated start and end dates for construction,

(3) The hours of construction,

(4) Contact information for the project manager (for construction-related complaints), and

(5) Contact information for the Building & Safety Department.

b. This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. The approval of an Urban Lot Split is ministerial and under state law, the City has no discretion in approving or denying a particular project under this Section. This notice requirement is purely to promote neighborhood awareness and expectation.

15. Deed Restriction. The owner shall record a deed restriction, acceptable to the City, that does each of the following:

a. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.

b. Expressly prohibits any nonresidential land use of the lots created by the Urban Lot Split.

c. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.

d. States that the property is formed by an Urban Lot Split and is, therefore, subject to the City's Urban Lot Split regulations, including all applicable limits on dwelling size and development.

F. Specific Adverse Impacts.

1. Notwithstanding anything else in this Section, the City may deny an application for an Urban Lot Split if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety

or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

2. The term "specific adverse impact" has the same meaning as in GC Section 65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g).
3. The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact."

PART XV: Development Code Table 2.02-1 (Review Matrix) shall be amended to read as follows:

- R = Advisory (Recommending) Authority
- X = Approving Authority
- A = Appeal Authority

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	PLANNING DIRECTOR	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
A. LEGISLATIVE ACTIONS										
1. Airport Land Use Compatibility Plan and Amendments [1] (Ref: ODC Section 4.01.010)								R	X	
2. Development Agreements [1] (Ref: ODC Section 4.01.015)								R	X	
3. Development Code Amendments [1] (Ref: ODC Section 4.01.020)								R	X	
4. Amendment to the Policy Plan (General Plan) Component of The Ontario Plan [1] (Ref: ODC Section 4.01.025)								R	X	
5. Planned Unit Developments and Amendments [1] (Ref: ODC Section 4.01.030)								R	X	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	PLANNING DIRECTOR	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [1]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
6. Specific Plans and Amendments [1] (Ref: ODC Section 4.01.035)								R	X	
7. Williamson Act Contract Cancellations [1] (Ref: GC Section 51200 et seq.)								R	X	
8. Zone Changes [1] (Ref: ODC Section 4.01.040)								R	X	
B. DISCRETIONARY PERMITS AND ACTIONS										
1. Administrative Exceptions (Ref: ODC Section 4.02.020.C)				X				A	A	
2. Billboard Relocation Agreements [1] (Ref: ODC Section 4.02.010)								R	X	
3. Conditional Use Permits (Ref: ODC Section 4.02.015)										
a. Hotels, Motels and Residence Inns [1]								R	X	
b. Use established in conjunction with a Development Plan [1]					R			X	A	
c. Use established within an existing structure [1]				X				A	A	
d. Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) [1]								X	A	
e. Revocation due to abandonment of use per ODC Division 2.05 (City Initiated Modification or Revocation) [1]				X				A	A	
4. Density Bonus and Other Incentives per ODC Section 6.01.010.G (Density Bonus and Other Incentives) [1]								R	X	
5. Development Plans (Ref: ODC Section 4.02.025)										
a. Residential developments totaling 5 or more dwelling units or the development of 3 or more dwelling units on a single lot or parcel					R			X	A	
b. Commercial developments, and developments in the CIV, OS-R, OS-C and UC zoning districts, greater than 500 SF in area					X			A	A	
c. Industrial developments equal to or less than 0.45 FAR					X			A	A	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	PLANNING DIRECTOR	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
d. Industrial developments exceeding 0.45 FAR					R			X	A	
e. Wireless telecommunications facilities pursuant to Section 5.03.41.5 (Wireless Telecommunications Facilities) of this Development Code										
(1) Tier 2 facilities					X			A	A	
(2) Tier 3 facilities [1]					R			X	A	
f. All others					X			A	A	
6. Extensions of Legal Nonconforming Status [1] (Ref: ODC Section 4.02.030)				X				A	A	
7. Fair Housing and Reasonable Accommodation (Ref: ODC Section 4.02.035)				X				A	A	
8. Historic Preservation										
a. Certificates of Appropriateness (Ref: ODC Section 4.02.050)										
(1) Designated Historic Landmarks and Contributors, and Architectural Conservation Areas; and Demolition of an Historic Resource [1]						R	X		A	
(2) Deferral of Replacement Structure [1]						R	X		A	
(3) Eligible Historic Resources [1]						X	A		A	
(4) Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) [1]						R	X		A	
(5) Waivers for Minor Improvements	X					A[6]	A[6]			
b. Certificates of Economic Hardship [1] (Ref: ODC Section 4.02.055) [1]						R	X		A	
c. Certificates of Economic Hardship—Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) [1]						R	X		A	
d. Conservation Plans (Ref: ODC Section 4.02.060)						X	A		A	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	PLANNING DIRECTOR	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
e. Historic Resource Tiering (Ref: ODC Section 4.02.040), including Rescinding or Amending Status (Ref: ODC Section 4.02.045)						X	A		A	
f. Local Historic Landmark and Local District Designations, and Architectural Conservation Areas (Ref: ODC Section 4.02.040), including Rescinding or Amending Status (Ref: ODC Section 4.02.045)						R	R		X	
g. Mills Act Contracts (Ref: ODC Section 4.02.065)						R	R		X	
h. Mills Act Cancellations [1] (Ref: ODC Section 4.02.065)						R	R		X	
i. Addition/Removal of Resources to/from the Ontario Register (Ref: ODC Section 4.02.045)										
(1) At the request of the property owner, or upon City initiation if the most recently prepared Historic Resource Survey evaluating the resource is more than 5 years old.						X	A		A	
(2) Loss of all historic and/or cultural significance due to a catastrophe causing a loss of integrity, or due to extensive legally performed alterations performed after the property was initially surveyed.	X						A		A	
9. Interpretations and Land Use Determinations (Ref: ODC Section 1.02.010)				X				A	A	
10. Master Plans and Amendments [1] (Ref: ODC Section 4.02.070)								R	X	
11. Minor Variances (Ref: ODC Section 4.02.020.D)				X				A	A	
12. Nonconforming Structure Reconstruction [1] (Ref: ODC Section 3.01.020)								X	A	
13. Parking Reduction (Ref: ODC Section 6.03.025)								X	A	
14. Sign Programs (Ref: ODC Section 4.02.075)	X							A	A	
15. Specific Plan Minor Amendments (Ref: ODC Section 4.02.080)	X							A	A	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	PLANNING DIRECTOR	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [1]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
16. Stays of Permit Approval Time Limit (Ref: ODC Section 2.02.025.A.8)				X[5]	X[5]	X[5]	X[5]	X[5]	X[5]	
17. Subdivisions										
a. Lot Merger (Merger of Contiguous Parcels) [1] (Ref: ODC Section 4.02.085)					R			X	A	
b. Reversions to Acreage [1] (Ref: ODC Section 4.02.090)					R			X	A	
c. Tentative Tract and Parcel Maps, and Vesting Maps [1] (Ref: ODC Section 4.02.095)					R			X	A	
d. Tentative Tract and Parcel Map Time Extensions (Ref: ODC Section 2.02.025.A.3 & 4)					R			X	A	
18. Time Extensions, excepting tentative subdivision maps (Ref: ODC Section 2.02.025)	X							A	A	
19. Variances (Ref: ODC Section 4.02.020.E)										
a. Homeowner [1]				X				A	A	
b. Other [1]					R			X	A	
C. MINISTERIAL (ADMINISTRATIVE) PERMITS AND DECISIONS										
1. Administrative Exceptions (Ref: ODC Section 4.02.020.C)	X							A	A	
2. Administrative Use Permits (Ref: ODC Section 4.03.015)	X									
3. Airport Land Use Compatibility Plan (ALUCP) Interagency Reviews [7] (Ref: ALUCP)	X								A[8]	
4. Business License - Zoning/Land Use Compliance (Ref: OMC 3-1.129 (Zoning Compliance))	X							A	A	
5. Development Applications within the ONT zoning district	X									
6. Landscape and Irrigation Plans (Ref: ODC Section 6.05.005)	X							A	A	
7. Off-Site (Public) Improvement Plans (Ref: ODC Section 6.08.040)		X						A	A	
8. Other Plan Checks required by this Development Code	X							A	A	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	PLANNING DIRECTOR	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
9. Shopping Cart Retention Plans (Ref: ODC Section 6.11.020)	X							A	A	
10. Sign Plans (Ref: ODC Section 4.03.020)	X							A	A	
11. Single-Family Two-Unit Developments (Ref: ODC Section 5.03.403)	X							A	A	
12. Subdivisions										
a. Certificates of Compliance (Ref: ODC Section 4.03.025)		X						A	A	
b. Final Tract and Parcel Maps, and Vesting Maps (Ref: ODC Section 4.03.030)									X	
c. Lot Line Adjustments (Ref: ODC Section 4.03.035)		X						A	A	
d. Map Corrections and Amendments (Ref: ODC Section 4.03.040)		X						A	A	
e. Street Address Numbering (Ref: ODC Section 6.06.010)			X					A	A	
f. Street Name Assignment (Ref: ODC Section 6.06.010)	X							A	A	
g. Subdivision Improvement Agreement (Ref: ODC Section 6.08.040.G)		X						A	A	
h. Urban Lot Split (Ref: ODC Section 6.08.060)		X						A	A	
13. Tier 1 wireless telecommunications facility pursuant to ODC Section 5.03.420 (Wireless Telecommunications Facilities)				X				A	A	
14. Wall, Fence, and Obstructions Plans (Ref: ODC Section 6.02.005)	X							A	A	
15. Fair Housing and Reasonable Accommodation (Ref: ODC Section 4.02.035)	X							A	A	
D. ENVIRONMENTAL DETERMINATIONS AND ACTIONS										
1. Environmental Impact Reports (EIRs) (Ref: CCR Section 15080 et seq.)								X[3]	X[3]	
2. Exempt Projects (Ref: CCR Section 15300 et seq.)	X[3]			X[3]	X[3]	X[3]	X[3]	A	A	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	PLANNING DIRECTOR	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
3. Ministerial Projects (Ref: CCR Section 15268)	Ministerial projects are exempt from the requirements of CEQA [10]									
4. Negative Declarations (NDs) and Mitigated Negative Declarations (MNDs) (Ref: CCR Section 15070 et seq.)				X[3]	X[3]	X[3]	X[3]	X[3]	X[3]	
5. Addendums to previously certified EIRs and previously adopted NDs and MNDs (Ref: CCR Section 15164)				X[3]	X[3]	X[3]	X[3]	X[3]	X[3]	
6. Environmental review for projects located within the ONT zoning district [9]										X

Notes:

- [1] A public hearing is required pursuant to the procedures set forth in Division 2.03 (Public Hearings) of this Development Code; however, public notification shall not be required for Development Advisory Board or Historic Preservation Subcommittee hearings when acting in the capacity of an Advisory Authority.
- [2] The Approving Authority may refer any application subject to their review to the next higher authority (Appeal Authority).
- [3] The Approving Authority for environmental determinations/actions shall be the same as the related legislative or discretionary actions. NDs and MNDs, and Addendums to previously certified EIRs, and previously adopted NDs or MNDs, which are not associated with, or are independent of, legislative or discretionary actions, shall be subject to Development Advisory Board review and adoption. EIRs that are not associated with, or are independent of, legislative or discretionary actions shall be subject to Planning Commission review and certification.
- [4] An application submitted for concurrent review and action with another application, action or decision requiring review and action by a higher Reviewing Authority may be subject to concurrent review and action by that higher Reviewing Authority upon their request.
- [5] The Approving Authority responsible for issuing a “Stay of Permit Approval Time Limit” pursuant to Section 2.02.025 (Projects Involving Pending Litigation) of the Development Code, shall be the same as for the related application, action or decision.
- [6] An appeal of an Historic Preservation—Certificate of Appropriateness—Waiver shall be considered by the Historic Preservation Subcommittee, except that an Historic Preservation—Waiver for an Historic Landmark shall be considered by the Historic Preservation Commission
- [7] Refer to the ALUCP for procedures for application processing and administration, and appeals processing.
- [8] Appeal shall be subject to review by the Mediation Board established pursuant to ALUCP Section 4.
- [9] Pursuant to the Joint Powers Authority agreement between the City of Ontario and the County of San Bernardino, the Ontario International Airport Authority shall be the lead agency.
- [10] Ministerial projects are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15268 of the CEQA Guidelines. The following projects or actions shall be deemed ministerial:
 - Administrative Exceptions;
 - Administrative Use Permit issuance;
 - ALUCP inter agency reviews;

- Building permit issuance;
- Business license issuance;
- Encroachment permit issuance;
- Final subdivision map approval;
- Individual utility service connection and disconnection approval;
- Landscape and irrigation plan approval;
- Lot Line Adjustment approval;
- Public improvement plan approval;
- Shopping cart retention plan approval;
- Sign Plan approval;
- Single-Family Two-Unit Developments;
- Street address number issuance;
- Subdivision Improvement Agreement approval;
- Subdivision map corrections and amendments approval;
- Temporary Use Permit issuance;
- Tier 1 wireless telecommunications facility approval; *and*
- Urban Lot Splits; *and*
- Wall and/or fence plan approval.

[11] Applications that do not require a public Hearing pursuant to Note 1, above, may be reviewed and acted upon under the "Consent Calendar" portion of the Approving Authority meeting agenda.

