

CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING AGENDA

October 25, 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

SPECIAL CEREMONIES

- 1) Presentation to Commissioner Jim Willoughby

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 August 23, 2022 and August 30, 2022, approved as written.

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 / PLANNING COMMISSION ITEMS

- B. HISTORIC LANDMARK DESIGNATION REVIEW FOR FILE NO. PHP21-016:** A public hearing to consider a Local Landmark Designation of a single-family residence (Tier III Eligible Historic Resource) located at 409 North San Antonio Avenue. The request is not a "Project" pursuant to Section 21065 of the CEQA Guidelines; (APN: 1048-314-11) **submitted by Mallory Jean and Robby Gibson, and Gray McMinn. City Council action required.**

1. CEQA Determination

No action necessary – Not a project pursuant to CEQA Guidelines Section § 21065

2. File No. PHP21-016 (Landmark Designation)

Motion to recommend Approval / Denial

- C. MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP22-011:** A public hearing to consider a Mills Act Contract (Preservation Agreement) for a 4,379 square-foot Prairie style single-family residence, a Contributor within the College Park Historic District, located at 119 East Princeton Street, within the LDR-5 (Low Density Residential-2.1 to 5.0 du/ac) zoning district. The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines; (APN: 1047-531-31) **submitted by Rafael Marquez and Jacqueline Gonzalez. City Council action is required.**

1. CEQA Determination

No action necessary – Not a project pursuant to CEQA Guidelines Section § 21065

2. File No. PHP22-011 (Mills Act Contract)

Motion to recommend Approval / Denial

- D. ENVIRONMENTAL ASSESSMENT, CERTIFICATE OF APPROPRIATENESS AND CONDITIONAL USE PERMIT REVIEW FOR FILE NOS. PHP22-012 AND PCUP22-017:** A public hearing to consider a Certificate of Appropriateness (File No. PHP22-012) and a Conditional Use Permit (File No. PCUP22-017) to construct a 2-story, 558-square-foot detached residential accessory structure to accommodate a private Artist’s Studio/Workshop on 0.56-acre of land located at 328 East Princeton Street, a designated Local Landmark and a Contributor to the College Park Historic District, within the LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15331 (Historical Resource Restoration/Rehabilitation) 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.; (APN: 1047-543-09) **submitted by Edward and Mary Rivas.**

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15331

2. File No. PHP22-012 (Certificate of Appropriateness)

Motion to Approve / Deny

3. File No. PCUP22-017 (Conditional Use Permit)

Motion to Approve / Deny

- E. ENVIRONMENTAL ASSESSMENT, VARIANCE AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PVAR21-005 AND PDEV21-028:** A public hearing to consider a Variance (File No. PVAR21-005) to reduce the building setback along an arterial street from 20

feet to 2.67 feet, in conjunction with a Development Plan (File No. PDEV21-028) to construct one industrial building totaling 32,165 square feet on 1.3 acres of land located at 1108 and 1120 East California Street, within the IL (Light Industrial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15305 (Class 5, Minor Alteration in Land Use Limitations) and 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; (APNs: 1049-382-01 and 1049-382-02) **submitted by Phelan Development Company.**

1. File Nos. PVAR21-005 and PDEV21-028 (Variance / Development Plan)

Motion to continue to the November 22, 2022 meeting.

F. ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP REVIEW FOR FILE NO. PMTT21-015: A public hearing to consider Tentative Parcel Map No. 20375, subdividing 2.286 acres of land into three numbered lots and one lettered lot for residential purposes located at 1225 Benson Avenue, within the AR-2 (Residential-Agricultural – 0 to 2.0 du/ac) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan; (APNs: 1011-521-30) **submitted by Szuang Chi Chan.**

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15315

2. File No. PMTT21-015 (TPM 20375) (Tentative Parcel Map)

Motion to Approve / Deny

G. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT21-016: A public hearing to consider Tentative Tract Map No. 20451, subdividing 30.17 acres of land for condominium purposes, into 138 numbered lots and 48 lettered lots, residential uses, landscape neighborhood edge, private drives, private lanes, private streets, and parking, and common open space purposes, located at the southwest corner of Hamner Avenue and Old Edison Road, within PA-3 (RD-7 / Row Townhomes and RD-8 / Motorcourt Townhomes) and PA-4 (RD-6 / 6 and 8 Pack Courtyard / Row Townhomes) of the Esperanza Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Esperanza Specific Plan, for which an Environmental Impact Report (State Clearinghouse No. 2002061047) was certified by the City Council on January 16, 2007. 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; (APNs: 0218-252-39 and 0218-252-09) **submitted by Richland Ventures, Inc.**

1. CEQA Determination

No action necessary – Use of a previous EIR

2. **File No. PMTT21-016 (TTM 20451)** (Tentative Tract Map)

Motion to Approve / Deny

- H. **ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT22-009**: A public hearing to consider Tentative Tract Map No. 20530, subdividing 9.19 gross acres of land for condominium purposes, into 4 numbered lots and 15 lettered lots for residential uses, drive aisles, and common open space purposes for a property generally located on the east side of Twinkle Avenue approximately 500 feet north of Moonlight Street, within Planning Areas 5B, 5C, 5D and 5E (Residential – SFD/Attached and Edison Easement) of the Rich Haven Specific Plan. The environmental impacts of this project were previously reviewed in conjunction File No. PSP05-004, for which an Environmental Impact Report (State Clearinghouse No. 2006051081) was certified by the City Council on December 4, 2007. This application is consistent with the previously adopted Environmental Impact Report 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); (APNs: 0218-016-06, 0218-016-07, 0218-016-18, 0218-203-08, 0218-203-01, 0218-203-02, 0218-203-03, 0218-203-04, 0218-203-07, 0218-203-06, 0218-203-05 and 218-016-22) **submitted by Haven Ontario NMC 1 LLC and Haven Ontario NMC 2 LLC.**

1. **CEQA Determination**

No action necessary – Use of a previous EIR

2. **File No. PMTT22-009 (TTM 20530)** (Tentative Tract Map)

Motion to Approve / Deny

- I. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA22-001**: A public hearing to consider a Development Agreement (File No. PDA22-001) between the City of Ontario and BrookCal Ontario, LLC., to establish the terms and conditions associated with Tentative Tract Map 20529 (PMTT22-010), an 11.11 acre property generally located on the east side of Twinkle Avenue approximately 350 feet south of future Chino Avenue, within Planning Areas 4A, 4B, and 4C (Residential – SFD/Attached) land use district of the Rich-Haven Specific Plan. The environmental impacts of this project were previously reviewed in conjunction File No. PSP05-004, for which Environmental Impact Report (State Clearinghouse No. 2006051081) was certified by the City Council on December 4, 2007. This application is consistent with the previously adopted Environmental Impact Report 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; (APNs: 0218-161-14). **submitted by BrookCal Ontario LLC. City Council action is required.**

1. **CEQA Determination**

No action necessary – Use of a previous EIR

2. **File No. PDA22-001** (Development Agreement)

Motion to recommend Approval / Denial

J. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT22-010: A public hearing to consider Tentative Tract Map No. 20529 for condominium purposes, subdividing 11.11 gross acres of land into 3 numbered lots and 15 lettered lots for residential uses, drive aisles, utility easement and common open space purposes for a property generally located on the east side of Twinkle Avenue approximately 350 feet south of future Chino Avenue, within Planning Areas 4A, 4B and 4C (Residential – SFD/Attached) of the Rich Haven Specific Plan. The environmental impacts of this project were previously reviewed in conjunction File No. PSP05-004, for which an Environmental Impact Report (State Clearinghouse No. 2006051081) was certified by the City Council on December 4, 2007. This application is consistent with the previously adopted Environmental Impact Report 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: 0218-161-14) **submitted by BrookCal Ontario LLC.**

1. CEQA Determination

No action necessary – Use of a previous EIR

2. File No. PMTT22-010 (TTM 20529) (Tentative Tract Map)

Motion to Approve / Deny

MATTERS FROM THE PLANNING/HISTORIC PRESERVATION COMMISSION

1) Old Business

- Reports From Subcommittees

- Historic Preservation (Standing): Met on October 13, 2022

2) New Business

3) Nominations for Special Recognition

DIRECTOR'S REPORT

1) Monthly Activity Report


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

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



I, Gwen Berendsen, Administrative Assistant, of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on **Friday, October 21, 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

August 23, 2022

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

MINUTES

August 23, 2022

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

COMMISSIONERS

Present: Chairman Willoughby, Anderson, Dean, Gage, Lampkin, and Ricci

Absent: Vice-Chairman DeDiemar

OTHERS PRESENT: Executive Director Community Development Murphy, Planning Director Zeledon, City Attorney Guiboa, Principal Planner Mercier, Senior Planner Batres, Associate Planner Aguilo, Associate Planner Vaughn, Transportation Manager Bautista, and Planning Secretary Berendsen

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Anderson.

ANNOUNCEMENTS

Mr. Zeledon stated that Item C is being requested to be continued to the September 27, 2022 meeting, Item D & F are being continued to a special meeting on August 30, 2022 and a letter received in opposition to Item F.

PUBLIC COMMENTS

No one responded from the audience.

CONSENT CALENDAR ITEMS

A-01. MINUTES APPROVAL

Planning/Historic Preservation Commission Minutes of July 26, 2022, approved as written.