PART XVI: Development Code Table 2.03-1 (Notification Matrix) shall be amended to read as follows:

Table 2.03-1: Notification Matrix

Applications, Actions, Decisions And Processes	Required Method of Public Notification			
	NOT REQUIRED	Newspaper or Posting [2]	First Class Mail or Delivery [2]	Newspaper—1/8 page advertisement if the number of property owners to whom notices would be mailed or delivered is greater than 1,000
A. LEGISLATIVE ACTIONS				
1. Airport Land Use Compatibility Plan and Amendments [1] (Ref: ODC Section 4.01.010)		X	X	X
2. Development Agreements [1] (Ref: ODC Section 4.01.015)		X	X	X
3. Development Code Amendments [1] (Ref: ODC Section 4.01.020)				X
4. Amendment to the Policy Plan (General Plan) Component of The Ontario Plan [1] (Ref: ODC Section 4.01.025)		X	X	X
5. Planned Unit Developments and Amendments [1] (Ref: ODC Section 4.01.030)		X	X	X

Table 2.03-1: Notification Matrix

Applications, Actions, Decisions And Processes	Required Method of Public Notification			
	NOT REQUIRED	Newspaper or Posting [2]	First Class Mail or Delivery [2]	Newspaper—1/8 page advertisement if the number of property owners to whom notices would be mailed or delivered is greater than 1,000
6. Specific Plans and Amendments [1] (Ref: ODC Section 4.01.035)		X	X	X
7. Williamson Act Contract Cancellations [1] (Ref: GC Section 51200 et.seq.)		X	X	X
8. Zone Changes [1] (Ref: ODC Section 4.01.040)		X	X	X
B. DISCRETIONARY PERMITS AND ACTIONS				
1. Administrative Exceptions (Ref: ODC Section 4.02.020.C)	X			
2. Billboard Relocation Agreements [1] (Ref: ODC Section 4.02.010)	X			
3. Conditional Use Permits (Ref: ODC Section 4.02.015)				
a. Hotels, Motels and Residence Inns [1]		X	X	
b. Use established in conjunction with a Development Plan [1]		X	X	
c. Use established within an existing structure [1]		X	X	
d. Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) [1]		X	X	
e. Revocation due to abandonment of use per ODC Division 2.05 (City Initiated Modification or Revocation) [1]		X	X	
4. Density Bonus and Other Incentives per ODC Section 6.01.010.G (Density Bonus and Other Incentives) [1]		X	X	
5. Development Plans (Ref: ODC Section 4.02.025)				
a. Residential developments totaling 5 or more dwelling units or the development of 3 or more dwelling units on a single lot or parcel		X		
b. Commercial developments, and developments in the CIV, OS-R, OS-C and UC zoning districts, greater than 500 SF in area		X		

Table 2.03-1: Notification Matrix

Applications, Actions, Decisions And Processes	Required Method of Public Notification			
	NOT REQUIRED	Newspaper or Posting [2]	First Class Mail or Delivery [2]	Newspaper—1/8 page advertisement if the number of property owners to whom notices would be mailed or delivered is greater than 1,000
c. Industrial developments equal to or less than 0.45 FAR		X		
d. Industrial developments exceeding 0.45 FAR		X		
e. Wireless telecommunications facilities pursuant to Section 5.03.415 (Wireless Telecommunications Facilities) of this Development Code				
(1) Tier 2 facilities		X		
(2) Tier 3 facilities [1]		X	X	
f. All others		X		
6. Extensions of Legal Nonconforming Status [1] (Ref: ODC Section 4.02.030)		X	X	
7. Fair Housing and Reasonable Accommodation Ref: ODC Section 4.02.035)	X			
8. Historic Preservation				
a. Certificates of Appropriateness (Ref: ODC Section 4.02.050)				
(1) Designated Historic Landmarks and Contributors, and Architectural Conservation Areas; and Demolition of an Historic Resource [1]		X	X	
(2) Deferral of Replacement Structure [1]		X	X	
(3) Eligible Historic Resources [1]		X	X	
(4) Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) [1]		X	X	
(5) Waivers and Minor Improvements	X			
b. Certificates of Economic Hardship [1] (Ref: ODC Section 4.02.055)		X	X	
c. Certificates of Economic Hardship—Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) [1]		X	X	

Table 2.03-1: Notification Matrix

Applications, Actions, Decisions And Processes	Required Method of Public Notification			
	NOT REQUIRED	Newspaper or Posting [2]	First Class Mail or Delivery [2]	Newspaper—1/8 page advertisement if the number of property owners to whom notices would be mailed or delivered is greater than 1,000
d. Conservation Plans (Ref: ODC Section 4.02.060)		X		
e. Historic Resource Tiering (Ref: ODC Section 4.02.040), including Rescinding or Amending Status (Ref: ODC Section 4.02.045)	X			
f. Local Historic Landmark and Local District Designations, and Architectural Conservation Areas [Ref: ODC Section 4.02.040], including Rescinding or Amending Status (Ref: ODC Section 4.02.045)		X		
g. Mills Act Contracts (Ref: ODC Section 4.02.065)		X		
h. Mills Act Cancellations [1]		X	X	
i. Addition/Removal of Resources to/from the Ontario Register (Ref: ODC Section 4.02.045)				
(1) At the request of the property owner, or upon City initiation if the most recently prepared Historic Resource Survey evaluating the resource is more than 5 years old.	X			
(2) Loss of all historic and/or cultural significance due to a catastrophe causing a loss of integrity, or due to extensive legally performed alterations performed after the property was initially surveyed.	X			
9. Interpretations and Land Use Determinations (Ref: ODC Section 1.02.010)	X			
10. Master Plans and Amendments [1] (Ref: ODC Section 4.02.070)		X	X	X
11. Minor Variances [5] (Ref: ODC Section 4.02.020.D)		X	X	
12. Nonconforming Structure Reconstruction [1] (Ref: ODC Section 3.01.020)		X	X	
13. Parking Reduction (Ref: ODC Section 6.03.025)	X			
14. Sign Programs (Ref: ODC Section 4.02.075)	X			

Table 2.03-1: Notification Matrix

Applications, Actions, Decisions And Processes	Required Method of Public Notification			
	NOT REQUIRED	Newspaper or Posting [2]	First Class Mail or Delivery [2]	Newspaper—1/8 page advertisement if the number of property owners to whom notices would be mailed or delivered is greater than 1,000
15. Specific Plan Minor Amendments (Ref: ODC Section 4.02.080)	X			
16. Stays of Permit Approval Time Limit (Ref: ODC Section 2.02.025.A.8)	X			
17. Subdivisions				
a. Lot Merger (Merger of Contiguous Parcels) [1] (Ref: ODC Section 4.02.085)		X	X	
b. Reversions to Acreage [1] (Ref: ODC Section 4.02.090)		X	X	
c. Tentative Tract and Parcel Maps, and Vesting Maps [1] (Ref: ODC Section 4.02.095)		X	X	
d. Tentative Tract and Parcel Map Time Extensions (Ref: ODC Section 2.02.025.A.3 & 4)		X		
18. Time Extensions, excepting tentative subdivision maps (Ref: ODC Section 2.02.025)	X			
19. Variances (Ref: ODC Section 4.02.020.E)				
a. Homeowner [1]		X	X	
b. Other [1]		X	X	
C. MINISTERIAL (ADMINISTRATIVE) PERMITS AND DECISIONS				
1. Administrative Exceptions (Ref: ODC Section 4.02.020.C)	X			
2. Administrative Use Permit (Ref: ODC Section 4.02.015)	X			
3. Airport Land Use Compatibility Plan (ALUCP) Interagency Reviews [4] (Ref: ALUCP)	X			
4. Fair Housing and Reasonable Accommodation (Ref: ODC Section 4.02.035)	X			
5. Landscape and Irrigation Documentation Plans (Ref: ODC Section 6.05.015)	X			
6. Off-Site (Public) Improvement Plans (Ref: ODC Section 6.08.040)	X			
7. Sign Plans (Ref: ODC Section 4.03.020)	X			

Table 2.03-1: Notification Matrix

Applications, Actions, Decisions And Processes	Required Method of Public Notification			
	NOT REQUIRED	Newspaper or Posting [2]	First Class Mail or Delivery [2]	Newspaper—1/8 page advertisement if the number of property owners to whom notices would be mailed or delivered is greater than 1,000
8. Single-Family Two-Unit Developments (Ref: ODC Section 5.03.403)	X			
9. Subdivisions				
a. Certificates of Compliance (Ref: ODC Section 4.03.025)	X			
b. Final Tract and Parcel Maps, and Vesting Maps (Ref: ODC Section 4.03.030)	X			
c. Lot Line Adjustments (Ref: ODC Section 4.03.035)	X			
d. Map Corrections and Amendments (Ref: ODC Section 4.03.040)	X			
e. Street Address Numbering (Ref. ODC Section 6.06.010)	X			
f. Street Name Assignment (Ref. ODC Section 6.06.010)	X			
g. Subdivision Improvement Agreement (Ref: ODC Section 6.08.040.G)	X			
h. Urban Lot Split (Ref: ODC Section 6.08.060)	X			
10. Tier 1 wireless telecommunications facility pursuant to ODC Section 5.03.415 (Wireless Telecommunications Facilities)	X			
D. ENVIRONMENTAL DETERMINATIONS AND ACTIONS				
1. Environmental Impact Reports (EIRs) (Ref: CCR Section 15080 et seq.)		X	X	X
2. Exempt Projects (Ref: CCR Section 15300 et seq.)	X			
3. Ministerial Projects (Ref: CCR Section 15268)	X			
4. Negative Declarations (NDs) and Mitigated Negative Declarations (MNDs) (Ref: CCR Section 15070 et seq.)		X		
5. Addendums to previously certified EIRs and previously adopted NDs and MNDs (Ref: CCR Section 15164)	X			

Notes:

- [1] Public hearing notification is required pursuant to Section 2.03.010 (Public Hearing Notification) of this Division.
 - [2] Public notification shall not be required for Development Advisory Board or Historic Preservation Subcommittee hearings when acting in the capacity of an Advisory Authority.
 - [3] A Large Family Day Care facility shall require notification pursuant to Subparagraph 2.03.010.C.1.b(1) of this Division.
 - [4] Refer to the LA/Ontario International Airport Land Use Compatibility Plan for procedures for application processing and administration, and appeals processing.
 - [5] A Minor Variance shall require notification pursuant to Paragraph 4.02.020.D.3 (Application Filing, Processing and Hearing) of this Development Code.
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PART XVII: Development Code Table 8.01-1 (Sign Regulation Matrix) shall be amended, revising the Special Regulations for Retail Sales Events in Commercial zoning districts (Subparagraph C.1.c[2]) and Industrial zoning districts (Subparagraph E.1.c[2]), to read as follows:

“[2] Retail Sales Events and Other Similar Business Events. A retail sales event or other similar business event permitted pursuant to Subparagraph 5.03.395.G.1 of this Development Code, may be allowed temporary signage for maximum of eight, one-week periods per calendar year ~~7 days duration during the specified “holiday sale periods,” and during the specified “additional periods” for which a Temporary Use Permit has been issued~~, not to exceed a total of 56 days per calendar year. ~~Each “additional period” may be used consecutively with “holiday sale periods,” not to exceed a total of 6 consecutive periods (42 consecutive days).~~”

PART XVIII: Development Code Table 5.02-1 (Land Use Matrix) shall be amended as shown in Exhibit A: Portion of Table 5.02-1 (Land Use Matrix), of this attachment.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE FILE NO. PDCA22-003, A DEVELOPMENT CODE AMENDMENT REVISING AND CLARIFYING CERTAIN PROVISIONS ADDRESSING [1] TIME EXTENSIONS FOR DISCRETIONARY PROJECTS (SECTION 2.02.025.B.2.C); [2] PUBLIC NOTIFICATION REQUIREMENTS FOR MINOR VARIANCES (SECTION 2.03.010); [3] ADMINISTRATIVE EXCEPTIONS (SECTIONS 4.02.020 AND 4.03.050, AND TABLES 2.02-1 AND 2.03-1); [4] SPECIFIC PLAN MINOR AMENDMENTS (SECTION 4.02.080); [5] HOUSING AND REASONABLE ACCOMMODATIONS (SECTIONS 4.02.035 AND 4.03.055, AND TABLES 2.02-1 AND 2.03-1); [6] ACCESSORY DWELLING UNITS (SECTION 5.03.010); [7] MINIMUM USEABLE REAR YARD AREA FOR SINGLE-FAMILY DWELLINGS (SECTION 5.03.011); [8] BANQUET FACILITIES ON HISTORIC PROPERTIES (SECTION 5.03.067); [9] RETAIL SALES EVENTS (SECTION 5.03.395 AND TABLE 8.01-1); [10] CONVERSION OF GARAGES TO ACCOMMODATE ACCESSORY DWELLING UNITS (SECTION 6.01.010); [11] DEFINITION FOR "GARAGE" (SECTION 9.01.010.G); [12] SINGLE-FAMILY TWO-UNIT PROJECTS AND URBAN LOT SPLITS, RESCINDING URGENCY ORDINANCE NO. 3200 AND ADOPTING STANDARDS (SECTIONS 5.03.403 AND 6.08.060, AND TABLES 2.02-1 AND 2.03-1); AND [13] CERTAIN ALLOWED LAND USES (TABLE 5.02-1), AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, The City of Ontario ("Applicant") has initiated a Development Code Amendment, File No. PDCA22-003, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City of Ontario Development Code (Ontario Municipal Code Title 9) provides the legislative framework for the implementation of The Ontario Plan, which establishes long term principals, goals, and policies for guiding the growth and development of the City in a manner that achieves Ontario' s vision, and promotes and protects the public health, safety, comfort, convenience, prosperity, and welfare of its citizens; and

WHEREAS, the Development Code Amendment is of citywide impact, affecting approximately 50 square miles (31,789 acres) of land, which is generally bordered by Benson Avenue and Euclid Avenue on the west; Interstate 10 Freeway, Eighth Street, and Fourth Street on the north; Etiwanda Avenue and Hamner Avenue on the east; and Merrill Avenue and the San Bernardino County/Riverside County boundary on the south; and

WHEREAS, certain clarifications and revisions to the City of Ontario Development Code are proposed, as follows:

(1) Provisions addressing time extension limits for discretionary projects (Development Code Section 2.02.025.B.2.c) will be revised to clarify that a total of three one-year time extensions may be granted for discretionary actions, such as Development Plans, Conditional Use Permits, and Variances. Time extensions for Tentative Tract and Parcel Maps will continue to be subject to the requirements of the State's Subdivision Map Act.

(2) Public notification requirements for Minor Variances will be added to clarify that the notification of the owners of any property that abuts a property with a proposed Minor Variance will be required to be notified of the proposed application (Development Code Section 2.03.010).

(3) Development Code provisions governing Specific Plan Minor Amendments will be retitled as "Specific Plan Minor Adjustments and Alterations" to help clarify the limited scope of the application (Development Code Section 4.02.080).

(4) The current Development Code provisions governing Administrative Exceptions are incorrectly classified as requiring a discretionary action and will, therefore, be rescinded. New provisions are proposed that correctly establish Administrative Exceptions as a ministerial action (Development Code Sections 4.02.020 and 4.03.050, and Tables 2.02-1 and 2.03-1).

(5) The current Development Code provisions governing Housing and Reasonable Accommodations are incorrectly classified as requiring a discretionary action and will, therefore, be rescinded. New provisions are proposed that correctly establish Housing and Reasonable Accommodations as a ministerial action (Development Code Sections 4.02.035 and 4.03.055, and Tables 2.02-1 and 2.03-1).

(6) Development Code provisions governing Accessory Dwelling Units (ADUs) will be modified, adding the requirements of Assembly Bill 345, which allows for the separate conveyance of an ADU separate from the primary residence if the ADU or primary dwelling was built or developed by a qualified nonprofit corporation and certain conditions are met (Development Code Section 5.03.010).

(7) The current Development Code provisions stipulating the minimum useable rear yard area for single-family dwellings will be simplified, requiring that a traditional single-family dwelling maintain a useable rear yard area having minimum dimension of 20 FT in any horizontal direction and small lot single-family dwelling maintain a useable rear yard having a minimum dimension of 10 FT in any horizontal direction (Development

Code Section 5.03.011). This revision has been proposed eliminate a conflict with current ADU provisions.

(8) Current Development Code provisions governing banquet facilities established in conjunction with commercial structures on historic properties will be amended to clarify that no banquet facilities shall be allowed in the MU-1 (Downtown Mixed Use) zoning district (Development Code Section 5.03.067). This revision will eliminate an existing conflict with Development Code Table 5.02-1 (Land Use Matrix).

(9) Current Development Code provisions governing Retail Sales Events will be modified to clarify that the provisions also cover “other similar business events.” Additionally, the current provisions that limit such events to the holiday sale periods of President’s Day, Memorial Day, Independence Day, Labor Day, and four additional periods per year will be amended, eliminating the four stated holidays, and allowing a maximum of eight, one-week periods per calendar year (Development Code Section 5.03.395 and Table 8.01-1).