A-02. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE

NO. PDEV21-039: A hearing to consider a Development Plan to construct 113 single-family homes on 22.42 acres of land generally located at the southeast corner of Mill Creek Avenue and Old Edison Road, within PA-2 (RD-4 / SFD Cottages and RD-6 / 6 Pack Courtyard) of the Esperanza Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Esperanza Specific Plan (File No. PSP05-002), for which an Environmental Impact Report (State Clearinghouse No. 2002061047) was approved by the City Council on January 16, 2007. 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; (APNs: 0218-252-07 and 0218-252-38) **submitted by KB Home Coastal, Inc.**

A-03. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE

NO. PDEV21-042: A hearing to consider a Development Plan to construct 174 multiple-family residential units on 15.11 acres of land generally located at the southeast corner of Mill Creek Avenue and Old Edison Road, within PA-1 (RD-7/Row Townhomes and RD-8/Motorcourt Townhomes) of the Esperanza Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Esperanza Specific Plan (File No. PSP05-002), for which an Environmental Impact Report (State Clearinghouse No. 2002061047) was approved by the City Council on January 16, 2007. 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; (APNs: 0218-252-07 and 0218-252-38) **submitted by submitted by KB Home Coastal, Inc.**

A-04. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE

NO. PDEV21-043: A hearing to consider a Development Plan to construct 145 multiple-family motorcourt townhomes on 13.86 acres of land generally located at the southeast corner of Mill Creek Avenue and Old Edison Road, within PA-1 (RD-7/Row Townhomes and RD-8/Motorcourt Townhomes) of the Esperanza Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Esperanza Specific Plan (File No. PSP05-002), for which an Environmental Impact Report (State Clearinghouse No. 2002061047) was approved by the City Council on January 16, 2007. 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; (APNs: 0218-252-07 and 0218-252-38) **submitted by submitted by KB Home Coastal, Inc.**

PLANNING COMMISSION ACTION

It was moved by Lampkin, seconded by Ricci, to approve the Consent Calendar.

The Consent Calendar, including the July 26, 2022 minutes, the Development Plan, File No. PDEV19-039, the Development Plan, File No. PDEV21-042 and the Development Plan, File No. PDEV21-043, subject to conditions of approval. It was approved unanimously by those present (6-0).

PUBLIC HEARING ITEMS

Planning Director Zeledon recused himself from Item B and Principal Planner Mercier read the item into record.

B. ENVIRONMENTAL ASSESSMENT, TENTATIVE TRACT MAP AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PMTT21-020 AND PDEV22-032

A public hearing to consider a Tentative Tract Map (TT 20524) for condominium purposes, subdividing 6.43 acres of land into 4 numbered lots and 4 lettered lots for residential uses, private drives, parking, landscape edges and common open space purposes, in conjunction with a Development Plan to construct 108 multiple-family residential units located at the northeast corner of Mill Creek Avenue and Chino Avenue, within PA-8 (garden court/rowtown) of the Edenglen Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Edenglen Specific Plan (File No. PSP03-005), for which an Environmental Impact Report (State Clearinghouse No. 2004051108) was certified by the City Council on November 1, 2005. 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; (APNs: 0218-921-19 and 0218-921-22) **submitted by Edenglen Ontario, LLC.**

Senior Planner Mejia, presented the staff report. She stated that staff is recommending the Planning Commission approve File Nos. PMTT21-020 and PDEV22-032, pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval.

Mr. Ricci wanted to know if the parking along the easement would be assigned spaces.

Ms. Mejia stated those spaces aren't assigned.

Mr. Ricci wanted to clarify why the four bedroom units had 2 spaces.

Ms. Mejia stated the four bedroom units require 2.5 spaces.

Mr. Ricci wanted to know if there would be any restrictions on those spaces.

Ms. Mejia stated the standard vehicle code would cover those.

Mr. Ricci stated he just wanted to make sure SCE would have access.

Ms. Mejia explained about the regulations regarding the lines, that impacted the site plan.

Mr. Ricci wanted to clarify that the properties facing Mill Creek wouldn't be gated.

Ms. Mejia stated that is correct.

Mr. Ricci wanted to clarity on the gates.

Ms. Mejia stated that is correct.

Mr. Willoughby wanted to know the number of units Eden Glen was approved for originally.

Ms. Mejia stated 584 units.

Mr. Lampkin wanted to know the lighting plan for exhibit E-1 lighting plan

Ms. Mejia stated they would be the same fixtures that are out there now.

Mr. Lampkin clarify in the landscaped areas.

Ms. Mejia stated there would be uv lower pollard lighting throughout the paseo.

Mr. Lampkin wanted to know for exhibit D lot C park Option A, who is responsible for maintaining the space.

Ms. Mejia stated this would be HOA maintained.

Mr. Lampkin reasked the question.

Ms. Mejia stated that is considered the neighborhood edge and is HOA maintained.

Mr. Lampkin wanted to know in Option B why it showed landscaping for this area and no additional landscaping in Option A.

Ms. Mejia explained the landscaping for both Options.

Mr. Lampkin wanted to know in Option A will dirt and gravel path what would it give SCE access to.

Ms. Mejia explained the SCE access.

Mr. Lampkin wanted to know if SCE was giving up the property.

Ms. Mejia stated the applicant currently owns the property and SCE has an easement for the property.

Mr. Lampkin clarify they are giving SCE more options.

Ms. Mejia stated they are working with the HOA and SCE to work out options.

Mr. Lampkin wanted clarity on lighting plans for both options.

Ms. Mejia explained the lighting.

Mr. Willoughby wanted to know in the SCE easement the circle, if that is the Edison pole.

Ms. Mejia stated she believes so.

Mr. Gage wanted clarity on the off street parking summary.

Ms. Mejia stated this was a typo and all units are getting 2 car garages.

Mr. Gage wanted to clarify on the parking plan where the drive isle parking is located.

Ms. Mejia explained where the drive isle spaces would be.

Mr. Gage wanted to clarify that 91 spaces on the street are to make up for no guest spaces and the shortage of garage spaces.

Ms. Mejia explained the parking.

Mr. Willoughby wanted to clarify that the park plans will be decided based on SCE, the developer and the HOA.

Ms. Mejia stated that is correct.

PUBLIC TESTIMONY

Christina Ramirez spoke in opposition of the project.

Mr. Willoughby asked about the HOA decision.

Ms. Ramirez explained why they didn't approve it and that it was the responsibility of the board members of the HOA to move it forward.

Mr. Gage wanted to know what are the HOA monthly fees.

Ms. Ramirez stated they vary by the type of housing.

Mr. Gage asked again.

Ms. Ramirez stated it varies and is not one set standard between 110 – over 125.

Mr. Willoughby clarified that everyone pays the master HOA and then the sub HOA is based by product.

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

Mr. Willoughby wanted to clarify that the HOA makes sure the garages are used for parking, not storage.

Ms. Mejia stated that is correct.

Mr. Lampkin thanked staff and wanted to clarify the parking, and he preferred Option B.

Ms. Mejia stated that is developers preference.

Mr. Lampkin discussed Creekside and the varying HOAs and spoke in favor of the project and encouraged the residents to be part of the HOA board.

Mr. Gage wanted to clarify that this is the last of the development.

Ms. Mejia stated yes it was, but was held off from developing because of the lack of infrastructure.

Mr. Gage stated he is not happy with the parking on the street, but is glad to see 2 car garages, and would like to see more dedicated guest spaces. However, he will still be in favor of it.

Mr. Lampkin wanted to know if Chino Ave. will be restricted from parking.

Ms. Mejia stated it is currently not improved and there is no parking.

Mr. Bautista, Transportation Manager, stated parking is currently restricted and will continue to be.

Mr. Willoughby stated he is familiar with the parking issues and garages being used for storage,

Mr. Lampkin spoke in favor of the project.

PLANNING COMMISSION ACTION

It was moved by Lampkin, seconded by Ricci, to approve a resolution for the Tentative Tract Map, File No., PMTT21-020, and the Development Plan, File No. PDEV22-032, subject to conditions of approval. Roll call vote: AYES, Anderson, Dean, Gage, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, DeDietmar. The motion was carried 6 to 0.

- C. **ENVIRONMENTAL ASSESSMENT, VARIANCE AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PVAR21-005 AND PDEV21-028:** A public hearing to consider a Variance (File No. PVAR21-005) to reduce the building setback along an arterial street from 20 feet to 2.67 feet, in conjunction with a Development Plan (File No. PDEV21-028) to construct one industrial building totaling 32,165 square feet on 1.3 acres of land located at 1108 and 1120 East California Street, within the IL (Light Industrial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15305 (Class 5, Minor Alteration in Land Use Limitations) and 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; (APNs: 1049-382-01 and 1049-382-02) **submitted by Phelan Development Company.**

Staff is asking that this item be continued to the September 27, 2022 Planning Commission Meeting.

PUBLIC TESTIMONY

Mr. Willoughby opened the public hearing

As there was no one else wishing to speak, Chairman Willoughby left the public hearing open.

PLANNING COMMISSION ACTION

The Variance, File No. PVAR21-005 and the Development Plan, File No., PDEV21-028, were continued to the September 27, 2022 meeting. It was approved unanimously by those present (6-0).

- D. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV22-004:** A hearing to consider a Development Plan to construct a stealth wireless telecommunications facility consisting of a 65-foot-tall monopine antenna and ancillary ground-mounted equipment on 1.75 acres of land located at 1259 East D Street (Veteran’s Memorial Park), within the OS-R (Open Space – Recreation) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan. (APN: 0110-013-04) **submitted by Coastal Business Group.**

Staff is asking that this item be continued to a special Planning Commission meeting on August 30, 2022.

PUBLIC TESTIMONY

Mr. Willoughby opened the public hearing.

As there was no one else wishing to speak, Chairman Willoughby left the public hearing open.

PLANNING COMMISSION ACTION

The Development Plan, File No. PDEV22-004, were continued to the special Planning Commission meeting on August 30, 2022. It was approved unanimously by those present (6-0).