(10) Current Development Code provisions stipulating that no garage can be converted to another use unless a replacement garage is constructed on-site will be clarified to provide that a garage conversion that accommodates an ADU is exempt from the replacement garage requirement (Development Code section 6.01.010). This revision will eliminate a conflict with the Development Code’s current ADU provisions, as well as a conflict with State law.

(11) The current Development Code definition for “garage” will be amended to clarify that a garage must be enclosed on all four sides (Development Code Section 9.01.010.G).

(12) Urgency Ordinance No. 3200 was adopted by the City Council on December 21, 2021, establishing standards for single-family two-unit projects and urban lot splits in accordance with State law (Senate Bill 9). This Development Code Amendment will rescind the urgency ordinance and adopt permanent standards to be included in the Development Code (Development Code Sections 5.03.403 and 6.08.060, and Tables 2.02-1 and 2.03-1).

(13) Amend provisions for certain allowed land uses, as follows (Development Code Table 5.02-1):

(a) Technical, Trade and Vocational Schools — Conditionally permit technical, trade and vocational schools in the IG (General Industrial) zoning district. This revision would allow for the location of technical, trade and vocational schools that specialize in education and training for industrial-related industries, such as motor vehicle

fabrication, repair, maintenance, and customization; truck driving; forklift driving and operation; and other industrial activities

(b) Other Residential Care Facilities — Prohibit adult residential care facilities for more than 6 persons, which do not require a State-issued license to operate, such as but not limited to group homes for the hearing or visually impaired, halfway group homes for ex-offenders, group homes for unwed mothers, group homes for the disabled without nursing care, and group sober living facilities; and

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

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

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

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, 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, which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on April 26, 2022, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

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

(2) The Project is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the “common sense exemption” (also known as the “general rule exemption”) that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

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

SECTION 2: Housing Element Compliance. The Project will be consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project furthers the purposes, principals, goals, and policies of the Housing Element, in that it will provide for urban lot splits and the construction of two-unit single-family development projects, and, under certain circumstances, provides for the conveyance of accessory dwelling units separate from the main dwelling, thereby further promoting alternate forms of home rental and fee-simple homeownership.

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

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

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

(1) The proposed Development Code Amendment is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. The Development Code Amendment will: (a) promote public participation and foster greater transparency in decision making as encouraged by The Ontario Plan; (b) serve to encourage pedestrian friendly, functional, and vibrant commercial development with a range of businesses, places to gather, and connectivity to the neighborhoods they serve, as promoted by Community Design Element CD2-3, Commercial Centers; and (c) provide for 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, have a wide spectrum of choices of where they can live and recreate, as promoted by Land Use Element Policy LU1-6, Complete Community.

(2) The proposed Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City. The Development Code Amendment incorporates safeguards intended to ensure that the purposes of the Development Code are preserved; the project will not be contrary to or damage the public health, safety, convenience, or general welfare; the project will not result in any significant environmental impacts; and the project will be in full conformity with the Vision, City Council Priorities, and Policy Plan components of The Ontario Plan.

SECTION 5: *Planning Commission Action.* Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE the herein described Development Code Amendment, File No. PDCA22-003, amending the City of Ontario Development Code as stipulated in "Attachment A", incorporated herein by this reference..

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

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

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

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26th day of April 2022, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Jim Willoughby
Planning Commission Chairman

ATTEST:

Rudy Zeledon
Planning Director and
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. _____ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on April 26, 2022, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:
Development Code Amendment
File No. PDCA22-003;

PART I: Subparagraph B.2.c Development Code Section 2.02.025 (Time Limits and Extensions) shall be amended to read as follows:

“c. A discretionary permit or action may be granted Time Extensions in one-year increments, not to exceed a total of three, one-year time extensions, excepting tentative subdivision maps, which shall be subject to the provisions of GC Section 66452.6.”

PART II: Subparagraph C.1.b(1) of Development Code Section 2.03.010 (Public Hearing Notification) shall be amended to read as follows:

“(1) For Minor Variances, the area of notification shall include all properties having a property line common with the affected property; and”

PART III: Development Code Section 4.02.080 (Minor Specific Plan Amendments) shall be amended to read as follows:

“4.02.080: Specific Plan Minor Adjustments and Alterations

A. Purpose. The purpose of this Section is to establish a procedure by which minor departures from the strict application of the development standards and/or design guidelines established by a Specific Plan may be approved, provided the requested departure is in the interest of furthering the goals and policies of the affected Specific Plan and The Ontario Plan.

B. Applicability.

1. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority is hereby empowered to approve, approve in modified form, or deny a Specific Plan Minor Adjustments and Alterations application, and to impose reasonable conditions upon the approval of the application.

2. The following constitute minor adjustments and/or alterations, not requiring a Specific Plan Amendment and/or update of the affected specific plan:

a. A net change of not more than 15 percent to the number of units within an individual residential area, provided the total number of units for the entire specific plan area does not exceed that established in the affected specific plan;

b. Adjustment of a residential planning area boundary, provided the total acreage of the affected area does not increase or decrease the total acreage stated in the affected specific plan by more than 15 percent;

c. Minor adjustments and/or alterations to landscape materials, wall materials, wall alignment, entry design, and streetscape design, which are consistent with the conceptual design set forth in the affected specific plan's development standards and design guidelines;

d. Minor adjustments and/or alterations to design guidelines, which are intended to be conceptual in nature, and are clearly intended to be flexible in implementation;

e. Other adjustments and/or alterations of a similar nature to those listed above, which are deemed minor by the Planning Director to be in keeping with the purpose and intent of the affected specific plan and are in conformance with The Ontario Plan; and

f. Adjustments in street alignments and dimensions that as deemed appropriate by the City Engineer, which are in keeping with the purpose and intent of the specific plan and are consistent with the purpose, principles, goals, and policies, of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, provided the changes do not impact the sizing of master planned infrastructure,

C. Application Filing, Processing and Hearing. A Specific Plan Minor Amendment application shall be filed, processed, and acted upon pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section. A noticed hearing pursuant to Division 2.03 (Public Hearings) of this Development Code shall not be required.

D. Findings and Decision. A Specific Plan Minor Adjustment and/or Alteration shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The proposed Specific Plan Minor Adjustment and/or Alteration is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and the specific plan;
2. The proposed Specific Plan Minor Adjustment and/or Alteration is reasonable and beneficial, and in the interest of good planning practice; and
3. The proposed Specific Plan Minor Adjustment and/or Alteration will not adversely affect the harmonious relationship with adjacent properties and land uses.”

PART IV: Subsection C (Administrative Exceptions) of Development Code Section 4.02.020 (Administrative Exceptions, Minor Variances and Variances) shall be rescinded and all subsequent existing provisions of Development Code Section 4.02.020 shall be renumbered in correct alphanumeric order. Development Code Section 4.03.050 (Administrative Exceptions) shall be added to read as follows:

“4.03.050: Administrative Exceptions

A. Purpose. The Administrative Exception is hereby established for the purpose of granting minor departures from the strict application of certain numerical development standards established by this Development Code, when the departure would result in superior site, landscape, or architectural design features that could not otherwise be incorporated into a development project under the strict application of the development standards contained in this Development Code.

B. Applicability.

a. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority is hereby empowered to approve, approve in modified form, or deny an Administrative Exception application, and to impose reasonable conditions upon the approval of the application.

b. Administrative Exceptions may be approved for reductions of up to 10 percent from:

(1) Minimum setback and separation requirements, excepting nonresidential setback requirements from property lines that are common with any residentially zoned property; and

(2) Off-street parking required for nonresidential land uses pursuant to Table 6.03-1 (Off-Street Parking Requirements).

c. An Administrative Exception shall not be approved for reductions from minimum lot size, lot dimensions, landscape coverage, or residential parking requirements, or for an increase in maximum density, floor area ratio, or the height of a structure.

C. Application Filing, Processing and Hearing.

1. An Administrative Exception shall be filed and processed pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

2. A hearing shall not be required; however, the owners of all properties having a property line common with the affected property shall be notified of the proposed Administrative Exception pursuant to Section 2.03.010 (Public Hearing Notification) of this Development Code and shall be invited to comment on the application.

D. Findings and Decision. An Administrative Exception shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and any comments received from property owners notified pursuant to Subparagraph C.3.b of this Section, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The approval of the Administrative Exception is necessary to the production of a comprehensive development, incorporating an enhanced environment and architectural excellence (e.g., appropriate variety of structure placement and orientation opportunities, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, etc.) than would normally be possible under the strict application of the applicable development standards;

2. The approval of the Administrative Exception will allow for the inclusion of site, architectural, or landscape features that could not otherwise be incorporated into the design of the project under the strict application of the provisions of the applicable development standards; and

3. The approval of the Administrative Exception will not adversely affect the overall quality of development on the project site and will not adversely affect neighboring properties.

4. The proposed Administrative Exception is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council

Priorities components of The Ontario Plan, and the purposes of any applicable Specific Plan or Planned Unit Development, and the purposes of this Development Code.

E. Conditions of Approval.

1. In approving an Administrative Exception, the Approving Authority may require certain safeguards and impose certain conditions established to ensure that the purposes of this Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s).

2. All conditions of approval or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.”

PART V: Development Code Section 4.02.035 (Fair Housing and Reasonable Accommodations) shall be rescinded and Development Code Section 4.03.055 (Fair Housing and Reasonable Accommodations) shall be added to read as follows:

“4.03.055: Fair Housing and Reasonable Accommodations

A. Purpose. Pursuant to Federal and State fair housing laws, the purpose of this Section is to provide a procedure whereby exceptions from specific applications of this Development Code may be considered and properly evaluated in order to assure that no person is discriminated against on the basis of race, color, religion, sex, sexual orientation, family status, marital status, disability, national origin, source of income, or ancestry, by being denied an equal opportunity to use and enjoy a dwelling.

B. Applicability.

1. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority is hereby empowered to approve, approve in modified form, or deny a Fair Housing and Reasonable Accommodation application and to impose reasonable conditions upon the approval of the application.

2. The Approving Authority may approve reasonable exceptions from the provisions of this Development Code, except that a Fair Housing and Reasonable Accommodation request shall not be approved that would allow the establishment of a land use that would not otherwise be allowed in the zoning district in which the affected property is located, or for increases in residential density.

C. Application Filing, Processing and Hearing. A Fair Housing and Reasonable Accommodation application shall be filed, processed, and heard pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

D. Findings and Decision. A Fair Housing and Reasonable Accommodation request shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The persons who will use the subject property are protected under federal and state fair housing laws;

2. The requested exception is necessary to make specific housing available to a person who will occupy the subject property and who is protected under federal and state fair housing laws;

3. The requested exception will not impose an undo financial or administrative burden upon the City; and

4. The requested exception will comply with all applicable Building and Fire Codes and will not result in a fundamental alteration of the planning, zoning and development laws and procedures of the City.

E. Conditions of Approval.

1. In approving a Fair Housing and Reasonable Accommodation application, the Approving Authority may require certain safeguards and impose certain conditions established to ensure that the purposes of this Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s).

2. All conditions of approval or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code."

PART VI: Paragraphs C.11 (Qualified Buyer) and C.12 (Qualified Nonprofit Corporation) of Development Code Section 5.03.010 (Accessory Dwelling Units) shall be added to read as stated below. All subsequent existing provisions contained in Subsection C (Definitions) shall be renumbered in correct alphanumeric order.

“**11. Qualified Buyer.** Persons and families of low or moderate income, as that term is defined in Health and Safety Code Section 50093.

12. Qualified Nonprofit Corporation. A nonprofit corporation organized pursuant to Internal Revenue Code Section 501(c)(3), which has received a welfare exemption under Revenue and Taxation Code Section 214.15, for properties intended to be sold to low-income families who participate in a special no-interest loan program.”

PART VII: Paragraph E.4 (No Separate Conveyance) of Section 5.03.010 (Accessory Dwelling Units) shall be amended to read as follows:

“**4. No Separate Sale or Conveyance.** An ADU or JADU may be rented; however, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all other dwellings (in the case of a multiple-family lot), except as provided by Subsection H (Sale or Conveyance of ADUs Separate from the Primary Residence) of this Section.”

PART VIII: Subsection H (Sale or Conveyance of ADUs Separate from the Primary Residence) of Section 5.03.010 (Accessory Dwelling Units) shall be added to read as follows:

“**H. Sale or Conveyance of ADUs Separate from the Primary Residence.** Notwithstanding Paragraph E.4 (No Separate Sale or Conveyance) of this Section, an ADU can be sold or conveyed separately from the primary residence to a qualified buyer; provided, all of the following conditions are met:

1. The ADU or the primary dwelling was built or developed by a qualified nonprofit corporation.

2. There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in Revenue and Taxation Code Section 402.1(10)(a).

3. The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

a. The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies.

b. A repurchase option that requires the qualified buyer to first offer the purchase of the ADU or primary dwelling to the qualified nonprofit corporation should the buyer desire to later sell or convey the property.

c. A requirement that the qualified buyer occupy the ADU or primary dwelling as the buyer's principal residence.

d. Affordability restrictions on the sale and conveyance of the accessory dwelling unit or primary dwelling that ensures the ADU and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.

e. Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the latter cotenant's obligations to each of the other cotenants have been satisfied.

f. Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.

g. Procedures for dispute resolution among the parties before resorting to legal action.

4. A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Revenue and Taxation Code Section 480.3.

5. Notwithstanding the requirements of Paragraph G.2 (Utility Fees) of this Section, if requested by a utility providing service to the primary residence, the ADU shall be provided separate water, sewer, or electrical connection to that utility."

PART IX: Paragraph D.14 of Development Code Section 5.03.011 (Accessory Dwelling Units) shall be amended to read as follows:

“**14.** A lot developed with an Accessory Residential Structure shall maintain a useable rear yard as follows:

a. A traditional single-family dwelling shall maintain a useable rear yard area having minimum dimension of 20 FT in any horizontal direction; and

b. A small lot single-family dwelling shall maintain a useable rear yard having a minimum dimension of 10 FT in any horizontal direction.”

PART X: Section 5.03.067 (Banquet Facilities - Historic Properties) shall be amended to read as follows:

“**A.** A banquet facility shall be allowed in all zoning districts within a commercial structure or on property designated as a local historic landmark, or a contributing structure within a designated historic district, established pursuant to Section 4.02.040 (Historic Preservation—Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservations Areas) of this Development Code, and shall be subject to the regulations therein during the life of the permit, except that no banquet facility shall be allowed in the MU-1 (Downtown Mixed Use) zoning district.

B. The minimum number of parking spaces required shall be provided pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code. A parking demand study may be prepared by a qualified traffic consultant or engineer to support a reduction in the required number of parking spaces. The intent is to provide lower, flexible parking standards wherever possible and appropriate. Consideration shall be given to shared parking systems, on and off-street parking resources, compatibility with historic patterns of development, and the availability of mass transit resources.

C. Live entertainment shall be prohibited. Request for live entertainment shall require conditional use permit approval by the Zoning Administrator. Karaoke, DJs, live musical acts, and other similar forms of entertainment are considered live entertainment. Amplified prerecorded music may be permitted; however, the sound emitted from the premises shall not be audible beyond the property lines of the business establishment.

D. Alcohol beverage sales shall be allowed subject to the approval of a Conditional Use Permit issued pursuant to the requirements of Section 4.02.015 (Conditional Use Permits) and Section 5.03.025 (Alcoholic Beverage Sales) of this Development Code.