- E. **ENVIRONMENTAL ASSESSMENT, ZONE CHANGE, VARIANCE, AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PZC19-001, PVAR19-004, AND PDEV19-028:** A public hearing to consider a Zone Change (File No. PZC19-001) amending the zoning designation on 0.07-acre of land from MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 du/ac) to MDR-18 (Medium Density Residential – 11.1 to 18.0 du/ac), to enable development of a 0.28-acre project site, in conjunction with a Variance to deviate from the maximum Development Code standard for percentage of tandem parking spaces, from 12 percent to 23 percent, and a Development Plan (File No. PDEV19-028) to construct five multiple-family residential units located at 1063 East Elma Street, within the MDR-18 (Medium Density Residential – 11.1 to 18.0 du/ac) zoning district. The environmental impacts of this project were reviewed in conjunction with File No. PGPA20-002, a General Plan Amendment for The Ontario

Plan 2050 Update, for which a Supplemental Environmental Impact Report (State Clearinghouse No. 2021070364) was certified by the City Council on August 16, 2022. 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; (APNs: 1048-461-17 and 1048-491-23) **submitted by Maria G. Oseguera. City Council action is required for File No. PZC19-001.**

Associate Planner Vaughn, presented the staff report. She stated that staff is recommending the Planning Commission recommend approval to City Council for File No. PZC19-001 and approve File Nos. PVAR19-004 and PDEV19-028, pursuant to the facts and reasons contained in the staff report and attached resolution.

Mr. Willoughby wanted to know what would be in the NW recreation area.

Ms. Vaughn deferred to applicant and explained what is on the site plan.

Mr. Gage wanted to know what was in the surrounding area.

Ms. Vaughn described the surrounding area.

Mr. Gage wanted clarity as to why the one lot is unbuildable.

Ms. Vaughn explained.

Mr. Willoughby clarified the lot zonings.

Ms. Vaughn stated that is correct.

Mr. Ricci wanted to know if the existing sidewalk in the area would be improved.

Ms. Vaughn stated yes.

Mr. Ricci wanted to make sure there are resources available to support that many dwelling units.

Ms. Vaughn stated yes.

Mr. Lampkin wanted clarity on the temporary barrier.

Ms. Vaughn stated that the sewer line that runs in the back requires no footings in that area.

Mr. Lampkin wanted to know what the temporary barrier would be made of.

Ms. Vaughn stated it would be a wrought iron fence.

PUBLIC TESTIMONY

Maria Oseguera, the applicant, spoke in favor of the project.

Mr. Willoughby wanted to know if there would be a BBQ in the picnic area.

Ms. Oseguera stated yes.

Mr. Lampkin asked is the applicant agreed with the COAs.

Ms. Oseguera stated yes.

Mr. Lampkin wanted to know the color pallet.

Ms. Oseguera stated a pale yellowish.

Mr. Lampkin wanted to know what the roof material would be.

Ms. Vaughn stated it would be Spanish style roof.

Mr. Lampkin wanted to clarify that final colors and materials would go through plan check.

Ms. Vaughn stated yes and explained the process in plan check.

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

Mr. Willoughby spoke in favor of the project.

Mr. Lampkin spoke in favor of the project and the applicant's actions.

Mr. Gage spoke in favor of the project, even though he is not in favor of tandem parking.

Mr. Dean spoke in favor of the project.

PLANNING COMMISSION ACTION

It was moved by Ricci, seconded by Dean, to recommend adoption of a resolution to approve the Zone Change, File No., PZC19-001. Roll call vote: AYES, Anderson, Dean, Gage, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, DeDiemar. The motion was carried 6 to 0.

It was moved by Lampkin, seconded by Anderson, to approve the Variance, File No. PVAR19-004 and the Development Plan, File No. PDEV19-028, subject to conditions. Roll call vote: AYES, Anderson, Dean, Gage, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, DeDiemar. The motion was carried 6 to 0.

- F. **ENVIRONMENTAL ASSESSMENT AND SPECIFIC PLAN AMENDMENT REVIEW FOR FILE NO. PSPA21-002:** A public hearing to consider certification of the Final Ontario Ranch Business Park Specific Plan Amendment Subsequent Environmental Impact Report (State Clearinghouse No. 2019050018), including the adoption of a revised Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations, for an amendment to the Ontario Ranch Business Park Specific Plan, incorporating property adjacent to the existing Specific Plan area and establishing the land use designations, development standards, and guidelines which will govern the development of 71.69 acres of land generally bordered by Eucalyptus Avenue to the north, Sultana Avenue to the east, Merrill Avenue to the south, and Campus Avenue to the west. 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. 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: 1054-041-01, 1054-041-02, 1054-031-01, 1054-031-02, 1054-261-01, 1054-261-02, 1054-291-01, and 1054-291-02) **submitted by Euclid Land Venture LLC. City Council action is required.**

Staff is asking that this item be continued to a special Planning Commission meeting on August 30, 2022.

PUBLIC TESTIMONY

Jasmine Cunningham spoke in opposition of the project.

Randy Bekendam spoke in opposition of the project.

Ana Gonzalez spoke in opposition of the project.

As there was no one else wishing to speak, Chairman Willoughby kept the public hearing open.

PLANNING COMMISSION ACTION

The Specific Plan Amendment, File No. PSPA21-002, was continued to the special Planning Commission meeting on August 30, 2022. It was approved unanimously by those present (6-0).

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

NOMINATIONS FOR SPECIAL RECOGNITION

None at this time.

DIRECTOR'S REPORT

Mr. Zeledon stated Monthly Activity reports for June and July are before the Commissioners.

ADJOURNMENT

Ricci motioned to adjourn; it was agreed unanimously. The meeting was adjourned at 8:31PM to the special meeting on August 30, 2022.

Secretary Pro Tempore

Chairman, Planning Commission

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

MINUTES

August 30, 2022

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

MINUTES

August 30, 2022

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

COMMISSIONERS

Present: Anderson, Dean, Gage, Lampkin, and Ricci

Absent: Chairman Willoughby, Vice-Chairman DeDiemar

OTHERS PRESENT: **Executive Director Development Agency Murphy**, Planning Director Zeledon, City Attorney Guiboa, Principal Planner Mercier, Principal Planner Ruddins, Transportation Manager Bautista, Senior Engineer Sotomayor, Senior Engineer Tang, and Planning Secretary Berendsen

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Dean.

ANNOUNCEMENTS

Mr. Zeledon stated that they have before them several emails received for Item C and there is a typo revision of the Resolution for Item C.

PUBLIC COMMENTS

Randy Bekendam, an Ontario resident, spoke on Prop 70.

CONSENT CALENDAR ITEMS

PUBLIC HEARING ITEMS

Mr. Ricci recused himself from this item.

- B. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV22-004:** A hearing to consider a Development Plan to construct a stealth wireless telecommunications facility consisting of a 65-foot-tall monopine antenna and ancillary ground-mounted equipment on 1.75 acres of land located at 1259 East D Street (Veteran's Memorial Park), within the OS-R (Open Space – Recreation) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan. (APN: 0110-013-04) **submitted by Coastal Business Group. This item was continued from the August 23, 2022 Planning Commission meeting.**

Principal Planner Mercier, presented the staff report. He stated that staff is recommending the Planning Commission approve File No. PDEV22-004, pursuant to the facts and reasons contained in the staff

report and attached resolution, and subject to the conditions of approval.

Mr. Lampkin wanted to know if the DG path would be moved.

Mr. Mercier stated no.

Mr. Lampkin wanted to know about lighting for the area.

Mr. Mercier stated none is proposed.

Mr. Gage wanted to know what is there now.

Mr. Mercier stated a park.

PUBLIC TESTIMONY

The applicant was present but did not wish to speak.

Mr. Lampkin asked the applicant if he agreed to the COAs.

Mr. Brett Smirl representing AT&T Mobility came forward.

Mr. Lampkin wanted clarity that it would be a tapered monopine.

Mr. Brett stated that he went with staff suggestions.

Mr. Lampkin wanted to make sure it was tapered.

Mr. Lampkin asked the applicant if he agreed to COAs.

Mr. Brett stated yes.

Mr. Zeledon explained about the branch count and foliage would be looked at during plan check and then they inspect to see if they need more branches.

Mr. Mercier stated that these pine trees don't grow in an A shape, and it would look like the other trees in the park.

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

Mr. Dean spoke in favor of the project.

PLANNING COMMISSION ACTION

It was moved by Dean, seconded by Anderson, to adopt a resolution to approve the Development Plan, File No., PDEV22-004, subject to conditions of approval. Roll call vote: AYES, Anderson, Dean, Gage, and Lampkin; NOES, none; RECUSE, Ricci; ABSENT, DeDiemar, Willoughby. The motion was carried 4 to 0.

- C. **ENVIRONMENTAL ASSESSMENT AND SPECIFIC PLAN AMENDMENT REVIEW FOR FILE NO. PSPA21-002:** A public hearing to consider certification of the Final Ontario Ranch Business Park Specific Plan Amendment Subsequent Environmental Impact Report (State Clearinghouse No. 2019050018), including the adoption of a revised Mitigation Monitoring and

Reporting Program and a Statement of Overriding Considerations, for an amendment to the Ontario Ranch Business Park Specific Plan, incorporating property adjacent to the existing Specific Plan area and establishing the land use designations, development standards, and guidelines which will govern the development of 71.69 acres of land generally bordered by Eucalyptus Avenue to the north, Sultana Avenue to the east, Merrill Avenue to the south, and Campus Avenue to the west. 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. 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: 1054-041-01, 1054-041-02, 1054-031-01, 1054-031-02, 1054-261-01, 1054-261-02, 1054-291-01, and 1054-291-02) **submitted by Euclid Land Venture LLC. City Council action is required. This item was continued from the August 23, 2022 Planning Commission meeting.**

Principal Planner Mercier, presented the staff report. He stated that staff is recommending the Planning Commission recommend approval of the Subsequent EIR and File No. PSPA21-002, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Attorney Guiboa stated the public hearing was already opened at the August 23 meeting and that persons who made public comments at that meeting, it is at the discretion of the Commission to allow them to speak again.

Mr. Lampkin asked if the Subsequent EIR was drafted as a requirement of CEQA.

Mr. Mercier stated yes.

Mr. Gage wanted to know why the traffic study was done in 2019, during COVID.

Mr. Zeledon referred to the EIR consultant Kimley Horn.

Mr. Kevin Thomas, Kimley Horn consultant for the EIR explained the traffic study.

Mr. Lampkin wanted to know why trips are no longer required.

Mr. Thomas stated that the State had amended CEQA to VMT (vehicle miles travel) the primary traffic indicator and operation traffic is not required for CEQA.