E. The applicant shall comply with all applicable building code regulations related to the change of use of the structure to a banquet facility.”

PART XI: Subparagraph G.1 (Retail Sales Events) of Development Code Section 5.03.395 (Temporary and Interim Land Uses, Buildings, and Structures) shall be amended to read as follows:

“**1.** Retail Sales Events and Other Similar Business Events. Retail sales events and other similar business events, including but not limited to special outdoor sales, sidewalk sales, and parking lot sales, are subject to the following:

a. A retail sales event or other similar business event shall only be allowed in conjunction with a legally established business that has been operated for a period of at least 180 days prior to the retail sales event or other similar business event.

b. Retail sales events and other similar business events shall be limited to eight, one-week periods per calendar year, per business location. The one-week periods may be used consecutively, not to exceed a total of 56 days per calendar year.

c. The outdoor display of merchandise shall be restricted to an area directly adjacent to the business’ exterior storefront; however, in the case of shopping centers, when it is not practical for the outdoor display area to be located directly adjacent to the business front, the sale area shall be located in an area as close as practically possible, to the business’ exterior storefront.

d. The display of merchandise shall not impede pedestrian or vehicular circulation.

e. All merchandise, materials, signs, and debris shall be removed from the outdoor area by 9:00AM following the last day of the retail sales event.”

PART XII: Paragraph F.8 of Development Code Section 6.01.010 (Residential Zoning Districts) shall be amended to read as follows:

“**8.** Conversion of Garages. No garage shall be converted to another use unless a replacement garage is constructed on-site, which meets the minimum requirements of Division 6.03 (Off-Street Parking and Loading) of this Chapter, excepting a garage conversion to accommodate an Accessory Dwelling Units conforming to Section 5.03.010 (Accessory Dwelling Units) of this Development Code.”

PART XIII: Subsection G (Definition of Words Beginning with the Letter “G”) of Development Code Section 9.01.010 (Terms and Phrases) shall be amended, revising the definition of “garage” as follows:

“Garage. An accessory structure or portion of a main structure that is fully enclosed and designed for the shelter or storage of motor vehicles.”

PART XIV: Rescind Ordinance No. 3200, an urgency ordinance establishing standards for the development of Single-Family Two-Unit Projects and Urban Lot Splits, and Development Code Section 5.03.403 (Single-Family Two-Unit Projects) and Section 6.08.060 (Urban Lot Splits) shall be added to read as follows:

“Section 5.03.403: Single-Family Two-Unit Projects

- A. Purpose.** The purpose of this Section is to allow and appropriately regulate Single-Family Two-Unit Projects pursuant to GC Section 65852.21.
- B. Definition.** A “Two-Unit Project” means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot pursuant to the requirements of this Section.
- C. Application.**
1. Only individual property owners may apply for a Two-Unit Project. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corporation, S corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Section 214.15).
 2. An application for a Two-Unit Project shall be submitted on a City application form.
 3. The applicant shall obtain a certificate of compliance with the Subdivision Map Act for the lot and provide the certificate with the application.
 4. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days following application submittal.

5. The City may establish a fee to recover its costs for adopting, implementing, and enforcing this Section of the Development Code, pursuant to applicable law. The City council may establish and change the fee by resolution. The fee shall be paid with the application.

D. Approval.

1. An application for a Two-Unit Project is approved or denied ministerially, by the Planning Director, without discretionary review.
2. The ministerial approval of a Two-Unit Project does not take effect until the City has confirmed that all required documents have been recorded, such as the deed restriction and easements.
3. The approval shall require the owner and applicant to hold the City harmless from all claims and damages related to the approval and its subject matter.
4. The approval shall require the owner and applicant to reimburse the City for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this Development Code.

E. Requirements. A Two-Unit Project shall satisfy all of the following requirements:

1. Subdivision Map Act (SMA) Compliance. The lot shall have been legally subdivided.
2. Zoning District. The lot is in a single-family residential zoning district. For the purpose of this Section, the term "single-family residential zoning district" shall mean the LRD-5 (Low Density Residential – 2.1 to 5.0 DU/Acre) zoning district.
3. Lot Location. Pursuant to the GC Section 65913.4(a)(6)(B) through (K), the lot to be split shall not be located on a site that is any of the following:
 - a. Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
 - b. A wetland.
 - c. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.
 - d. A hazardous waste site that has not been cleared for residential use.

- e. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.
 - f. Within a 100-year flood hazard area, unless the site has either:
 - (1) Been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or
 - (2) Meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
 - g. Within a regulatory floodway, unless all development on the site has received a no-rise certification.
 - h. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.
 - i. Habitat for protected species.
 - j. Land under conservation easement.
4. Not Historic. The lot shall not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark, or as a historic property or district.
5. No Impact on Protected Housing. The Two-Unit Project shall not require or include the demolition or alteration of any of the following types of housing:
- a. Housing that is income-restricted for households of moderate, low, or very low income.
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.
 - c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (GC Sections 7060–7060.7) at any time in the 15 years prior to submission of the Urban Lot Split application.

- d. Housing that has been occupied by a tenant in the last 3 years. The applicant and the owner of a property for which an Urban Lot Split is sought shall provide a sworn statement as to this fact with the application for the tentative parcel map. The City may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the City may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

6. Unit Standards.

a. *Quantity.*

- (1) No more than two dwelling units of any kind may be built on a lot that results from an Urban Lot Split. For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created pursuant to Section 5.03.403 (Two-Unit Projects) of this Development Code, or an ADU or JADU created pursuant to State law and Section 5.03.010 (Accessory Dwelling Unit) of this Development Code.
- (2) A lot that is not created by an Urban Lot Split may have a Two-Unit Project as provided by this Section, plus any ADU or JADU that shall be allowed pursuant to State law and Section 5.03.010 (Accessory Dwelling Unit) of this Development Code.

b. *Unit Size.*

- (1) The total floor area of each primary dwelling that is developed under this Section shall be a minimum of 500 SF in area and a maximum of 800 SF in area.
- (2) A primary dwelling that was legally established on the lot prior to the Two-Unit Project and is larger than 800 SF is limited to the lawful floor area at the time of the Two-Unit Project. The unit may not be expanded.
- (3) A primary dwelling that was legally established prior to the Two-Unit Project and is smaller than 800 SF may be expanded to 800 SF after or as part of the Two-Unit Project.

- c. *Height Restrictions.*
 - (1) On a lot that is larger than 2,000 SF, no new primary dwelling unit may exceed one-story or 16 FT in height, measured from grade to peak of the structure.
 - (2) On a lot that is smaller than 2,000 SF, no new primary dwelling unit may exceed two-stories or 22 FT in height, measured from grade to peak of the structure. Any portion of a new primary dwelling that exceeds one story in height shall be stepped back by an additional 5 FT from the ground floor; no balcony deck or other portion of the second story may project into the setback.
 - (3) No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot with a Two-Unit Project.
- d. *Demo Cap.* The Two-Unit Project shall not involve the demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last 3 years.
- e. *Lot Coverage.* [Include a lot coverage standard here if desired.] This lot coverage standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 SF each.
- f. *Setback Requirements.*
 - (1) **Generally.** All setbacks shall conform to the minimum requirements of the underlying zoning district.
 - (2) **Exceptions.** Notwithstanding subpart E.6.f above:
 - (a) Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - (b) Cannot Preclude Construction of Two 800-SF Units and 4-FT Side/Rear Setbacks. The setbacks imposed by the underlying zoning district shall yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the

two units from being at least 800 SF in floor area; but in no event may any structure be less than 4 FT from a side or rear property line.

(3) Front Setback Area. Notwithstanding any other part of this code, dwellings that are constructed under this Section shall conform to the front setback requirement of the underlying zoning district. The front setback area shall:

- (a)** Be kept free from all structures greater than 3 FT high; and
- (b)** Allow for vehicular and fire-safety access to the front structure.

g. Parking. Each new primary dwelling unit shall have at least one off-street parking space per unit within a fully enclosed garage having a minimum interior clear area measuring 10 FT in width and 20 FT in length, unless one of the following applies:

(1) The lot is located within one-half mile walking distance of either

- (a)** A corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours or
- (b)** A site that contains:
 - (i)** An existing rail or bus rapid transit station,
 - (ii)** A ferry terminal served by either a bus or rail transit service, or
 - (iii)** The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

(2) The site is located within one block of a permanently established car-share vehicle pickup/drop-off location.

h. Architecture.

- (1) If there is a legal primary dwelling on the lot that was established before the Two-Unit Project, any new primary dwelling unit shall match the existing primary dwelling unit with respect to exterior materials, finishes, color, and dominant roof pitch. The dominant roof pitch means the slope shared by the largest portion of the roof.
- (2) If there is no legal primary dwelling on the lot before the Two-Unit Project, and if two primary dwellings are developed on the lot, the dwellings shall match each other with respect to exterior materials, finishes, color, and dominant roof pitch. The dominant roof pitch means the slope shared by the largest portion of the roof.
- (3) All exterior lighting shall be limited to down-lights.
- (4) No window or door of a dwelling that is constructed on the lot may have a direct line of sight to an adjoining residential property. Decorative masonry block walls, dense landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.
- (5) If any portion of a dwelling is less than 30 FT from a property line that is not a public street right-of-way line, then all windows and doors in that portion shall either be (for windows) clerestory with the bottom of the glass at least 6 FT above the finished floor, or (for windows and doors) utilize frosted or obscure glass.

i. *Walls, Fences, and Obstructions.*

- (1) A lot comprising a Two-Unit Project shall be provided with 6-FT high decorative masonry block walls (reduced to 3 FT in height within front setback areas) at the following locations:
 - (a) Interior side and rear lot lines of each lot; and
 - (b) Street side property lines and along the rear property line of through lots, setback a minimum of 5 FT behind the sidewalk.
- (2) The construction and maintenance of walls, fences, and other obstructions shall comply with the requirements of Chapter 6.0 (Development and Subdivision Regulations), (Division

6.02 (Walls, Fences, and Obstructions) of this Development Code.

- j.** *Landscaping.* A lot comprising a Two-Unit Project shall be fully landscaped and provided with a permanent automatic irrigation system pursuant to the requirements Chapter 6.0 (Development and Subdivision Regulations), Division 6.05 (Landscaping) of this Development Code.
 - k.** *Nonconforming Conditions.* A Two-Unit Project shall be approved only if all nonconforming zoning conditions are corrected.
 - l.** *Utilities.*

 - (1)** Each primary dwelling unit on the resulting lots shall have its own direct utility connection to the utility service provider.
 - (2)** Each primary dwelling unit on the resulting lots that is or that is proposed to be connected to an onsite wastewater treatment system shall first have a percolation test completed within the last 5 years or, if the percolation test has been recertified, within the last 10 years.
 - m.** *Building & Safety.* All structures built on a lot comprising a Two-Unit Project shall comply with all current local building standards. A project under this Section is a change of use and subjects the whole of the lot, and all structures, to the City's current code.
- 7.** Fire-Hazard Mitigation Measures. A lot in a very high fire hazard severity zone shall comply with each of the following fire-hazard mitigation measures:
- a.** It shall have direct access to a public street right-of-way with a paved street with a width of at least 40 FT. The public street right-of-way shall have at least two independent points of access for fire and life safety to access and for residents to evacuate.
 - b.** All dwellings on the site shall comply with current fire code requirements for dwellings in a very high fire hazard severity zone.
 - c.** All enclosed structures on the site shall have fire sprinklers.
 - d.** All sides of all dwellings on the site shall be within a 150-FT hose-pull distance from either the public street right-of-way or of an onsite fire hydrant or standpipe.

- e. If the lot does not have a swimming pool, the lot shall have a water reservoir of at least 5,000 gallons per dwelling, with fire-authority approved hookups compatible with fire-authority standard pump and hose equipment.

8. Separate Conveyance.

- a. Primary dwelling units on the lot may not be owned or conveyed separately from each other.
- b. Condominium airspace divisions and common interest developments are prohibited.
- c. All fee interest in a lot and all dwellings on the lot shall be held equally and undivided by all individual property owners.

9. Regulation of Uses.

- a. *Residential-Only.* No non-residential use is permitted on the lot.
- b. *No Short Term Rentals.* No dwelling unit on a lot comprising a Two-Unit Project shall be rented for a period of less than 30 days.
- c. *Owner Occupancy.* Unless the lot comprising a Two-Unit Project was formed by an Urban Lot Split, the individual property owners of a lot with a Two-Unit Project shall occupy one of the dwellings on the lot as the owners' principal residence and legal domicile.

10. Notice of Construction.

- a. At least 30 business days before starting any construction of a Two-Unit Project, the property owner shall give written notice to all the owners of record of each of the adjacent residential parcels, which notice shall include the following information:
 - (1) Notice that construction has been authorized,
 - (2) The anticipated start and end dates for construction,
 - (3) The hours of construction,
 - (4) Contact information for the project manager (for construction-related complaints), and
 - (5) Contact information for the Building & Safety Department.

3. The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.

G. Remedies. If a Two-Unit Project violates any part of this Development Code or any other legal requirement:

1. The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.
2. The City may:
 - a. Bring an action to enjoin any attempt to sell, lease, or finance the property.
 - b. Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
 - c. Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
 - d. Record a notice of violation.
 - e. Withhold any or all future permits and approvals.
 - f. Pursue all other administrative, legal, or equitable remedies that are allowed by law, this Development Code, or the City's Municipal Code."

"Section 6.08.060: Urban Lot Splits

A. Purpose. The purpose of this Section is to allow and appropriately regulate Urban Lot Splits pursuant to GC Section 66411.7.

B. Definition. An "Urban Lot Split" means the subdivision of an existing, legally subdivided lot into two lots pursuant to the requirements of this Section.

C. Application.

1. Only individual property owners may apply for an Urban Lot Split. "Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corporation, S

corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Section 214.15).

2. An application for an Urban Lot Split shall be submitted on a City application form. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days following application submittal.
3. The City may establish a fee to recover its costs for adopting, implementing, and enforcing this Section of the Development Code, pursuant to applicable law. The City council may establish and change the fee by resolution. The fee shall be paid with the application.

D. Approval.

1. An application for a parcel map for an Urban Lot Split is approved or denied ministerially, by the City Engineer, without discretionary review.
2. A tentative parcel map for an Urban Lot Split shall be approved ministerially if it complies with all the requirements of this Section. The tentative parcel map may not be recorded. A final parcel map shall be approved ministerially as well, but not until the owner demonstrates that all required documents have been recorded, such as the deed restriction and easements. The tentative parcel map shall expire 3 months following approval.
3. The approval shall require the owner and applicant to hold the City of Ontario harmless from all claims and damages related to the approval and its subject matter.
4. The approval shall require the owner and applicant to reimburse the City for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this Development Code.

E. Requirements. An Urban Lot Split shall satisfy each of the following requirements:

1. Subdivision Map Act Compliance.
 - a. The Urban Lot Split shall conform to all applicable objective requirements of the Subdivision Map Act (GC Section 66410 et seq., "SMA"), including implementing requirements in this Development Code, except as otherwise expressly provided in this Section.

- c. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.
 - d. A hazardous waste site that has not been cleared for residential use.
 - e. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.
 - f. Within a 100-year flood hazard area, unless the site has either:
 - (1) Been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or
 - (2) Meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
 - g. Within a regulatory floodway, unless all development on the site has received a no-rise certification.
 - h. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.
 - i. Habitat for protected species.
 - j. Land under conservation easement.
4. Not Historic. The lot to be split shall not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.
5. No Prior Urban Lot Split.
- a. The lot to be split was not established through a prior Urban Lot Split.
 - b. The lot to be split is not adjacent to any lot that was established through a prior Urban Lot Split by the owner of the lot to be split or by any person acting in concert with the owner. For the purposes of this Section, the term “any person acting in concert with the owner”

shall include any third-party that coordinates or assists the owners of two adjacent lots with their respective Urban Lot Splits.

6. No Impact on Protected Housing. The Urban Lot Split shall not require or include the demolition or alteration of any of the following types of housing:
 - a. Housing that is income-restricted for households of moderate, low, or very low income.
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.
 - c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (GC Sections 7060–7060.7) at any time in the 15 years prior to submission of the Urban Lot Split application.
 - d. Housing that has been occupied by a tenant in the last 3 years. The applicant and the owner of a property for which an Urban Lot Split is sought shall provide a sworn statement as to this fact with the application for the tentative parcel map. The City may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the City may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.
7. Lot Size.
 - a. The lot to be split shall be at least 2,400 SF.
 - b. Each lot created by an Urban Lot Split shall be at least 1,200 SF.
 - c. Each lot created by an Urban Lot Split shall be between 60 percent and 40 percent of the original lot area.
8. Easements.
 - a. The owner shall enter into an easement agreement with each public-service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.
 - b. Each easement shall be shown on the parcel map.

- c. Copies of the unrecorded easement agreements shall be submitted with the application. The easement agreements shall be recorded against the property before the final parcel map may be approved pursuant to subpart D.2 above.

9. Lot Access.

- a. Each lot created by an Urban Lot Split shall adjoin a public street right-of-way.
- b. Each lot created by an Urban Lot Split shall have frontage on the public street right-of-way of at least 20 FT.

10. Unit Standards.

- a. *Quantity.* No more than two dwelling units of any kind may be built on a lot that results from an Urban Lot Split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created pursuant to State law and Section 5.03.403 (Two-Unit Projects) of this Development Code, or an ADU or JADU created pursuant to Section 5.03.010 (Accessory Dwelling Unit) of this Development Code.

b. *Unit Size.*

- (1) The total floor area of each primary dwelling that is developed on a lot resulting from an Urban Lot Split shall be a minimum of 500 SF in area and a maximum of 800 SF in area.
- (2) A primary dwelling that was legally established prior to the Urban Lot Split and that is larger than 800 SF is limited to the lawful floor area at the time of the Urban Lot Split and shall not be expanded
- (3) A primary dwelling that was legally established prior to the Urban Lot Split and is smaller than 800 SF may be expanded to a maximum of 800 SF after the Urban Lot Split.

c. *Height Restrictions.*

- (1) On a resulting lot that is 2,000 SF or larger, no new primary dwelling unit may exceed one-story or 16 FT in height, measured from grade to peak of the structure.

- (2) On a resulting lot that is smaller than 2,000 SF, no new primary dwelling unit may exceed two-stories or 22 FT in height, measured from grade to peak of the structure. Any portion of a new primary dwelling that exceeds one story in height shall be stepped back by an additional 5 FT from the ground floor; no balcony deck or other portion of the second story may project into the setback.
 - (3) No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot resulting from an Urban Lot Split.
- d. *Lot Coverage.* Maximum lot coverage shall conform to the requirement of the underlying zoning district. This lot coverage standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 SF each.
- e. *Setback Requirements.*
- (1) **Generally.** All setbacks shall conform to the minimum requirements of the underlying zoning district.
 - (2) **Exceptions.** Notwithstanding subpart E.10.e above:
 - (a) Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - (b) Cannot Preclude Construction of Two 800-SF Units and 4-FT Side/Rear Setbacks. The setbacks imposed by the underlying zoning district shall yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 SF in floor area; but in no event may any structure be less than 4 FT from a side or rear property line.
 - (3) **Front Setback Area.** Notwithstanding any other part of this Development Code, dwellings that are constructed after an Urban Lot Split shall conform to the front setback requirement of the underlying zoning district. The front setback area shall:

exterior materials, finishes, color, and dominant roof pitch. The dominant roof pitch means the slope shared by the largest portion of the roof.

- (3) All exterior lighting shall be limited to down-lights.
- (4) No window or door of a dwelling that is constructed on the lot may have a direct line of sight to an adjoining residential property. Decorative masonry block walls, dense landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.
- (5) If a dwelling is constructed on a lot after an Urban Lot Split and any portion of the dwelling is less than 30 FT from a property line that is not a public street right-of-way line, then all windows and doors in that portion shall either be (for windows) clerestory with the bottom of the glass at least 6 FT above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

h. *Walls, Fences, and Obstructions.*

- (1) Lots created as a result of an Urban Lot Split shall be provided with 6-FT high decorative masonry block walls (reduced to 3 FT in height within front setback areas) at the following locations:
 - (a) Interior side and rear lot lines of each lot; and
 - (b) Street side property lines and along the rear property line of through lots, setback a minimum of 5 FT behind the sidewalk.
- (2) The construction and maintenance of walls, fences, and other obstructions shall comply with the requirements of Division 6.02 (Walls, Fences, and Obstructions) of this Chapter.

i. *Landscaping.* Lots created as a result of an Urban Lot Split shall be fully landscaped and provided with a permanent automatic irrigation system pursuant to the requirements Division 6.05 (Landscaping) of this Chapter.

- j. *Nonconforming Conditions.* An Urban Lot Split may be approved without requiring a legal nonconforming zoning condition to be corrected.
- k. *Utilities.*
 - (1) Each primary dwelling unit on the resulting lots shall have its own direct utility connection to the utility service provider.
 - (2) Each primary dwelling unit on the resulting lots that is or that is proposed to be connected to an onsite wastewater treatment system shall first have a percolation test completed within the last 5 years or, if the percolation test has been recertified, within the last 10 years.
- l. *Building & Safety.* All structures built on a lot resulting from an Urban Lot Split shall comply with all current local building standards. An Urban Lot Split is a change of use.

11. Fire-Hazard Mitigation Measures.

- a. A lot in a very high fire hazard severity zone shall comply with each of the following fire-hazard mitigation measures:
 - (1) It shall have direct access to a public street right-of-way with a paved street with a width of at least 40 FT. The public street right-of-way shall have at least two independent points of access for fire and life safety to access and for residents to evacuate.
 - (2) All dwellings on the site shall comply with current Fire Code requirements for dwellings in a very high fire hazard severity zone.
 - (3) All enclosed structures on the site shall have fire sprinklers.
 - (4) All sides of all dwellings on the site shall be within a 150-FT hose-pull distance from either the public street right-of-way or of an onsite fire hydrant or standpipe.
 - (5) If the lot does not have a swimming pool, the lot shall have a water reservoir of at least 5,000 gallons per dwelling, with fire-authority approved hookups compatible with fire-authority standard pump and hose equipment.

- b.** Prior to submitting an application for an Urban Lot Split, the applicant shall obtain a certificate of compliance with all applicable fire-hazard mitigation measures pursuant to this subpart E.11. The City or its authorized agent shall inspect the site, including all structures on the site, and certify as to its compliance. The certificate shall be included with the application. The applicant shall pay the City's costs for inspection. Failure to pay is grounds for denying the application.

12. Separate Conveyance.

- a.** On a lot created by an Urban Lot Split:
 - (1)** Primary dwelling units cannot be owned or conveyed separately from each other.
 - (2)** Condominium airspace divisions and common interest developments are prohibited.
 - (3)** All fee interest in a lot and all dwellings on the lot shall be held equally and undivided by all individual property owners.
- b.** Separate conveyance of lots created by an Urban Lot Split is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the Urban Lot Split boundary may separate them for conveyance purposes if the structures meet Building Code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner shall record appropriate CC&Rs, easements, or other documentation that is necessary to allocate rights and responsibility between the owners of the two lots.

13. Regulation of Uses.

- a.** *Residential-Only.* Nonresidential land uses shall be prohibited on any lot created by Urban Lot Split.
- b.** *No Short Term Rentals.* No dwelling unit on a lot that is created by an Urban Lot Split may be rented for a period of less than 30 days.
- c.** *Owner Occupancy.* The applicant for an Urban Lot Split shall sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of 3 years after the Urban Lot Split is approved.

14. Notice of Construction.

- a. At least 30 business days prior to the starting any construction of a structure on a lot created by an Urban Lot Split, the property owner shall give written notice to all the owners of record of each of the adjacent residential parcels, which notice shall include the following information:
 - (1) Notice that construction has been authorized,
 - (2) The anticipated start and end dates for construction,
 - (3) The hours of construction,
 - (4) Contact information for the project manager (for construction-related complaints), and
 - (5) Contact information for the Building & Safety Department.
- b. This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. The approval of an Urban Lot Split is ministerial and under state law, the City has no discretion in approving or denying a particular project under this Section. This notice requirement is purely to promote neighborhood awareness and expectation.

15. Deed Restriction. The owner shall record a deed restriction, acceptable to the City, that does each of the following:

- a. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
- b. Expressly prohibits any nonresidential land use of the lots created by the Urban Lot Split.
- c. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
- d. States that the property is formed by an Urban Lot Split and is, therefore, subject to the City's Urban Lot Split regulations, including all applicable limits on dwelling size and development.

F. Specific Adverse Impacts.

1. Notwithstanding anything else in this Section, the City may deny an application for an Urban Lot Split if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a “specific, adverse impact” on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
2. The term “specific adverse impact” has the same meaning as in GC Section 65589.5(d)(2): “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g).
3. The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.”

PART XV: Development Code Table 2.02-1 (Review Matrix) shall be amended to read as follows:

- R = Advisory (Recommending) Authority
- X = Approving Authority
- A = Appeal Authority

Table 2.02-1: Review Matrix

<i>Applications, Actions, Decisions and Processes</i>	<i>Reviewing Authorities [4]</i>									
	<i>Planning Director</i>	<i>City Engineer</i>	<i>Building Official</i>	<i>Zoning Administrator [2]</i>	<i>Development Advisory Board</i>	<i>Historic Preservation Subcommittee [2] [11]</i>	<i>Historic Preservation Commission [11]</i>	<i>Planning Commission [11]</i>	<i>City Council [11]</i>	<i>Ontario International Airport Authority</i>
A. LEGISLATIVE ACTIONS										
1. Airport Land Use Compatibility Plan and Amendments [1] (Ref: ODC Section 4.01.010)								R	X	
2. Development Agreements [1] (Ref: ODC Section 4.01.015)								R	X	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
3. Development Code Amendments [1] (Ref: ODC Section 4.01.020)								R	X	
4. Amendment to the Policy Plan (General Plan) Component of The Ontario Plan [1] (Ref: ODC Section 4.01.025)								R	X	
5. Planned Unit Developments and Amendments [1] (Ref: ODC Section 4.01.030)								R	X	
6. Specific Plans and Amendments [1] (Ref: ODC Section 4.01.035)								R	X	
7. Williamson Act Contract Cancellations [1] (Ref: GC Section 51200 et seq.)								R	X	
8. Zone Changes [1] (Ref: ODC Section 4.01.040)								R	X	
B. DISCRETIONARY PERMITS AND ACTIONS										
1. Billboard Relocation Agreements [1] (Ref: ODC Section 4.02.010)								R	X	
2. Conditional Use Permits (Ref: ODC Section 4.02.015)										
a. Hotels, Motels and Residence Inns [1]								R	X	
b. Use established in conjunction with a Development Plan [1]					R			X	A	
c. Use established within an existing structure [1]				X				A	A	
d. Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) [1]								X	A	
e. Revocation due to abandonment of use per ODC Division 2.05 (City Initiated Modification or Revocation) [1]				X				A	A	
3. Density Bonus and Other Incentives per ODC Section 6.01.010.G (Density Bonus and Other Incentives) [1]								R	X	
4. Development Plans (Ref: ODC Section 4.02.025)										
a. Residential developments totaling 5 or more dwelling units or the development of 3 or more dwelling units on a single lot or parcel					R			X	A	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
b. Commercial developments, and developments in the CIV, OS-R, OS-C and UC zoning districts, greater than 500 SF in area					X			A	A	
c. Industrial developments equal to or less than 0.45 FAR					X			A	A	
d. Industrial developments exceeding 0.45 FAR					R			X	A	
e. Wireless telecommunications facilities pursuant to Section 5.03.415 (Wireless Telecommunications Facilities) of this Development Code										
(1) Tier 2 facilities					X			A	A	
(2) Tier 3 facilities [1]					R			X	A	
f. All others					X			A	A	
5. Extensions of Legal Nonconforming Status [1] (Ref: ODC Section 4.02.030)				X				A	A	
6. Historic Preservation										
a. Certificates of Appropriateness (Ref: ODC Section 4.02.050)										
(1) Designated Historic Landmarks and Contributors, and Architectural Conservation Areas; and Demolition of an Historic Resource [1]						R	X		A	
(2) Deferral of Replacement Structure [1]						R	X		A	
(3) Eligible Historic Resources [1]						X	A		A	
(4) Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) [1]						R	X		A	
(5) Waivers for Minor Improvements	X					A[6]	A[6]			
b. Certificates of Economic Hardship [1] (Ref: ODC Section 4.02.055) [1]						R	X		A	
c. Certificates of Economic Hardship—Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) [1]						R	X		A	
d. Conservation Plans (Ref: ODC Section 4.02.060)						X	A		A	
e. Historic Resource Tiering (Ref: ODC Section 4.02.040), including Rescinding or Amending Status (Ref: ODC Section 4.02.045)						X	A		A	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
f. Local Historic Landmark and Local District Designations, and Architectural Conservation Areas (Ref: ODC Section 4.02.040), including Rescinding or Amending Status (Ref: ODC Section 4.02.045)						R	R		X	
g. Mills Act Contracts (Ref: ODC Section 4.02.065)						R	R		X	
h. Mills Act Cancellations [1] (Ref: ODC Section 4.02.065)						R	R		X	
i. Addition/Removal of Resources to/from the Ontario Register (Ref: ODC Section 4.02.045)										
(1) At the request of the property owner, or upon City initiation if the most recently prepared Historic Resource Survey evaluating the resource is more than 5 years old.						X	A		A	
(2) Loss of all historic and/or cultural significance due to a catastrophe causing a loss of integrity, or due to extensive legally performed alterations performed after the property was initially surveyed.	X						A		A	
7. Interpretations and Land Use Determinations (Ref: ODC Section 1.02.010)				X				A	A	
8. Master Plans and Amendments [1] (Ref: ODC Section 4.02.070)								R	X	
9. Minor Variances (Ref: ODC Section 4.02.020.D)				X				A	A	
10. Nonconforming Structure Reconstruction [1] (Ref: ODC Section 3.01.020)								X	A	
11. Parking Reduction (Ref: ODC Section 6.03.025)								X	A	
12. Sign Programs (Ref: ODC Section 4.02.075)	X							A	A	
13. Specific Plan Minor Amendments (Ref: ODC Section 4.02.080)	X							A	A	
14. Stays of Permit Approval Time Limit (Ref: ODC Section 2.02.025.A.8)				X[5]	X[5]	X[5]	X[5]	X[5]	X[5]	
15. Subdivisions										
a. Lot Merger (Merger of Contiguous Parcels) [1] (Ref: ODC Section 4.02.085)					R			X	A	
b. Reversions to Acreage [1] (Ref: ODC Section 4.02.090)					R			X	A	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
c. Tentative Tract and Parcel Maps, and Vesting Maps [1] (Ref: ODC Section 4.02.095)					R			X	A	
d. Tentative Tract and Parcel Map Time Extensions (Ref: ODC Section 2.02.025.A.3 & 4)					R			X	A	
16. Time Extensions, excepting tentative subdivision maps (Ref: ODC Section 2.02.025)	X							A	A	
17. Variances (Ref: ODC Section 4.02.020.E)										
a. Homeowner [1]				X				A	A	
b. Other [1]					R			X	A	
C. MINISTERIAL (ADMINISTRATIVE) PERMITS AND DECISIONS										
1. Administrative Exceptions (Ref: ODC Section 4.02.020.C)	X							A	A	
2. Administrative Use Permits (Ref: ODC Section 4.03.015)	X									
3. Airport Land Use Compatibility Plan (ALUCP) Interagency Reviews [7] (Ref: ALUCP)	X								A[8]	
4. Business License - Zoning/Land Use Compliance (Ref: OMC 3-1.129 (Zoning Compliance))	X							A	A	
5. Development Applications within the ONT zoning district	X									
6. Landscape and Irrigation Plans (Ref: ODC Section 6.05.005)	X							A	A	
7. Off-Site (Public) Improvement Plans (Ref: ODC Section 6.08.040)		X						A	A	
8. Other Plan Checks required by this Development Code	X							A	A	
9. Shopping Cart Retention Plans (Ref: ODC Section 6.11.020)	X							A	A	
10. Sign Plans (Ref: ODC Section 4.03.020)	X							A	A	
11. Single-Family Two-Unit Developments (Ref: ODC Section 5.03.403)	X							A	A	
12. Subdivisions										