Mr. Gage wanted to know what CEQA meant.

Mr. Thomas explained it was California Environmental Quality Act.

Mr. Gage wanted to know why there are environmental standards with some kind significant and unavoidable occurrences.

Mr. Thomas responded regarding public disclosures that identify the impacts.

Ms. Anderson wanted to know about the City of Chino's truck traffic plan.

Mr. Zeledon responded that we are working with City of Chino.

Mr. Gage asked regarding the pollution burden in the 99th percentile.

Mr. Ace Malisis with Kimley Horn responded.

Mr. Gage wanted to know what census tract we are in.

Mr. Malisis responded and stated there are probably several in the city.

Mr. Gage wanted to know about the PM2.5 air pollutants.

Mr. Malisis responded.

PUBLIC TESTIMONY

Jeff Johnston the applicant spoke in favor of the project.

Mr. Gage asked the applicant if he agrees with conditions in the staff report.

Mr. Johnston stated yes.

Zachary Mena spoke in favor of project.

Angel Esparza spoke in favor of the project.

Susan Phillips spoke in opposition to the project.

Juan Olmedo spoke in favor of the project.

Ursula Whitfield spoke in favor of the project.

Jeffrey Scott spoke in favor of the project.

Cynthia Chavez spoke in favor of the project.

Sean Silva spoke in favor of the project.

Zach Strasters spoke in favor of the project.

David Hanson spoke in favor of the project.

Frankie Jimenez spoke in favor of the project.

Louie Lopez spoke in favor of the project.

Jayson Biaz spoke in favor of the project.

Jose Radillo spoke in favor of the project.

Andres Byanda spoke in favor of the project.

Randy Bekendam spoke in opposition of the project.

Ana Gonzalez spoke in opposition of the project.

Jasmine Cunningham spoke in opposition of the project.

Albert Duarte spoke in favor of the project.

Miguel Nunez spoke in favor of the project.

Mr. Johnston rebutted.

Mr. Gage asked regarding the comment that this needs to be debated in the city.

Mr. Zeledon responded.

Mr. Lampkin wanted to know why only the Draft EIR was available.

Mr. Zeledon stated that City Council is the final action for the project and would receive the final EIR.

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

Mr. Lampkin thanked residents who came out and spoke in favor of the project.

Mr. Ricci reiterated Mr. Lampkin's comments and spoke in favor of the project.

Mr. Dean talked regarding farming and the purchase of land.

Mr. Gage thanked the people who came out and spoke in favor of the project.

PLANNING COMMISSION ACTION

It was moved by Lampkin, seconded by Ricci, to recommend adoption of a resolution approving the Subsequent EIR with a Statement of Overriding Consideration and Mitigated Monitoring Program and the Specific Plan Amendment, File No. PSPA21-002. Roll call vote: AYES, Anderson, Dean, Gage, Lampkin, and Ricci; NOES, none; RECUSE, none; ABSENT, DeDiemar, Willoughby. The motion was carried 5 to 0.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

New Business

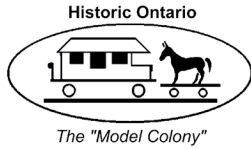
DIRECTOR'S REPORT

ADJOURNMENT

Ricci motioned to adjourn, seconded unanimously. The meeting was adjourned at 8:27 PM.

Secretary Pro Tempore

Chairman, Planning Commission



HISTORIC PRESERVATION COMMISSION STAFF REPORT

October 25, 2022

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

FILES NO.: PHP21-016

SUBJECT: A public hearing to consider a Local Landmark Designation of a single-family residence (Tier III Eligible Historic Resource) located at the northwest corner of San Antonio Avenue and D Street at 409 North San Antonio Avenue. **City Council action is required.**

PROPERTY OWNER: Mallory Jean and Robby Gibson, and Gray McMinn

RECOMMENDED ACTION: That the Historic Preservation Commission consider File No. PHP21-016, and recommend approval to the City Council, pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT ANALYSIS:

(1) Architectural Description

Historic Name: The Maurice Johnson House
Architectural Style: Folk
Date Built: 1946

The one-story residence was constructed in the Folk architectural style in 1946, by Maurice Johnson. The residence is T-shaped in plan with a flat roof, and large, exposed eaves and rafters. The residence is clad in stacked rough, irregular shaped concrete blocks on all facades except for a section at the northwest corner of the house that is clad in vertical wood panels. The residence features an off-center entrance on the primary (south) façade, with a set of multi-paned steel casement windows to the west of the main entry. A corner window in the same design and pattern is at the southeast corner of the residence. The windows on the remainder of the residence consist of steel, multi-pane fixed and casement windows and wood fixed windows. The residence also



Figure 1: Maurice Johnson House



Figure 2: Maurice Johnson House Detached Garage/Workshop

Case Planner:	Emilie Fernandez
Planning Director Approval:	
Submittal Date:	09/08/2021

Hearing Body	Date	Decision	Action
HPSC	09/08/2022	Approval	Recommend
PC	10/25/2022		Recommend
CC	11/15/2022		Final

features board-and batten doors, a stone chimney, and heavy exposed wood beams.

As depicted in Exhibit B: Site Plan, approximately 20 feet northeast of the residence is a detached garage and workshop constructed in the same style and materials as the residence, including irregular shaped concrete block walls and vertical wood paneling. It is believed that the main door on the western façade of the garage is from the first broadcasting station in San Bernardino County. The wooden double door features a geometric pattern and octagon shaped glass panes. The east façade of the garage features a row of clerestory wood windows, alternating between a clear glass pane and a decorative frosted glass pane. Also present on the site and 5 feet northwest of the primary residence, is a pool shed constructed of the same horizontal wood panels visible on the residence and garage. Building permits indicate that the garage and shed were constructed in 1947. An additional shed located west of the pool shed was constructed at a later date. Located along the west property line is a freeform shaped pool, according to building permit records, it was built in 1966. A small pond is located west of the garage. The property is surrounded with mature trees that contribute to the rustic character of the property, creating a “forest” like setting.

(2) History and Historic Context – The Maurice Johnson house is the only known example of Folk architecture in the Ontario area, built using recycled or salvaged materials. The builder, Maurice Johnson built the house in 1946 using materials that were available at the time. The Folk style of architecture is best known as a building being constructed outside any tradition, without professional guidance. The word Folk was first used in the 1800s, often a design would be made based on available local materials, their functionality, and reflect local traditions. The Maurice Johnson House was built in this style by Maurice Johnson who is believed to have been the son-in-law of Kostany Stys, a significant contributor to Folk architecture and “rubble construction” in the region.

The Great Depression brought about a lack of building resources which inspired Kostany Styes, a Polish immigrant, to build homes using salvaged materials in the nearby Claremont and Montclair areas. Styes built 15 Folk style residences in Claremont using salvaged materials, including rubble and stone between 1925-1940. The collection of homes known as “The Russian Village” was designated as a historic district and was added to the National Register of Historic Places in 1978 as a definitive example of Folk architecture. The houses were recognized based off the unique nature of the folk architecture and the social and economic setting that contributed to the construction of these houses. The rubble construction house at 409 North San Antonio Avenue is the only known example of this type in the City of Ontario and was built with many unique materials, including cement believed to have been salvaged from “A” street (Holt), concrete curbs, a door from an early broadcasting station and formal gardens. The house was completed in 1946, shortly after Kostany Styes completed his collection of homes in Claremont.

(3) Landmark Designation Criteria – A historic resource may be designated a local “historic landmark” by the City if it meets the criteria for listing in the National Register of Historic Places, the California Register of Historic Resources, or it meets the Local

Landmark Designation criteria in the Ontario Development Code, which is based on architecture and history. Historic resources must also have integrity for the time in which they are significant. The aspects considered when evaluating historic integrity of a property include design, setting, materials and workmanship, location, feeling and association. The architectural integrity of the residence and detached garage are high as they retain most of the original exterior features and have had minimal alterations. The integrity of the site is moderate, the preservation of the mature trees on the site contribute to the historic significance as it conveys the feeling and association of early life in Ontario. The removal of a mature tree in between the house and garage, new construction of storage sheds and a pool, and installation of chain link fencing along the perimeter of the property have reduced the integrity from high to moderate. The City currently has 99 locally designated historic landmarks and designation of the Maurice Johnson House would be Local Landmark No. 100.

The Maurice Johnson House is an excellent example of the Folk architectural style, which is evident by the presence of the building's character-defining features, including the use of salvaged materials such as the stone siding and ornate doors. Other characteristics of the residence that are typical of the Folk architectural style include a simple construction method, irregular placement on the lot, and the extensive plantings surrounding the property. The rubble construction residence is the only known example of this type in the City of Ontario and was built with many unique materials including cement believed to have been salvaged from Holt Boulevard (formerly known as "A" Street), concrete curbs, a door from an early broadcasting station and formal gardens.

On September 8, 2022, the Historic Preservation Subcommittee determined that the Maurice Johnson House was a Tier III Historic Resource eligible for individual listing on the Ontario Register of Historic Resources, Exhibit D: Tier Determination, and recommended local landmark approval finding that it met the following designation criteria (d) in Section 4.02.040 of the Development Code:

The historic resource embodies distinguishing architectural characteristics of a style, type, period, or method of construction. The Maurice Johnson House is an excellent example of the Folk architectural style, which is evident by the presence of the building's character-defining features, including the use of salvaged materials such as the stone siding and ornate doors. Other characteristics of the residence that are typical of the Folk architectural style include a simple construction method, irregular placement on the lot, and the extensive plantings surrounding the property. The rubble construction residence is the only known example of this type in the City of Ontario and was built with many unique materials including cement believed to have been salvaged from "A" Street, concrete curbs, a door from an early broadcasting station and formal gardens.