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
a. Certificates of Compliance (Ref: ODC Section 4.03.025)		X						A	A	
b. Final Tract and Parcel Maps, and Vesting Maps (Ref: ODC Section 4.03.030)									X	
c. Lot Line Adjustments (Ref: ODC Section 4.03.035)		X						A	A	
d. Map Corrections and Amendments (Ref: ODC Section 4.03.040)		X						A	A	
e. Street Address Numbering (Ref: ODC Section 6.06.010)			X					A	A	
f. Street Name Assignment (Ref: ODC Section 6.06.010)	X							A	A	
g. Subdivision Improvement Agreement (Ref: ODC Section 6.08.040.G)		X						A	A	
h. Urban Lot Split (Ref: ODC Section 6.08.060)		X						A	A	
13. Tier 1 wireless telecommunications facility pursuant to ODC Section 5.03.420 (Wireless Telecommunications Facilities)				X				A	A	
14. Wall, Fence, and Obstructions Plans (Ref: ODC Section 6.02.005)	X							A	A	
15. Fair Housing and Reasonable Accommodation (Ref: ODC Section 4.02.035)	X							A	A	
D. ENVIRONMENTAL DETERMINATIONS AND ACTIONS										
1. Environmental Impact Reports (EIRs) (Ref: CCR Section 15080 et seq.)								X[3]	X[3]	
2. Exempt Projects (Ref: CCR Section 15300 et seq.)	X[3]			X[3]	X[3]	X[3]	X[3]	A	A	
3. Ministerial Projects (Ref: CCR Section 15268)	Ministerial projects are exempt from the requirements of CEQA [10]									
4. Negative Declarations (NDs) and Mitigated Negative Declarations (MNDs) (Ref: CCR Section 15070 et seq.)				X[3]	X[3]	X[3]	X[3]	X[3]	X[3]	
5. Addendums to previously certified EIRs and previously adopted NDs and MNDs (Ref: CCR Section 15164)				X[3]	X[3]	X[3]	X[3]	X[3]	X[3]	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
6. Environmental review for projects located within the ONT zoning district [9]										X

Notes:

- [1] A public hearing is required pursuant to the procedures set forth in Division 2.03 (Public Hearings) of this Development Code; however, public notification shall not be required for Development Advisory Board or Historic Preservation Subcommittee hearings when acting in the capacity of an Advisory Authority.
- [2] The Approving Authority may refer any application subject to their review to the next higher authority (Appeal Authority).
- [3] The Approving Authority for environmental determinations/actions shall be the same as the related legislative or discretionary actions. NDs and MNDs, and Addendums to previously certified EIRs, and previously adopted NDs or MNDs, which are not associated with, or are independent of, legislative or discretionary actions, shall be subject to Development Advisory Board review and adoption. EIRs that are not associated with, or are independent of, legislative or discretionary actions shall be subject to Planning Commission review and certification.
- [4] An application submitted for concurrent review and action with another application, action or decision requiring review and action by a higher Reviewing Authority may be subject to concurrent review and action by that higher Reviewing Authority upon their request.
- [5] The Approving Authority responsible for issuing a “Stay of Permit Approval Time Limit” pursuant to Section 2.02.025 (Projects Involving Pending Litigation) of the Development Code, shall be the same as for the related application, action or decision.
- [6] An appeal of an Historic Preservation—Certificate of Appropriateness—Waiver shall be considered by the Historic Preservation Subcommittee, except that an Historic Preservation—Waiver for an Historic Landmark shall be considered by the Historic Preservation Commission
- [7] Refer to the ALUCP for procedures for application processing and administration, and appeals processing.
- [8] Appeal shall be subject to review by the Mediation Board established pursuant to ALUCP Section 4.
- [9] Pursuant to the Joint Powers Authority agreement between the City of Ontario and the County of San Bernardino, the Ontario International Airport Authority shall be the lead agency.
- [10] Ministerial projects are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15268 of the CEQA Guidelines. The following projects or actions shall be deemed ministerial:
 - Administrative Exceptions;
 - Administrative Use Permit issuance;
 - ALUCP inter agency reviews;
 - Building permit issuance;
 - Business license issuance;
 - Encroachment permit issuance;
 - Final subdivision map approval;
 - Individual utility service connection and disconnection approval;
 - Landscape and irrigation plan approval;
 - Lot Line Adjustment approval;
 - Public improvement plan approval;
 - Shopping cart retention plan approval;
 - Sign Plan approval;
 - Single-Family Two-Unit Developments;
 - Street address number issuance;
 - Subdivision Improvement Agreement approval;

- Subdivision map corrections and amendments approval;
- Temporary Use Permit issuance;
- Tier 1 wireless telecommunications facility approval;
- Urban Lot Splits; and
- Wall and/or fence plan approval.

[11] Applications that do not require a public Hearing pursuant to Note 1, above, may be reviewed and acted upon under the "Consent Calendar" portion of the Approving Authority meeting agenda.

PART XVI: Development Code Table 2.03-1 (Notification Matrix) shall be amended to read as follows:

Table 2.03-1: Notification Matrix

<i>Applications, Actions, Decisions And Processes</i>	<i>Required Method of Public Notification</i>			
	<i>Not Required</i>	<i>Newspaper or Posting [2]</i>	<i>First Class Mail or Delivery [2]</i>	<i>Newspaper—1/8 page advertisement if the number of property owners to whom notices would be mailed or delivered is greater than 1,000</i>
A. LEGISLATIVE ACTIONS				
1. Airport Land Use Compatibility Plan and Amendments [1] (Ref: ODC Section 4.01.010)		X	X	X
2. Development Agreements [1] (Ref: ODC Section 4.01.015)		X	X	X
3. Development Code Amendments [1] (Ref: ODC Section 4.01.020)				X
4. Amendment to the Policy Plan (General Plan) Component of The Ontario Plan [1] (Ref: ODC Section 4.01.025)		X	X	X
5. Planned Unit Developments and Amendments [1] (Ref: ODC Section 4.01.030)		X	X	X
6. Specific Plans and Amendments [1] (Ref: ODC Section 4.01.035)		X	X	X
7. Williamson Act Contract Cancellations [1] (Ref: GC Section 51200 et.seq.)		X	X	X
8. Zone Changes [1] (Ref: ODC Section 4.01.040)		X	X	X
B. DISCRETIONARY PERMITS AND ACTIONS				
1. Billboard Relocation Agreements [1] (Ref: ODC Section 4.02.010)	X			
2. Conditional Use Permits (Ref: ODC Section 4.02.015)				

Table 2.03-1: Notification Matrix

Applications, Actions, Decisions And Processes	Required Method of Public Notification			
	Not Required	Newspaper or Posting [2]	First Class Mail or Delivery [2]	Newspaper—1/8 page advertisement if the number of property owners to whom notices would be mailed or delivered is greater than 1,000
a. Hotels, Motels and Residence Inns [1]		X	X	
b. Use established in conjunction with a Development Plan [1]		X	X	
c. Use established within an existing structure [1]		X	X	
d. Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) [1]		X	X	
e. Revocation due to abandonment of use per ODC Division 2.05 (City Initiated Modification or Revocation) [1]		X	X	
3. Density Bonus and Other Incentives per ODC Section 6.01.010.G (Density Bonus and Other Incentives) [1]		X	X	
4. Development Plans (Ref: ODC Section 4.02.025)				
a. Residential developments totaling 5 or more dwelling units or the development of 3 or more dwelling units on a single lot or parcel		X		
b. Commercial developments, and developments in the CIV, OS-R, OS-C and UC zoning districts, greater than 500 SF in area		X		
c. Industrial developments equal to or less than 0.45 FAR		X		
d. Industrial developments exceeding 0.45 FAR		X		
e. Wireless telecommunications facilities pursuant to Section 5.03.415 (Wireless Telecommunications Facilities) of this Development Code				
(1) Tier 2 facilities		X		
(2) Tier 3 facilities [1]		X	X	
f. All others		X		
5. Extensions of Legal Nonconforming Status [1] (Ref: ODC Section 4.02.030)		X	X	
6. Historic Preservation				

Table 2.03-1: Notification Matrix

Applications, Actions, Decisions And Processes	Required Method of Public Notification			
	Not Required	Newspaper or Posting [2]	First Class Mail or Delivery [2]	Newspaper—1/8 page advertisement if the number of property owners to whom notices would be mailed or delivered is greater than 1,000
a. Certificates of Appropriateness (Ref: ODC Section 4.02.050)				
(1) Designated Historic Landmarks and Contributors, and Architectural Conservation Areas; and Demolition of an Historic Resource [1]		X	X	
(2) Deferral of Replacement Structure [1]		X	X	
(3) Eligible Historic Resources [1]		X	X	
(4) Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) [1]		X	X	
(5) Waivers and Minor Improvements	X			
b. Certificates of Economic Hardship [1] (Ref: ODC Section 4.02.055)		X	X	
c. Certificates of Economic Hardship—Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) [1]		X	X	
d. Conservation Plans (Ref: ODC Section 4.02.060)		X		
e. Historic Resource Tiering (Ref: ODC Section 4.02.040), including Rescinding or Amending Status (Ref: ODC Section 4.02.045)	X			
f. Local Historic Landmark and Local District Designations, and Architectural Conservation Areas [Ref: ODC Section 4.02.040], including Rescinding or Amending Status (Ref: ODC Section 4.02.045)		X		
g. Mills Act Contracts (Ref: ODC Section 4.02.065)		X		
h. Mills Act Cancellations [1]		X	X	
i. Addition/Removal of Resources to/from the Ontario Register (Ref: ODC Section 4.02.045)				
(1) At the request of the property owner, or upon City initiation if the most recently prepared Historic Resource Survey evaluating the resource is more than 5 years old.	X			

Table 2.03-1: Notification Matrix

Applications, Actions, Decisions And Processes	Required Method of Public Notification			
	Not Required	Newspaper or Posting [2]	First Class Mail or Delivery [2]	Newspaper—1/8 page advertisement if the number of property owners to whom notices would be mailed or delivered is greater than 1,000
(2) Loss of all historic and/or cultural significance due to a catastrophe causing a loss of integrity, or due to extensive legally performed alterations performed after the property was initially surveyed.	X			
7. Interpretations and Land Use Determinations (Ref: ODC Section 1.02.010)	X			
8. Master Plans and Amendments [1] (Ref: ODC Section 4.02.070)		X	X	X
9. Minor Variances [5] (Ref: ODC Section 4.02.020.D)		X	X	
10. Nonconforming Structure Reconstruction [1] (Ref: ODC Section 3.01.020)		X	X	
11. Parking Reduction (Ref: ODC Section 6.03.025)	X			
12. Sign Programs (Ref: ODC Section 4.02.075)	X			
13. Specific Plan Minor Amendments (Ref: ODC Section 4.02.080)	X			
14. Stays of Permit Approval Time Limit (Ref: ODC Section 2.02.025.A.8)	X			
15. Subdivisions				
a. Lot Merger (Merger of Contiguous Parcels) [1] (Ref: ODC Section 4.02.085)		X	X	
b. Reversions to Acreage [1] (Ref: ODC Section 4.02.090)		X	X	
c. Tentative Tract and Parcel Maps, and Vesting Maps [1] (Ref: ODC Section 4.02.095)		X	X	
d. Tentative Tract and Parcel Map Time Extensions (Ref: ODC Section 2.02.025.A.3 & 4)		X		
16. Time Extensions, excepting tentative subdivision maps (Ref: ODC Section 2.02.025)	X			
17. Variances (Ref: ODC Section 4.02.020.E)				
a. Homeowner [1]		X	X	
b. Other [1]		X	X	

Table 2.03-1: Notification Matrix

Applications, Actions, Decisions And Processes	Required Method of Public Notification			
	Not Required	Newspaper or Posting [2]	First Class Mail or Delivery [2]	Newspaper—1/8 page advertisement if the number of property owners to whom notices would be mailed or delivered is greater than 1,000
C. MINISTERIAL (ADMINISTRATIVE) PERMITS AND DECISIONS				
1. Administrative Exceptions (Ref: ODC Section 4.02.020.C)	X			
2. Administrative Use Permit (Ref: ODC Section 4.02.015)	X			
3. Airport Land Use Compatibility Plan (ALUCP) Interagency Reviews [4] (Ref: ALUCP)	X			
4. Fair Housing and Reasonable Accommodation Ref: ODC Section 4.02.035)	X			
5. Landscape and Irrigation Documentation Plans (Ref. ODC Section 6.05.015)	X			
6. Off-Site (Public) Improvement Plans (Ref: ODC Section 6.08.040)	X			
7. Sign Plans (Ref: ODC Section 4.03.020)	X			
8. Single-Family Two-Unit Developments (Ref: ODC Section 5.03.403)	X			
9. Subdivisions				
a. Certificates of Compliance (Ref: ODC Section 4.03.025)	X			
b. Final Tract and Parcel Maps, and Vesting Maps (Ref: ODC Section 4.03.030)	X			
c. Lot Line Adjustments (Ref: ODC Section 4.03.035)	X			
d. Map Corrections and Amendments (Ref: ODC Section 4.03.040)	X			
e. Street Address Numbering (Ref. ODC Section 6.06.010)	X			
f. Street Name Assignment (Ref. ODC Section 6.06.010)	X			
g. Subdivision Improvement Agreement (Ref: ODC Section 6.08.040.G)	X			
h. Urban Lot Split (Ref: ODC Section 6.08.060)	X			

Table 2.03-1: Notification Matrix

Applications, Actions, Decisions And Processes	Required Method of Public Notification			
	Not Required	Newspaper or Posting [2]	First Class Mail or Delivery [2]	Newspaper—1/8 page advertisement if the number of property owners to whom notices would be mailed or delivered is greater than 1,000
10. Tier 1 wireless telecommunications facility pursuant to ODC Section 5.03.415 (Wireless Telecommunications Facilities)	X			
D. ENVIRONMENTAL DETERMINATIONS AND ACTIONS				
1. Environmental Impact Reports (EIRs) (Ref: CCR Section 15080 et seq.)		X	X	X
2. Exempt Projects (Ref: CCR Section 15300 et seq.)	X			
3. Ministerial Projects (Ref: CCR Section 15268)	X			
4. Negative Declarations (NDs) and Mitigated Negative Declarations (MNDs) (Ref: CCR Section 15070 et seq.)		X		
5. Addendums to previously certified EIRs and previously adopted NDs and MNDs (Ref: CCR Section 15164)	X			

Notes:

- [1] Public hearing notification is required pursuant to Section 2.03.010 (Public Hearing Notification) of this Division.
- [2] Public notification shall not be required for Development Advisory Board or Historic Preservation Subcommittee hearings when acting in the capacity of an Advisory Authority.
- [3] A Large Family Day Care facility shall require notification pursuant to Subparagraph 2.03.010.C.1.b(1) of this Division.
- [4] Refer to the LA/Ontario International Airport Land Use Compatibility Plan for procedures for application processing and administration, and appeals processing.
- [5] A Minor Variance shall require notification pursuant to Paragraph 4.02.020.D.3 (Application Filing, Processing and Hearing) of this Development Code.