COMPLIANCE WITH THE ONTARIO PLAN: The proposed landmark designation 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.**

- Focus Resources in Ontario's Commercial and Residential Neighborhoods

(2) **Vision.**

DYNAMIC STABILITY

- 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.**

- **G1 Decision Making:** 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 Element:

- **Goal CD-1 Image & Identity:** A dynamic, progressive city containing distinct and complete places that foster a positive sense of identity and belonging among residents, visitors, and businesses.
 - CD-1.1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing, enhancing, and preserving the character of our existing viable neighborhoods.
 - CD-1.3 Existing Neighborhoods. We require the existing character of viable residential and non-residential neighborhoods be preserved, protected, and enhanced.
- **Goal CD-4 Historic Preservation:** Historic buildings, streets, landscapes, and neighborhoods, as well as the story of Ontario's people, businesses, and social and community organizations, have been preserved and serve as a focal point for civic pride and identity.

○ CD-4.6 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.

• **Goal CD-5 Protection of Investment:** 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.

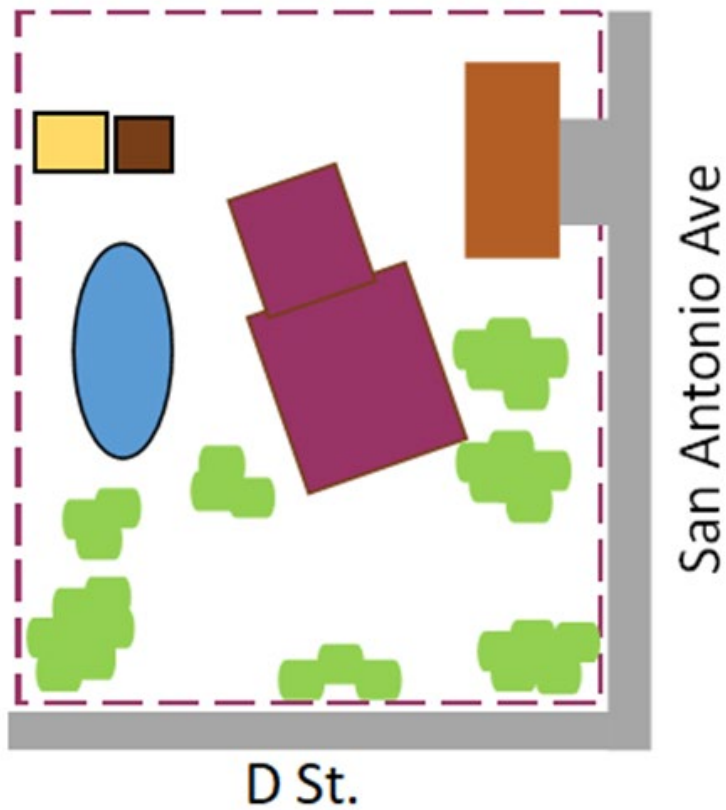
Exhibit A: Aerial Map



Exhibit B: Site Plan

Maurice Johnson House

Site Plan










- | | | | |
|---|-----------------|---|---------------|
|  | Detached Garage |  | Property line |
|  | Johnson House |  | Pool Shed |
|  | Swimming Pool |  | Landscaping |
|  | Storage Shed |  | Street Access |

Exhibit C: Site Photographs and Contributing Buildings

The Maurice Johnson House

Year Built:

1946

Architectural Style:

Folk Architecture

Description:

The house has a flat roof and large exposed eaves and rafters. The house was built with rough concrete blocks and salvage stone siding that are believed to be salvaged from "A" street, now known as Holt Blvd. The majority of windows are steel, multi pane fixed & casement windows. With a few wood fixed windows



Image 1: View looking west Primary entrance



Image 2: Rear, view looking east

Private garage/ Workshop

Year Built:

1947

Architectural Style:

Folk Architecture

Description:

The detached garage, also built in 1946 has been used as a workshop and is constructed with similar concrete block walls and vertical wood paneling as the main house.

The garage also has unique doors pictured in the middle photo of the west elevation. The 1980s citywide architectural survey indicates that the doors were from the first broadcasting station in San Bernardino County. Clerestory windows are featured in front of the garage with different patterns and colors, and attached is a carport on the east side



Image 3: Detached Garage, east elevation



Image 4: Detached Garage, west elevation

Pool Shed

Year Built:

1947

Architectural Style:

Folk Architecture

Description:

The pool shed, also built in 1946 has been used as a workshop and is constructed with similar concrete block walls and vertical wood paneling as the main house.



Image 5: Original Pool shed

Informal Garden

Architectural Style:

Cultural Landscape

Description:

Informal Gardens located on east of the residence containing various species of trees.



Image 6: Landscaping of informal gardens

Exhibit D: Tier Determination



HISTORIC PRESERVATION SUBCOMMITTEE

TIER DETERMINATION

Date: September 8, 2022
Location: 409 North San Antonio Avenue
Historic Name: Maurice Johnson House
APN: 1048-314-11
Description:

Decision Date:	September 8, 2022
File No.:	PHP22-014
Decision No.:	
Tier Determination:	III
Current Historic Status:	Eligible



The single-family residence located at 409 North San Antonio Avenue was constructed in 1946 and is located at the northwest corner of D Street and San Antonio Avenue. The residence is setback approximately 30 feet from San Antonio Avenue and 85 feet from D Street and is plotted at an approximate 45-degree angle, with the primary entrance oriented toward the southeast corner of the property. The property is largely screened from public view with dense landscaping along the southern and eastern sides of the property, including Canary Island pine (*Pinus canariensis*).

The one-story residence was constructed in the Folk style of architecture by Maurice Johnson. The residence is T-shaped in plan with a flat roof, and large, exposed eaves and rafters. The residence is clad in stacked rough, irregular shaped concrete blocks on all facades except for a section at the northwest corner of the house that is clad in vertical wood panels. The residence features an off-center entrance on the primary (south) facade with a set of multi-paned steel casement windows to the west of the main entry. A corner window in the same design and pattern is at the southeast corner of the residence. The windows on the remainder of the residence consist of steel, multi-pane fixed and casement windows and wood fixed windows. The residence also features board-and batten doors, a stone chimney, and heavy exposed wood beams.

Approximately 20 feet northeast of the residence, is a detached garage and workshop constructed in the same style and materials as the residence, including irregular shaped concrete block walls and vertical wood paneling. The 1980s Citywide architectural survey notes that the double wide man door on the western façade of the garage is salvaged from the first broadcasting station in San Bernardino County. The wooden double door features a geometric pattern and octagon shaped glass panes. The east façade of the garage features a row of clerestory wood windows, alternating between a clear glass pane and a decorative frosted glass pane.

- INDIVIDUAL PROPERTY** **HISTORIC DISTRICT**

TIER DETERMINATION CONT.
Location: 409 North San Antonio Avenue



TIER DETERMINATION

- Tier I** – Properties which should not be demolished or significantly altered. These properties are the most significant historical or cultural properties and must meet any of the following:
 - A property listed on the Ontario Register of Historical Resources and meets at least 1 of the architectural category and 3 criteria in the history category as listed below;
 - A contributing structure in a district where the district meets 1 of the criterion in the architecture category and 3 criterion in the history category.

- Tier II** – Properties where demolition should be avoided. These properties must meet any of the following:
 - Any property listed or determined eligible for listing in the National Register of Historic Places; or
 - Any property listed or determined eligible for listing in the California Register of Historic Resources; or
 - A property listed on the Ontario Register of Historical Resources and meets at least 2 of the criteria in either the architecture or history categories; or
 - A contributing structure in an Eligible Historic District where the district meets at least 2 of the criteria in either architecture or history categories.

- Tier III** – Properties where demolition should be avoided where possible, but may be appropriate under certain circumstances. These properties must be one of the following:
 - Designated Historic Landmarks, or
 - Contributing structures in a Designated Historic District, or
 - Eligible Historical Resources as defined in Section 4.02.040 of the Ontario Development Code.

TIER CRITERIA

Architecture (Check all that apply)

- The structure is (or the district contains resources which are) a prototype of, or one of the finest examples of a period, style, architectural movement, or construction in the City or a particular style of architecture or building type.

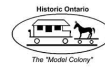
- The structure is (or the district contains resources which are) the first, last, only, or one of the finest examples, notable works, or the best surviving work by an architect or designer of major importance to the City, state or nation.

Explanation:

The Maurice Johnson House is an excellent example of the Folk style of architecture, which is evident by the presence of the building's character-defining features, including the use of salvaged materials such as the stone siding and ornate doors. The residence also features steel multi-pane casement windows, heavy wood beams, and wide exposed eaves. Other characteristics of the residence that are

TIER DETERMINATION CONT.

Location: 409 North San Antonio Avenue



typical of the architectural style include a simple construction method, irregular placement on the lot, and the extensive plantings surrounding the property. The house is the only known example of “rubble construction” in the City of Ontario having been built with many unique materials including concrete block siding believed to have been salvaged from “A” street (Holt Boulevard), concrete curbs, a door from an early broadcasting station and formal gardens.

History (Check all that apply)

- It is the location of an historic event(s) that have had a significant contribution to the history of the City, state or nation.
- It is associated with a business, company, or individual that has made a significant, cultural, social, or scientific contribution to the City, state, or nation.
- It is identified with a person(s) who has exerted a major influence on the heritage or history of the City, state, or nation.
- It embodies the ideals or principles of the “Model Colony” or furthers the ideals or principals established by the Chaffey Brothers.
- It has a direct relationship to one of the principle historic contexts in the City’s history.
- It is related with a business, company or individual significant in the agricultural history of the City.

Explanation:

According to a city directory search and building permit history, Maurice Johnson built the house in 1946 and owned it until 1949. Maurice Johnson is reported to be the son-in-law of Kostany Stys, a significant contributor to Folk architecture and “rubble construction” in the region. Stys built 15 Folk style residences in Claremont using salvaged materials including rubble and stone between 1925 and 1940. The collection of homes known as “The Russian Village” was added to the National Register of Historic Places in 1978. While the association with Styes is notable, research has failed to indicate that Stys had direct involvement in the construction of the residence at 409 North San Antonio Avenue. Other owners of the home include Dr. Harold Cole who owned the home from 1950 until 1958, and Richard McMinn who acquired the property in 1959. The property has remained in the McMinn family to this day.