PART XVII: Development Code Table 8.01-1 (Sign Regulation Matrix) shall be amended, revising the Special Regulations for Retail Sales Events in Commercial zoning districts (Subparagraph C.1.c[2]) and Industrial zoning districts (Subparagraph E.1.c[2]), to read as follows:

“[2] Retail Sales Events and Other Similar Business Events. A retail sales event or other similar business event permitted pursuant to Subparagraph 5.03.395.G.1 of this Development Code, may be allowed temporary signage for maximum of eight, one-week periods per calendar year, not to exceed a total of 56 days per calendar year.

PART XVIII: Development Code Table 5.02-1 (Land Use Matrix) shall be amended as shown in Exhibit A: Portion of Table 5.02-1 (Land Use Matrix), of this attachment.



PLANNING DEPARTMENT ACTIVITY REPORT

Month of March 2022

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

TO: Chairman and Members of the Planning Commission

FROM: Rudy Zeledon, Planning Director *RZ*

DATE: April 26, 2022

Attached, you will find the Planning Department Monthly Activity Report for the month of March 2022. 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 at: <https://www.ontarioca.gov/Planning/Reports/MonthlyActivity>.



Monthly Activity Report: Actions

Month of March 2022

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

CITY COUNCIL/HOUSING AUTHORITY MEETING March 1, 2022

ENVIRONMENTAL ASSESSMENT, GENERAL PLAN AMENDMENT, ZONE CHANGE, AND DEVELOPMENT CODE AMENDMENT FOR FILE NOS. PGPA21-004, PZC21-002, AND PDCA21-001:

A General Plan Amendment (File No. PGPA21-004) for the Housing Element update to the Policy Plan (General Plan) component of The Ontario Plan addressing State mandates and the 6th Cycle Regional Housing Needs Allocation (RHNA) and to modify the Policy Plan Land Use Plan (Exhibit LU-01) to establish the following: 1) a Zone Change (File No. PZC21-002) to modify the Zoning Map to establish an AH (Affordable Housing) zoning district; 2) create an Affordable Housing Overlay; and 3) a Development Code Amendment (File No. PDCA21-001) revising section 6.01.035 for the purpose of adding provisions to establish an AH (Affordable Housing) Overlay District. Staff has prepared an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), certified by City Council on January 27, 2010. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); **City initiated. Planning Commission recommended approval of this project on December 20, 2021 with a 6-0 vote.**

Action: The City Council: [1] adopted a Resolution approving the use of an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140); [2] adopted a Resolution approving the General Plan Amendment, File No. PGPA21-004, for the Housing Element Update to the Policy Plan component of The Ontario Plan, addressing State mandates and the Sixth Cycle Regional Housing Needs Allocation (RHNA) and to modify the Policy Plan Land Use Plan (Exhibit LU-01), establishing the Affordable Housing Overlay; [3] introduced and waived further reading of an Ordinance approving the Zone Change, File No. PZC21-002, revising the Zoning Map to establish the "AH" (Affordable Housing) Overlay zoning district; and [4] introduced and waived further reading of an Ordinance approving the Development Code Amendment, File No. PDCA21-001, adding provision to establish the "AH" (Affordable Housing) Overlay zoning district.

ENVIRONMENTAL ASSESSMENT, GENERAL PLAN AMENDMENT, AND SPECIFIC PLAN REVIEW FOR FILE NOS. PGPA19-004 AND PSP19-001:

A public hearing to consider certification of the Final Environmental Impact Report (State Clearinghouse No. 2021010318), including the adoption of a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations, in conjunction with the following: [1] A General Plan Amendment (File No. PGPA19-004) to modify the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01), changing the land use designation on 219.39 acres of land from 157.06 acres of Low-Medium Density Residential (5.1-11 dwelling units per acre) and 62.36 acres of Business Park (0.6 FAR) to 184.22 acres of Industrial (0.55 FAR) and 35.17 acres of Business Park (0.6 FAR), and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the proposed land use designation changes; and [2] A Specific Plan (File No. PSP19-001, South Ontario Logistics Center Specific Plan) to establish the land use districts, development standards, guidelines, and infrastructure improvements for the potential development of up to 5,333,518 square feet of Industrial and Business Park land uses on the project site, generally bordered by Eucalyptus Avenue to the north, Merrill Avenue to the south, existing right-of-way for the future Campus Avenue extension to the west, and Grove Avenue to the east.



Monthly Activity Report: Actions

Month of March 2022

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

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 (ONT 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: 1054-071-01, 1054-071-02, 1054-081-03, 1054-091-01, 1054-091-02, 1054-101-01, 1054-101-02, 1054-231-01, 1054-231-02, 1054-241-01, 1054-241-02, 1054-321-01, 1054-321-02, 1054-311-01, 1054-311-02, 1054-051-01, 1054-051-02, 1054-061-01, 1054-061-02, 1054-251-01, 1054-251-02, 1054-301-01, and 1054-301-02); **submitted by Grove Land Venture, LLC. City Council action is required. Planning Commission recommended approval of this project on January 25, 2022 with a 6 – 0 vote.**

Action: The City Council: [1] adopted the Resolution certifying the Environmental Impact Report (State Clearinghouse No. 2021010318) prepared for the South Ontario Logistics Center Specific Plan, File No. PSP19-001, which includes the adoption of a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan; [2] adopted the Resolution approving a General Plan Amendment (File No. PGPA19-004) modifying the Land Use Element of the Policy Plan component of The Ontario Plan (General Plan), changing the land use designations shown on the Land Use Plan Map (Exhibit LU-1) for 39 acres of land, from Low-Medium Density Residential (5.1-11 dwelling units per acre) and Business Park (0.6 FAR) to Business Park (0.6 FAR) and Industrial (0.55 FAR), and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes; and [3] introduced and waived further reading of the Ordinance adopting the South Ontario Logistics Center Specific Plan (File No. PSP19-001).

DEVELOPMENT ADVISORY BOARD MEETING March 7, 2022

Meeting Cancelled

ZONING ADMINISTRATOR MEETING March 7, 2022

Meeting Cancelled

CITY COUNCIL/HOUSING AUTHORITY MEETING March 15, 2022

GENERAL PLAN ANNUAL PROGRESS REPORT REVIEW FOR FILE NO. PADV22-001: The General Plan Annual Progress Report, which includes the Housing Element Annual Progress Report, for Calendar Year 2021. The General Plan Annual Progress Report is Categorically Exempt from California



Monthly Activity Report: Actions

Month of March 2022

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

Environmental Quality Act (CEQA), as amended in accordance with Section 15306 (Information Collection). **City Initiated.**

Action: The City Council adopted the Resolution authorizing Staff to transmit the 2021 General Plan Annual Performance Report, which includes the 2021 Housing Element Annual Progress Report, to the California Department of Housing and Community Development and the Governor's Office of Planning and Research.

A ZONE CHANGE AND A DEVELOPMENT CODE AMENDMENT FOR FILE NOS. PZC21-002 AND PDCA21-

001: A Zone Change (File No. PZC21-002) modifying the Zoning Map to establish an AH (Affordable Housing Overlay) zoning district and a Development Code Amendment (File No. PDCA21-001) revising Section 6.01.035 for the purpose of adding provisions to establish an AH (Affordable Housing) Overlay District. Staff prepared an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), certified by City Council on January 27, 2010. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); **City initiated. Planning Commission recommended approval of this project on December 20, 2021 with a 6-0 vote.**

Action: The City Council adopted the ordinance approving the Zone Change, File No. PZC21-002, revising the Zoning Map to establish the "AH" (Affordable Housing) Overlay zoning district and adopted the ordinance approving the Development Code Amendment, File No. PDCA21-001, adding provisions establishing the AH (Affordable Housing Overlay) zoning district.

A SPECIFIC PLAN REVIEW FOR FILE NO. PSP19-001: A Specific Plan (File No. PSP19-001, South Ontario Logistics Center Specific Plan) to establish the land use districts, development standards, guidelines, and infrastructure improvements for the potential development of up to 5,333,518 square feet of Industrial and Business Park land uses on the project site, generally bordered by Eucalyptus Avenue to the north, Merrill Avenue to the south, existing right-of-way for the future Campus Avenue extension to the west, and Grove Avenue to the east. 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 (ONT 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: 1054-071-01, 1054-071-02, 1054-081-03, 1054-091-01, 1054-091-02, 1054-101-01, 1054-101-02, 1054-231-01, 1054-231-02, 1054-241-01, 1054-241-02, 1054-321-01, 1054-321-02, 1054-311-01, 1054-311-02, 1054-051-01, 1054-051-02, 1054-061-01, 1054-061-02, 1054-251-01, 1054-251-02, 1054-301-01, and 1054-301-02); **submitted by Grove Land Venture, LLC. City Council action is required. Planning Commission recommended approval of this project on January 25, 2022 with a 6 – 0 vote.**

Action: The City Council approved the Ordinance adopting the South Ontario Logistics Center Specific Plan (File No. PSP19-001).

ENVIRONMENTAL ASSESSMENT AND APPEAL OF TENTATIVE PARCEL MAP AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PMTT21-010 AND PDEV21-018: An appeal of the Planning Commission's



Monthly Activity Report: Actions

Month of March 2022

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

action to approve a Tentative Parcel Map (File No. PMTT21-010) to subdivide 95.35 acres of land into three parcels, in conjunction with a Development Plan (File No. PDEV21-018) to construct two industrial buildings totaling 168,772 square feet on 13.07 acres of land located at the southeast corner of Jurupa Street and Milliken Avenue, at 1425 South Toyota Way, within the Industrial Mixed Use and Warehouse/Distribution land use districts of the Toyota Ontario Business Park Specific Plan. An Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008104410) was prepared. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0238-121-75) **submitted by Pamela Steel, MIG, Inc. The Planning Commission approved this item on December 20, 2021, with a vote of 6-0.**

Action: The City Council adopted the Resolutions upholding the Planning Commission's approval of the use of an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), approving Tentative Parcel Map No. 20147 (File No. PMTT21-010), and Development Plan (File No. PDEV21-018), and denied the appeal.

ENVIRONMENTAL ASSESSMENT AND PLANNED UNIT DEVELOPMENT REVIEW FOR FILE NO. PUD22-001:

A Planned Unit Development to establish development standards, design guidelines, and infrastructure requirements for 0.86-acre of land located at 125 West Emporia Street, within MU-1/LUA-2N (Downtown Mixed-Use/Arts District – North) and EA (Euclid Avenue Overlay) zoning districts. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1049-059-14) **submitted by RWSS Development LLC. Planning Commission recommended approval of this project on February 22, 2022 with a 7-0 vote.**

Action: The City Council introduced and waive further reading of an ordinance approving the Arts District West Planned Unit Development, File No. PUD22-001, establishing development standards, design guidelines, and infrastructure requirements to facilitate a commercial development at 125 West Emporia Street.

DEVELOPMENT ADVISORY BOARD MEETING March 21, 2022

Meeting Cancelled

ZONING ADMINISTRATOR MEETING March 21, 2022

Meeting Cancelled

**PLANNING/HISTORIC PRESERVATION COMMISSION MEETING
March 22, 2022**

GENERAL PLAN CONSISTENCY FINDING PURSUANT TO GOVERNMENT CODE SECTION 65402: A request for a determination of General Plan consistency pursuant to Government Code Section 65402, for the transfer of real property ownership from the City of Ontario to The University of La Verne, for properties located at 425 E B Street, 208 and 228 West Emporia Street, 200, 211 and 221 South Laurel 3995 and 4040 Inland Empire Boulevard and 320 East D Street; (APNs: Portion of 1048-454-16, 1049-056-05, 1049-056-06, 1049-056-01, 1049-056-02, 1049-056-03, 1049-056-04, 0210-205-03, 0210-211-23 and portion of 1048-541-15). **City Initiated.**

Action: The Planning Commission adopted the Resolution making findings of General Plan consistency pursuant to Government Code Section 65402, for the transfer of real property ownership from the City of Ontario to The University of La Verne.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA22-003: A public hearing to consider a Development Agreement between the City of Ontario and American General Design, Inc (dba Adept Development), to establish the terms and conditions for 11.47 acres of land to develop a future mixed use development consisting of approximately 691 residential units and up to 71,200 square feet of commercial retail uses, on three parcels of land located at the southwest corner of Via Villaggio and Via Piemonte, southeast corner of Via Villaggio and Via Piemonte, and on the southwest corner of Ontario Center Parkway and Concours Street within the proposed mixed-use Subareas 8, 11, 16 and 17 of the Piemonte Overlay of the Ontario Center Specific. An Addendum to the Ontario Center Specific Plan Environmental Impact Report (State Clearing House No. 89041009) has been prepared. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0210-204-38, 0218-204-39 and a Portion of 0210-205-01) **submitted by OTC Owner, LLC. City Council action is required.**

Action: The Planning Commission adopted the Resolution recommending the City Council approve the Development Agreement, File No. PDA22-003.