RESOLUTION NO.

A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE FILE NO. PHP21-016, TO DESIGNATE THE MAURICE JOHNSON HOUSE LOCATED AT 409 NORTH SAN ANTONIO AVENUE, AS LOCAL HISTORIC LANDMARK NO. 100 AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1048-314-11.

WHEREAS, Mallory Jean and Robby Gibson, and Gray McMinn ("Applicant") has filed an Application for the approval of a Local Historic Landmark Designation, File No. PHP21-016, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City's character and history are reflected in its cultural, historical, and architectural heritage, with an emphasis on the "Model Colony" as declared by an act of the Congress of the United States and presented at the St. Louis World's Fair in 1904; and

WHEREAS, the City's historical foundations should be preserved as living parts of community life and development in order to foster an understanding of the City's past so that future generations may have a genuine opportunity to appreciate, enjoy, and understand Ontario's rich heritage; and

WHEREAS, the Community Design element of The Ontario Plan (General Plan) sets forth Goals and Policies to conserve Ontario's historic buildings and districts; and

WHEREAS, the Maurice Johnson House, a Folk architectural style, single-family residence constructed in 1946, located at 409 North San Antonio Avenue (APN: 1048-314-11) is worthy of preservation and designation as a Local Historic Landmark; and

WHEREAS, the detached garage/workshop, wooden shed, informal garden, and mature landscaping contributes to the historic significance of the property; and

WHEREAS, on September 8, 2022, the Historic Preservation Subcommittee of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. HPSC22-005, determining that the Maurice Johnson House met the Tier III Historic Resource Criteria as set forth in Section 4.02.040 (Historic Preservation-Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservation Areas) of the Ontario Development Code; and

WHEREAS, the designation is not considered a project pursuant to Section 21065 of the CEQA Guidelines; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Historic Preservation Commission the responsibility and authority to review and make recommendation to the City Council on the subject Application; 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 September 8, 2022, the Historic Preservation Subcommittee of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. HPSC22-006, recommending the Historic Preservation Commission recommend to the City Council approval of the Application; and

WHEREAS, on October 25, 2022, the Historic Preservation 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 Historic Preservation Commission of the City of Ontario, as follows:

SECTION 1: Environmental Determination and Findings. As the recommending body for the Project, the Historic Preservation 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 Historic Preservation Commission, the Historic Preservation Commission finds as follows:

(1) The designation is not considered a project pursuant to Section 21065 of the CEQA Guidelines.

(2) The CEQA determination reflects the independent judgment of the Historic Preservation Commission.

SECTION 2: Concluding Facts and Reasons. Based upon the substantial evidence presented to the Historic Preservation Commission during the above-referenced hearing, and upon the specific findings set forth in Section 1, above, the Historic Preservation Commission hereby concludes that the Maurice Johnson House meets local landmark designation criteria (d) as contained in Section 4.02.040 (Historic Preservation-Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservation Areas) of the Ontario Development Code, finding

that “[t]he historic resource embodies distinguishing architectural characteristics of a style, type, period, or method of construction.” The Maurice Johnson House is an excellent example of the Folk architectural style, which is evident by the presence of the building’s character-defining features, including the use of salvaged materials such as the stone siding and ornate doors. Other characteristics of the residence that are typical of the Folk architectural style include a simple construction method, irregular placement on the lot, and the extensive plantings surrounding the property. The rubble construction residence is the only known example of this type in the City of Ontario and was built with many unique materials including cement believed to have been salvaged from “A” Street (now known as Holt Boulevard), concrete curbs, a door from an early broadcasting station and formal gardens.

SECTION 3: Historic Preservation Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 2, above, the Historic Preservation Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE THE LOCAL LANDMARK DESIGNATION.

SECTION 4: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 5: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East “B” Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 6: Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Historic Preservation 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 Historic Preservation Commission of the City of Ontario at a regular meeting thereof held on the 25th day of October 2022, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Jim Willoughby
Historic Preservation Commission
Chairman

ATTEST:

Rudy Zeledon
Planning Director and
Secretary to the Historic Preservation
Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Historic Preservation Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC22-###, was duly passed and adopted by the Historic Preservation Commission of the City of Ontario at their regular meeting held on October 25, 2022, by the following roll call vote, to wit:

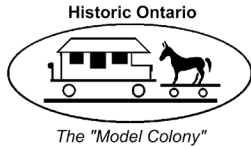
AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore



HISTORIC PRESERVATION COMMISSION STAFF REPORT

October 25, 2022

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

FILES NO.: PHP22-011

SUBJECT: A public hearing to consider a Mills Act Contract (Preservation Agreement) for a 4,379-square-foot Prairie style single-family residence, a Contributor within the College Park Historic District, located at 119 East Princeton Street, within the LDR-5 (Low Density Residential-2.1 to 5.0 du/ac) zoning district. **City Council action is required.**

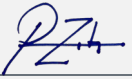
PROPERTY OWNER: Rafael Marquez and Jacqueline Gonzalez

RECOMMENDED ACTION: That the Historic Preservation Commission consider and approve File No. PHP22-011 recommending approval to the City Council, pursuant to the facts and reasons contained in the staff report and attached resolution. The Historic Preservation Subcommittee reviewed this application on October 13, 2022 and is recommending approval.

BACKGROUND: Effective March 7, 1973, Chapter 1442 of the Statutes of 1972 (also known as the Mills Act) added Sections 50280 through 50289 to the Government Code to allow an owner of a qualified historical property to enter into a preservation contract with a local government. The City of Ontario established the Mills Act program in 1997 to provide an economic incentive for the preservation of designated historic landmarks and/or contributing structures within a designated historic district. Since inception of the City's program, 82 Mills Act Contracts have been approved and recorded. There is one contract proposed at this time, for a single-family residence designated as a Contributor to the College Park Historic District.

In order for the historic property to be eligible for the program, it must meet the requirements outlined in the guidelines and standards set by the State of California, Board of Equalization, and the City's Development Code (Sec. 4.02.065). The historic property must be either a local, state, or nationally designated property or a contributor within a locally designated historic district whereby the property owner agrees to certain improvements to restore, rehabilitate, or preserve a qualified historic building. In exchange, the San Bernardino County Tax Assessor reassesses the property's value based on an alternative formula that may result in a significant reduction in the owner's property taxes.

Pursuant to State law, a Mills Act Contract is recorded on the property and is a perpetual 10-year contract that automatically renews annually, unless the property owner or the City request a notice of non-renewal. The Mills Act Contract and all benefits and

Case Planner:	Elly Antuna, Associate Planner
Planning Director Approval:	
Submittal Date:	06/30/22

Hearing Body	Date	Decision	Action
HPSC	10/13/22	Approval	Recommend
PC	10/25/22		Recommend
CC	11/15/22		Final

responsibilities remain with the land, even after a change of ownership. If a contract is cancelled for any reason, including non-compliance with the conditions of the contract, or upon the request of the property owner or City, a cancellation fee of 12.5 percent of the market value (as of the time of cancellation) is assessed.

PROJECT ANALYSIS: Staff provides estimates of potential tax savings for the property owner, but ultimately, only the San Bernardino County Assessor can determine the actual Mills Act adjusted value. The Mills Act assessment involves many variables that are typically determined by market forces such as interest rates, capitalization rates, and fair market rental rates. The average property tax savings for the proposed Mills Act Contracts roughly range between 30 and 55 percent in the initial year, with a tax savings decrease each passing year. According to the City budget, Ontario receives 16.8 percent of the property taxes collected. Using that percentage, staff has also calculated the estimated reduction in property tax revenue, the “City cost,” and has included that in the analysis.

Upon City Council approval, the City Clerk informs the San Bernardino County Assessor that the property has entered into a Mills Act Contract. The Assessor values the historic property with the Mills Act assessment the following tax year, which may differ from the Planning Department estimates.

A. FILE NO.: PHP22-011

PROPERTY OWNER: Rafael Marquez and
Jacqueline Gonzalez

LOCATION: 119 East Princeton Street

HISTORIC NAME: Benton Ballou House

DESIGNATION DATE: July 18, 2000
(College Park Historic District)



[1] Work Program — The Applicant is proposing both exterior and interior work as part of the Contract that qualifies under the guidelines and standards set by the State of California. Exterior work includes tree maintenance and trimming, irrigation, window restoration, new roof, and repairs to front concrete steps and landing. Interior work includes new plumbing, electrical, repair to interior flooring, ceilings, and doors. The improvements are valued at an estimated \$154,520.

[2] Property Owner Savings — The following Mills Act savings to the property owner are based on estimates calculated by the Planning Department.

Current Annual Taxes Paid:	\$11,557
Mills Act Annual Taxes Estimated:	\$5,110
Potential Total Annual Tax Savings:	\$6,447
Estimated Savings over 10 years:	\$64,470
Estimated Savings Percentage:	55.8%

[3] City Cost — According to the City budget, Ontario receives approximately 16.8 percent of the property taxes collected. The following shows the cost to the City for this contract and is based on estimates calculated by the Planning Department.

Current Annual City Tax Revenue:	\$1,942
Mills Act Annual City Tax Revenue Estimated:	\$859
Estimated Total Annual Cost to the City:	\$1,083
Estimated Cost to the City over 10 years:	\$10,830

This contract provides for \$14.27 in improvements for every \$1 in estimated property tax cost to the City.

(4) Cumulative Impacts – The City currently has 82 approved Mills Act Contracts and one proposed contract. The cumulative impacts are based on the initial projected assessment of each contract for the proposed year.

	<u>Existing</u>	<u>Proposed</u>
Number of contracts:	82	83
Average Estimated Annual Tax Saving to Property Owners:	\$1,825	\$1,904
Estimated Annual Cost to the City:	\$25,147	\$26,230
Estimated Cost to the City over 10 Years:	\$251,470	\$262,300
Estimated Total Value of Improvements over 10 Years:	\$3,472,020	\$3,626,540
Estimated Loss of Revenue to Improvement Ratio:	\$1/13.81	\$1/13.83

COMPLIANCE WITH THE ONTARIO PLAN: The Mills Act Contract Program 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
- Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

[2] Policy Plan (General Plan)

Community Design Element – 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, have been preserved and serve as a focal point for civic pride and identity.
 - CD-4.2 Collaboration with Property Owners and Developers. We educate and collaborate with property owners and developers to implement strategies and best practices that preserve the character of our historic buildings, streetscapes, and unique neighborhoods.
 - CD-4.4 Incentives. We use the Mills Act and other federal, state, regional and local programs to assist property owners with the preservation of select properties and structures.
 - CD-4.6 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.

Community Design Element – Protection of Investment

- Goal CD-5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.
 - CD-5.1 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.
 - CD-5.3 Improvements to Property & Infrastructure. We provide programs to improve property and infrastructure.
 - CD-5.4 Neighborhood Involvement. We encourage active community involvement to implement programs aimed at the beautification and improvement of neighborhoods.

ENVIRONMENTAL REVIEW: A Mills Act Contract will not result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and, therefore, is not a project subject to The California Environmental Quality Act, pursuant to Section 21065 of the California Public Resources Code.

RESOLUTION NO.

A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE FILE NO. PHP22-011, THE MILLS ACT CONTRACT FOR THE BENTON BALLOU HOUSE, LOCATED AT 119 EAST PRINCETON STREET (APN: 1047-531-31).

WHEREAS, RAFAEL MARQUEZ AND JACQUELINE GONZALEZ ("Applicant") has filed an Application for the approval of a Mills Act Contract, File No. PHP22-011, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City's character and history are reflected in its cultural, historical, and architectural heritage with an emphasis on the "Model Colony" as declared by an act of the Congress of the United States and presented at the St. Louis World's Fair in 1904; and

WHEREAS, the City's historical foundations should be preserved as living parts of community life and development in order to foster an understanding of the City's past so that future generations may have a genuine opportunity to appreciate, enjoy, and understand Ontario's rich heritage; and

WHEREAS, the Community Development and the Aesthetic, Cultural, Open Space and Recreational Resources Elements of the Ontario Plan (Policy Plan) sets forth Goals and Policies to conserve Ontario's historic buildings and districts; and

WHEREAS, the Benton Ballou House, a Prairie style single-family residence constructed in 1920, located at 119 East Princeton Street (APN: 1047-531-31) is worthy of preservation and was designated by City Council on July 18, 2000, as a Contributor within the College Park Historic District; and

WHEREAS, the Application is not a project pursuant to Section 21065 of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") Guidelines. The Mills Act Contract will not result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and

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

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

completed; and

WHEREAS, on October 13, 2022, the Historic Preservation Subcommittee of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. HPSC22-007, recommending the Historic Preservation Commission recommend to the City Council approval of the Application; and

WHEREAS, on October 25, 2022, the Historic Preservation Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, the Historic Preservation Commission has reviewed this application and determined it to be to the mutual benefit to the City and property owner to enter into a Historic Property Preservation Agreement; and

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

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

SECTION 1. Environmental Determination and Findings. As the recommending body for the Project, the Historic Preservation 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 Historic Preservation Commission, the Historic Preservation Commission finds that the Mills Act Contract will not result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and, therefore, is not a project subject to The California Environmental Quality Act, pursuant to Section 21065 of the California Public Resources Code.

SECTION 2. Concluding Facts and Reasons. Based upon the substantial evidence presented to the Historic Preservation Commission during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the Historic Preservation Commission hereby concludes as follows:

(1) California Government Code Section 50280, et seq., authorizes cities to enter into contracts with the owners of a qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as a property of historical significance; and

(2) The Benton Ballou House, located at 1240 North Euclid Avenue, was

designated by City Council on July 18, 2000 as a Contributor within the College Historic District; and

(3) The Applicant has set forth a work program for this specific property to ensure the preservation of this historic resource that qualifies under the guidelines and standards set by the State of California.

SECTION 3. Historic Preservation Commission Action. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the Historic Preservation Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE THE REQUEST FOR A MILLS ACT CONTRACT.

SECTION 4. Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 E. B Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 6. Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

Historic Preservation Commission Resolution
File No. PHP22-011
October 25, 2022
Page 4

The Secretary Pro Tempore for the Historic Preservation 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 Historic Preservation Commission of the City of Ontario at a regular meeting thereof held on the 25th day of October, 2022, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Jim Willoughby
Historic Preservation Commission
Chairman

ATTEST:

Rudy Zeledon
Planning Director and
Secretary to the Historic Preservation
Commission

Historic Preservation Commission Resolution
File No. PHP22-011
October 25, 2022
Page 5

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

I, Gwen Berendsen, Secretary Pro Tempore of the Historic Preservation Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC22- , was duly passed and adopted by the Historic Preservation Commission of the City of Ontario at their regular meeting held on October 25, 2022, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

RECORDING REQUESTED BY
And When
RECORDED MAIL TO:

City Clerk, City of Ontario
303 East "B" Street
Ontario, CA 91764

Exempt Recording Fees Pursuant to Government
Code Section 6103 & 27383

HISTORIC PROPERTY PRESERVATION AGREEMENT

THIS AGREEMENT is made and entered into this 15th day of November 2022, by and between the City of Ontario, a municipal corporation (hereinafter referred to as the "City") and Rafael Marquez and Jacqueline Gonzalez (hereinafter referred to as the "Owner").

WITNESSETH:

A. Recitals.

(I) California Government Code Section 50280, et seq., authorizes cities to enter into contracts with the owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as property of historical significance;

(ii) Owner possesses fee title in and to that certain real property, together with associated structures and improvements thereon, commonly known as the Benton Ballou House, generally located at the street address 119 East Princeton Street, Ontario, CA 91764 (hereinafter such property shall be referred to as the "Historic Property"). A legal description of the Historic Property is attached hereto, marked as Exhibit "A" and is

incorporated herein by this reference;

(iv) On July 18, 2000, the City Council of the City of Ontario designated the Historic Property as a Contributor to the College Park Historic District pursuant to the terms and provisions of Title 9, Chapter 1, Chapter 4 of the Ontario Municipal Code; and,

(v) The City and Owner, for their mutual benefit, now desire to enter into this agreement both to protect and preserve the characteristics of historical significance of the Historic Property and to qualify the Historic Property for an assessment of valuation pursuant to the Provisions of Chapter 3, of Part 2, of Division 1 of the California Revenue and Taxation Code.

B. Agreement

NOW, THEREFORE, City and Owner, in consideration of the mutual covenants and conditions set forth herein, do hereby agree as follows:

1. Effective Date and Term of Agreement. This Agreement shall be effective and commence on November 15, 2022 and shall remain in effect for a term of ten (10) years thereafter. Each year upon the anniversary of the effective date, such initial term will automatically be extended as provided in paragraph 2, below.

2. Renewal. Each year on the anniversary of the effective date of this Agreement (hereinafter referred to as the “renewal date”), a year shall automatically be added to the initial term of this Agreement unless notice of non-renewal is mailed as provided herein. If either Owner or City desires in any year not to renew the Agreement, Owner or City shall serve written notice of non-renewal of the Agreement on the other party in advance of the annual renewal date of the Agreement. Unless such notice is served by Owner to City at least ninety (90) days prior to the annual renewal date, or served by City to Owner at least sixty (60) days prior to the annual renewal date, one (1) year shall automatically be added to the term of the Agreement provided herein. Owner may make a written protest of the notice. Upon receipts by the Owner of a notice from the City of non-renewal,

the City may, at any time prior to the annual renewal date of the Agreement, withdraw its notice to Owner of non-renewal. If either City or Owner serves notice to the other of non-renewal in any year, the Agreement shall remain in effect for the balance of the term then remaining, either from its original execution or from the last renewal of the Agreement, whichever may apply.

3. Fees. Prior to recordation the Applicant shall pay the applicable fee in effect at the time recordation is requested.

4. Standards for Historical Property. During the term of this Agreement, the Historic Property shall be subject to the following conditions, requirements and restrictions:

A. Owner shall preserve and maintain the characteristics of historical significance of the Historic Property. Attached hereto, marked as Exhibits "B", and incorporated herein by this reference, is a list of those minimum standards and conditions for maintenance, use and preservation of the Historic Property, which shall apply to such property throughout the term of this Agreement.

B. Owner shall, where necessary, restore and rehabilitate the property according to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the United States Secretary of the Interior's Rehabilitation Standards, the State Historical Building Code, and the Ontario Development Code and in accordance with the attached schedule of potential improvements, drafted by the applicant and approved by the City Council, attached hereto as Exhibit "C".

C. Pursuant to Section 4.02.050 of the Ontario Development Code, Owner shall obtain a Certificate of Appropriateness for any alteration, addition, restoration, rehabilitation, repainting, resurfacing, and for each and every item listed in Exhibit "C", prior to commencement of work. Failure to obtain all necessary permits, including building permits, and approvals may result in cancellation of this Agreement as set forth on

Paragraph 6, Cancellation herein.

D. Owner shall allow reasonable periodic examinations, by prior appointment, of the interior and exterior of the Historic Property by representatives of the County Assessor, State Department of Parks and Recreation, State Board of Equalization, and the City, as may be necessary to determine Owner's compliance with the terms and provisions of this Agreement.

5. Provision of Information of Corporation. Owner hereby agrees to furnish City with any and all information requested by the City, which may be necessary or advisable to determine compliance with the terms and provision of this Agreement.

6. Cancellation. City, following a duly noticed public hearing as set forth in California Government Code Sections 50280, et seq., may cancel this Agreement if it determines that Owner breached any of the conditions of this Agreement or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historic property. City may also cancel this Agreement if it determines that the Owner has failed to restore or rehabilitate the property in the manner specified in subparagraph 4(B) of this Agreement. In the event of cancellation, Owner may be subject to payment of those cancellation fees set forth in California Government Code Sections 50280, et seq.