ENVIRONMENTAL ASSESSMENT AND SPECIFIC PLAN AMENDMENT REVIEW FOR FILE NO. PSPA21-001: A public hearing to consider an Amendment to the Piemonte Overlay at Ontario Center Specific Plan, including [1] revising the overlay boundary to add approximately 24.9 acres, comprising of the property located at 4000 Ontario Center Parkway, to the overlay area, [2] changing the land use designation on approximately 4.9 acres of land from Office and Entertainment/Retail to Mixed Use, in an area bounded by Fourth Street to the north, Concours Street and Ontario Center Parkway to the south, Via Alba to the east, and the Camden Landmark Apartment and vacant land to the west, and [3] establishing development standards and design guidelines for the Mixed Use land use area within the Piemonte Overlay at Ontario Center Specific Plan. An Addendum to the Ontario Center Specific Plan Environmental Impact Report (State Clearing House No. 89041009) has been prepared. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario



Monthly Activity Report: Actions

Month of March 2022

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International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0210-204-12, 0210-204-13, 0210-204-14, 0210-204-15, 0210-204-17, 0210-204-18, 0210-204-20, 0210-204-21, 0210-204-22, 0210-204-23, 0210-204-23, 0210-204-24, 0210-204-25, 0210-204-26, 0210-204-28, 0210-204-36, 0210-204-37, 0210-204-37, 0210-204-38, 0210-204-39, 0210-204-40, 0210-204-41, 0210-531-06, 0210-531-07, 0210-531-08, 0210-531-09, 0210-531-10, 0210-231-11, 0210-231-12, 0210-231-13, 0210-231-14, 0210-231-15, 0210-231-16, and 0210-205-01); **City initiated. City Council action is required.**

Action: The Planning Commission adopted the Resolution recommending the City Council approve the Specific Plan Amendment, File No. PSPA21-001.



Monthly Activity Report: New Applications

Month of March 2022

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

PCUP22-005:

Submitted by Riverside Storage, LLC

A Conditional Use Permit to establish and operate a self-storage facility on 2.726 acres of land located at 201 East Riverside Drive, within the CN (Neighborhood Commercial) zoning district (APN: 1051-614-08). **Planning Commission action is required.**

PDA-22-003:

Submitted by City Of Ontario

A Development Agreement between the City of Ontario and Adept to establish the terms and conditions for the development of Planning Areas. **City Council action is required.**

PDA-22-004:

Submitted by Richland Developers, Inc

A Development Agreement between the City of Ontario, Roseville Investments LLC, and American Superior Land LLC (Richland Developers), to establish the terms and conditions of development associated with Tentative Tract Map No. 20526 (File No. PMTT22-012), located at the northwest corner of Riverside Drive and Haven Avenue, within the Planning Area 1 land use district of the Rich-Haven Specific Plan. **City Council action is required.**

PDCA22-003:

Submitted by City of Ontario

A Development Code Amendment proposing certain clarifications and revisions to the City of Ontario Development Code, addressing: [1] time extensions for discretionary projects (Section 2.02.025.B.2.c); [2] public notification requirements for Minor Variances (Section 2.03.010); [3] administrative exceptions (Sections 4.02.020 and 4.03.050, and Tables 2.02-1 and 2.03-1); [4] specific plan minor amendments (Section 4.02.080); [5] housing and reasonable accommodations (Sections 4.02.035 and 4.03.055, and Tables 2.02-1 and 2.03-1); [6] accessory dwelling units (Section 5.03.010); [7] minimum useable rear yard area for single-family dwellings (Section 5.03.011); [8] banquet facilities on historic properties (Section 5.03.067); [9] retail sales events (Section 5.03.395 and Table 8.01-1); [10] conversion of garages to accommodate accessory dwelling units (section 6.01.010); [11] definition for "garage" (Section 9.01.010.G); [12] single-family two-unit projects and urban lot splits, rescinding Urgency Ordinance No. 3200 and adopting standards (Sections 5.03.403 and 6.08.060, and Tables 2.02-1 and 2.03-1); and [13] certain allowed land uses (Table 5.02-1). **City Council action is required.**

PDEV22-011:

Submitted by Gorie Whitfield

A Development Plan to construct a new motor vehicle sales lot (Genesis of Ontario), including a 33,117-square-foot showroom, office, and vehicle service building and a 2,660-square-foot carwash and detailing building on 4.175 acres of land generally located on the south side of Inland Empire Blvd, approximately 225 feet west of QVC Way, within the Urban Commercial land use district of the Meredith International Center Specific Plan (APN: 0110-321-82). **Development Advisory Board action is required.**

PDEV22-012:

Submitted by Frank Coda

A Development Plan to construct two commercial buildings totaling 7,225 square feet on 0.98 acres of land located west of and adjacent to Archibald Avenue, approximately 300 feet south of Philadelphia Street, within the Support Commercial land use district of the Archibald Center Specific Plan (APN: 1083-011-18). **Development Advisory Board action is required.**



Monthly Activity Report: New Applications

Month of March 2022

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

PDEV22-013:

Submitted by City of Ontario

A Development Plan to construct one 23,928-square-foot commercial building on 5.75 acres of land located (0.55 FAR) at the south west corner of Sultana Avenue and D Street, within the OL (Low Intensity Office) zoning district (APN: 1048-54-15). **Planning Commission action is required.**

PDEV22-014:

Submitted by Adept Development

A Development Plan to construct four mixed-use buildings totaling 63,665 commercial square feet and 694 dwelling units (480,771 residential square feet) on 13.3 acres of land located at 4000 East Ontario Center Parkway and the southeast and southwest corners of Via Piemonte and Via Villaggio, within the Mixed-Use land use district of the Piemonte Overlay of the Ontario Centre Specific Plan (APNs: 0210-205-01, 0210-204-38, and 0210-204-39). Related File: PSPA21-001. **Planning Commission action is required.**

PDEV22-015:

Submitted by Riverside Storage, LLC

A Development Plan to construct a self-storage facility on 2.726 acres of land located at 201 East Riverside Drive, within the CN (Neighborhood Commercial) zoning district (APN: 1051-614-08). **Planning Commission action is required.**

PHP-22-007:

Submitted by Riverside Storage, LLC

A Certificate of Appropriateness to facilitate the construction of a self-storage facility on 2.726 acres of land located at 201 East Riverside Drive, within the CN (Neighborhood Commercial) and the EA (Euclid Avenue Overlay) zoning district (APN: 1051-614-08). Historic Preservation Commission action is required. **Historic Preservation Commission action is required.**

PHP-22-009:

Submitted by Mia Melle

A Certificate of Appropriateness to paint a mural on the exterior of a building located at 115 South Palm Avenue, within the MU-1/LUA-3 (Downtown Mixed Use/Holt Boulevard District) zoning districts (APN: 1049-055-09). **Historic Preservation Commission action is required.**

PMTT22-012:

Submitted by Richland Developers, Inc

A Tentative Tract Map to subdivide 105.93 acres of land into 15 lots located at the southeast corner of Riverside Drive and Haven Avenue, within Planning Area 1 land use district of the Rich Haven Specific Plan (APNs: 0218-161-11, 0218-161-04, 0218-161-05, 0218-1691-10, and 0218-171-22). Related File: PDA22-004. **Planning Commission action is required.**

PSGN22-028:

Submitted by Signs and Services Co.

A Sign Plan for Holt and Benson Industrial to install one monument sign to be located at the northwest corner of 1533 West Holt Boulevard, within the IP (Industrial Park) zoning district. **Staff action is required.**

PSGN22-029:

Submitted by AD Electrical Advertising, Inc.

A Sign Plan for Unique Cafe to install 1 internally illuminated channel letter wall sign located at 231 North Euclid Avenue (APN: 1048-565-05). **Staff action is required.**



Monthly Activity Report: New Applications

Month of March 2022

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

PSGN22-030:

Submitted by Electricore Signs

A sign plan to install one plastic foam wall sign for CHURCH IN THE VALLEY, located at 2313 East Philadelphia Street, within the IG (General Industrial) zoning district (APN: 0113-491-31). **Staff action is required.**

PSGN22-031:

A Sign Plan to install one illuminated wall sign for LA BUFADORA BAJA GRILL, located at 2550 South Archibald Avenue, Suite A, within the CC (Community Commercial) zoning district (APN: 1083-011-13). **Staff action is required.**

PSGN22-032:

Submitted by Alfred Signs

A Sign Plan to install one suspended wall sign for HOUSE OF NUTRITION, located at 816 South Mountain Avenue, within the CN (Neighborhood Commercial) zoning district (APN: 1011-381-03). **Staff action is required.**

PSGN22-033:

Submitted by Signs of Success

A Sign Plan to retrofit an existing monument sign to include a digital message display for LA FAMILIA DE DIOS CHURCH, located at 1305 North Euclid Avenue, within the LDR-5 (Low Density Residential – 2.1 to 5.0 dwelling units per acre) zoning district (APN: 1047-332-15). **Staff action is required.**

PSGN22-034:

Submitted by Promotion Plus Sign Co.

A Sign Plan to reface fuel station canopy signs and two monument signs for a MOBIL fueling station located at 220 South Haven Avenue (APN: 1083-151-08). **Staff action is required.**

PSGN22-035:

Submitted by Printbyme Inc

A Sign Plan to install one wall mounted illuminated channel letter sign for ELEVEN 19, located at 765 North Milliken Avenue (APN: 210-211-43). **Staff action is required.**

PSGN22-036:

Submitted by Nicky Chung

A Sign Plan to install one illuminated wall sign and one illuminated blade sign for KOIO, located at 3410 East Ontario Ranch Road, Suite 1 (APN: 0218-402-48). **Staff action is required.**

PSP-22-001:

Submitted by RCCD, Inc

A Specific Plan establishing land use designations, and development standards and guidelines, which will govern the development of 84 acres of land generally bordered by Schaefer Avenue to the north, Edison Avenue to the south, Sultana Avenue to the east and Euclid Avenue to the west located at the southeast corner of Schaefer Avenue and Euclid Avenue (APNs: 1053-071-01, 1053-071-02, 1053-071-03, 1053-071-04, 1053-211-01, 1053-211-02, 1053-281-08, 1053-081-01, 1053-081-02, 1053-081-03, and 1053-081-04). **City Council action is required.**

PTUP22-022:

Submitted by Sunrise Church Ontario

A Special Event Permit for Sunrise Church Ontario to host an Easter Church Picnic located at James R Bryant Park, 648 West D Street (APN: 1048-331-13). The event is to be held on 4/19/2022. **Staff action is required.**



Monthly Activity Report: New Applications

Month of March 2022

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

PTUP22-023:

Submitted by Thee Aguila

An Administrative Use Permit to operate co-living housing containing 27 single rooms, 2 kitchens, 2 dining rooms, living areas, 4 communal bathrooms, laundry facilities, and a private apartment for the on-site manager on the second and third floors of an existing historic building located at 112 South Euclid Avenue (APN: 1049-057-05). Related Files: PDET20-002 and B202102913). **Staff action is required.**

PTUP22-024:

Submitted by Rector

A Temporary Use Permit for Christ Church Parish to host a Jazz concert located at 1127 North San Antonio Avenue (APN: 1047-594-50). The vent is to be held on 4/19/2022, from 5:00PM to 7:00PM. **Staff action is required.**

PTUP22-025:

Submitted by Ontario Montclair School District

A Special Event Permit for Ontario Montclair School District to host a cross-country mile run on the streets surrounding 950 West D Street (Flora, Granite, Boulder, F, and E streets). The event is to be held on 5/4/2022, from 8:00AM to 1:00PM (APN: 1010-473-23). **Staff action is required.**

PTUP22-026:

Submitted by Run for the Wall

A Temporary Use Permit for the Annual Run for the Wall event conducted at the Ontario Convention Center, located at 2000 East Convention Center Way (APN: 0110-321-38). The event is to be held on 5/18/2021. **Staff action is required.**

PTUP22-027:

Submitted by ALAN D WAPNER

A Temporary Use Permit for an In-n-Out food truck for a private residence gathering, located at 2733 South Monterey Place. **Staff action is required.**

PTUP22-028:

Submitted by Recreation and Community Services

A Special Event Permit sponsored by The Ontario Recreation and Community Services Department, to conduct a Spring Egg Hunt event at Town Square. The event is to be held on 4/10/2022. **Staff action is required.**

PTUP22-029:

Submitted by Church in the Valley

A Special Event Permit for Church in the Valley to hold Sunday morning church services, at Celebration Park North, 4980 South Celebration Avenue. The event is to be held on 5/1/2022, 5/8/2022, 5/15/2022, 5/22/2022, 5/29/2022, 6/5/2022, 6/12/2022, 6/19/2022, 6/26/2022, 7/3/2022, 7/10/2022, 7/17/2022, and 7/24/2022. **Staff action is required.**

PTUP22-030:

Submitted by Church in the Valley

A Special Event Permit for a 5-day sports camp conducted by Church in the Valley, at Celebration Park, North 4980 South Celebration Avenue. Event is to be held on 6/20/2022 through 6/24/2022. **Staff action is required.**



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PTUP22-031: Submitted by **Guadagno and Sons Amusement**

A Temporary Use Permit to conduct a carnival located at 1848 South Euclid Avenue. The event is to be held on 4/21/2022 through 4/24/2022. **Staff action is required.**

PTUP22-032: Submitted by **Ontario Refrigeration Service, Inc**

A Temporary Use Permit for Ontario Refrigeration to establish a temporary office located at 635 South Mountain Avenue (APN: 1011-182-09). **Staff action is required.**

PTUP22-033: Submitted by **University of La Verne College of Law**

A Special Event Permit for University of La Verne to host a blood drive in the parking lot located at 320 East D Street (APN: 1048-541-15). Event is to be held on 4/13/2022, from 8:00AM to 8:00PM. **Staff action is required.**

PVER22-019: Submitted by **The Planning & Zoning Resource Company**

A Zoning Verification for property located at 222 North Vineyard Avenue (APN: 0110-321-63). **Staff action is required.**

PVER22-020: Submitted by **Partner Engineering and Science, Inc**

A Zoning Verification for property located at 615 West Main Street (APN: 1049-031-03). **Staff action is required.**

PVER22-021: Submitted by **Partner Engineering and Science, Inc**

A Zoning Verification for property located at 545 West Main Street (APN: 1049-031-06). **Staff action is required.**

PVER22-022: Submitted by **Rexford Industrial**

A Zoning Letter for properties located at 1154 and 1172 East Holt Boulevard (APN: 1049-141-31 and 1049-141-32). **Staff action is required.**

PVER22-023: Submitted by **Emma Corso**

A Zoning Verification for property located at 4452 East Airport Drive (APN: 0238-185-55). **Staff action is required.**

PVER22-024: Submitted by **BBG Real Estate Services**

A Zoning Verification for property located at 1625 East G Street (APN: 0110-144-07). **Staff action is required.**

PVER22-025: Submitted by **Global Zoning**

A Zoning Verification for property located at 13519 South Grove Avenue (APN: 0216-211-24). **Staff action is required.**



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PVER22-026:

Submitted by AEI Consultants

A Zoning Verification for properties located at 3303 South Archibald Avenue and 2800 East Riverside Drive (APNs: 0218-141-22 and 0218-141-21). **Staff action is required.**

PVER22-027:

Submitted by Global Zoning

A Zoning Verification for property located at 1020 South Mildred Street (APN: 0113-343-34). **Staff action is required.**

PVER22-028:

Submitted by Zoning Reports LLC

A Zoning Verification for properties located at 1108 and 1120 East California Street (APNs: 1049-328-01 and 1049-382-02). **Staff action is required.**

PVER22-029:

Submitted by Brady McShane

A Zoning Verification for properties located at 3303 South Archibald Avenue and 2800 East Riverside Drive (APNs: 0218-141-22 and 0218-141-21). **Staff action is required.**