7. Enforcement of Agreement. In lieu of and/or in addition to any provision to cancel the Agreement as referenced herein, City may specifically enforce, or enjoin the breach of, the terms of this Agreement. In the event of a default, under the provisions of this Agreement by Owner, City shall give written notice to Owner by registered or certified mail addressed to the address stated in this Agreement, and if such a violation is not corrected to the reasonable satisfaction of the City within thirty (30) days thereafter, or if not corrected within such reasonable time as may be required to cure the breach or default if said breach or default cannot be cured within thirty (30) days (provided that acts to cure the breach of default may be commenced within thirty (30) days and must be pursued to completion by Owner), then City may, without further notice, declare a default under the terms of this Agreement and may bring any action necessary to specifically

enforce the obligations of Owner growing out of the terms of this Agreement, apply to any court, state or federal, for injunctive relief against any violation by Owner or apply for such other relief against any violation by Owner or apply for such other relief as may be appropriate.

City does not waive any claim of default by Owner if City does not enforce or cancel this Agreement. All other remedies at law or in equity which are not otherwise provided for in this Agreement or in City's regulations governing historic properties are available to the City to pursue in the event that there is a breach of this Agreement. No waiver by City of any breach or default under this agreement shall be deemed to be a waiver of any other subsequent breach thereof or default herein under.

8. Binding Effect of Agreement. The Owner hereby subjects the Historic Property described in Exhibit "A" hereto to the covenants, reservations and restriction as set forth in this Agreement. City and Owner hereby declare their specific intent that the covenants, reservations and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon the Owner's successors and assigns in title or interest to the Historic Property. Each and every contract, deed or other instrument hereinafter executed, covering or conveying the Historic Property, or any portion thereof, shall conclusively be held to have been executed, delivered and accepted subject to the covenants, reservations and restrictions expressed in this Agreement regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instrument.

City and Owner hereby declare their understanding and intent that the burden of the covenants, reservations and restrictions set forth herein touch and concern the land in that Owner's legal interest in the Historic Property is rendered less valuable thereby. City and Owner hereby further declare their understanding and intent that the benefit of such covenants, reservations and restrictions touch and concern the land by enhancing and maintaining the historic characteristics and significance of the Historic Property for the benefit of the public and the Owner.

9. Notice. Any notice required to be given by the terms of this Agreement shall be provided at the address of the respective parties as specified below or at any other address as may be later specified by the parties hereto.

To City: City of Ontario
303 East "B" Street
Ontario, CA 91764

Attention: Planning Director

To Owner: Rafael Marquez and Jacqueline Gonzalez
119 East Princeton Street
Ontario, CA 91764

10. General Provisions.

A. None of the terms, provisions or conditions of this Agreement shall be deemed to create a partnership between the parties hereto and any of their heirs, successors or assigns, nor shall such terms, provisions or conditions cause them to be considered joint ventures or members of any joint enterprise.

B. Owner agrees to and shall hold City and its elected officials, officers, agents, and employees harmless from liability for damage or claims for damage for personal injuries, including death, and claims for property damage which may arise from the direct or indirect use or operations of Owner or those of his contractor, subcontractor, agent, employee or other person acting on his behalf which relates to the use, operation and maintenance of the Historic Property. Owner hereby agrees to and shall defend the City and its elected officials, officers, agents, and employees with respect to any and all actions for damages caused by, or alleged to have been caused by, reason of Owner's activities in connection with the Historic Property. This hold harmless provision applies to all damages and claims for damages suffered, or alleged to have been suffered, by reason of the operations referred to in this Agreement regardless of whether or not the City prepared, supplied or approved the plans, specifications or other documents for the Historic Property.

C. All of the agreements, rights, covenants, reservations and restrictions contained in this Agreement shall be binding upon and shall inure to the benefit of the parties herein, their heirs, successors, legal representatives, assigns and all persons acquiring any part or portion of the Historic Property, whether by operation of law or in any manner whatsoever.

D. In the event legal proceedings are brought by any party or parties to enforce or restrain a violation of any of the covenants, reservations or restrictions contained herein, or to determine the rights and duties of any party hereunder, the prevailing party in such proceeding may recover all reasonable attorney's fees to be fixed by the court, in addition to court costs and other relief ordered by the court.

E. In the event that any of the provisions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, or by subsequent preemptive legislation, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.

F. This Agreement shall be construed and governed in accordance with the laws of the State of California.

11. Recordation. No later than twenty (20) days after the parties execute and enter into this Agreement, the City shall cause this Agreement to be recorded in the office of the County Recorder of the County of San Bernardino.

12. Amendments. This Agreement may be amended, in whole or in part, only by a written recorded instrument executed by the parties hereto.

IN WITNESS WHEREOF, City and Owner have executed this Agreement on the day and year first written above.

CITY OF ONTARIO

Dated: _____

By: _____
City Manager

Attest

City Clerk

Approved as to Form

City Attorney

Dated: _____

By: _____
Rafael Marquez, Owner

Dated: _____

By: _____
Jacqueline Gonzalez, Owner

**Exhibit A: Historic Property Preservation Agreement
Legal Description**

Address: 119 East Princeton Street **APN:** 1047-531-31 **File No.:** PHP22-011
Ontario, CA 91764

The property located at: 119 East Princeton Street
Ontario, CA 91764

is legally described as: LOT 1 OF F. C. BELL'S FIRST ADDITION TO THE CITY OF ONTARIO, IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 21, PAGE 16 OF MAPS, IN THE OFFICE OF THE CONTY RECORDER OF SAID COUNTY.

APN: 1047-531-31-0-000

**Exhibit B: Historic Property Preservation Agreement
Property Maintenance**

Address: 119 East Princeton Street **APN:** 1047-531-31 **File No.:** PHP22-011
Ontario, CA 91764

All buildings, structures, yards and other improvements shall be maintained in a manner which does not detract from the appearance of the immediate neighborhood. The following conditions are prohibited:

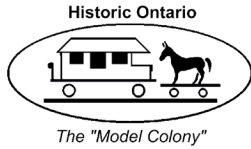
1. Dilapidated, deteriorating, or unrepaired structures, such as fences, roofs, doors, walls, and windows;
2. Scrap lumber, junk, trash or debris;
3. Abandoned, discarded or unused objects or equipment, such as automobiles, automobile parts, furniture, stoves, refrigerators, cans, containers, or similar items;
4. Stagnant water or excavations, including unmaintained pools or spas;
5. Any device, decoration, design, structure or vegetation which is unsightly by reason of its height, condition, or its inappropriate location.

The property owner shall also comply with the provisions of the Duty to Keep in Good Repair Section of the Historic Preservation Ordinance (Sec. 9-1.7.01.045 of the Ontario Development Code) and all other applicable provisions of the City's Property Appearance – Nuisance Ordinance (Chapter 22 of Title 5 of the Ontario Municipal Code, Commencing at Sec. 5-22.02).

**Exhibit C: Historic Property Preservation Agreement
Proposed Improvements**

Address: 119 East Princeton Street **APN:** 1047-531-31 **File No.:** PHP22-011
Ontario, CA 91764

Contract Year	Description
2023:	Restore hardwood floors in 2nd floor bedrooms, closets, and landing. New plumbing in 2nd floor hallway bathroom.
2024:	Arborist to perform tree health assessment, tree trimming and removal if needed. Update electrical outlets, light switches/plates at 2nd floor, and add ground where needed. New plumbing in 1st floor bathroom that has exterior access.
2025:	New plumbing in 1st floor bathroom. Repair water damage and cracks in ceilings at 2nd floor and at main entrance. Replace flood watering/irrigation system to deep watering for orchard.
2026:	Update main sewer line that connects main line, primary dwelling and guesthouse.
2027:	New roof on main house, garage and guest house
2028:	Repair and restore closet and bathroom doors and hardware at 2nd floor. New plumbing in 2nd floor Jack-and-Jill bathroom.
2029:	Repair windows (broken glass, hardware, ropes and weight) and refinish wood as needed in 2nd floor bathrooms, closets and 1 bedroom.
2030:	Repair windows (broken glass, hardware, ropes and weight) and refinish wood as needed in 4 bedrooms on 2nd floor.
2031:	Restore and repair wood stairs, landing and banisters. Repair and restore bedroom doors and hardware at 2nd floor. Replace main sewer line in basement.
2032:	Repair concrete exterior steps at main entrance and concrete landing. Arborist to perform tree health assessment, tree trimming and removal if needed.



HISTORIC PRESERVATION COMMISSION STAFF REPORT

October 25, 2022

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

FILE NOS.: PCUP22-017 and PHP22-012

SUBJECT: A public hearing to consider a Conditional Use Permit (File No. PCUP22-017) and a Certificate of Appropriateness (File No. PHP22-012) to construct a 2-story, 558-square-foot detached accessory residential structure to accommodate a private Artist's Studio/Workshop on 0.56-acre of land located at 328 East Princeton Street, a designated Local Landmark and a Contributor to the College Park Historic District, within the LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac) zoning district. (APN: 1047-543-09)

APPLICANT: Edward and Mary Rivas

RECOMMENDED ACTION: That the Planning/Historic Preservation Commission consider and approve File Nos. PCUP22-017 and PHP22-012, pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval appended to the resolutions as "Attachment A".

PROJECT SETTING: The Project site is comprised of a 0.56-acre of land located at 328 East Princeton Street, as depicted in Figure 1: Project Location, below. The property, known as the Avenue Boarding House, was designated by the City Council on December 20, 1994, as Local Landmark No. 9 and on July 18, 2000, as a Contributor to the College Park Historic District. The property and the College Park Historic District are within the LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac) zoning district, an established single-family residential neighborhood, with a historic olive canning business, the Graber Olive House. The Graber Olive House is located south of the Project site and is the City's longest continuously operated business. In the early 1890s, brothers Clifford C. and Charles Graber purchased a 10-acre lot to support the growing olive business. Beginning in 1910, Charles Graber began to subdivide and sell tracts of this land facilitating the residential development that is now present in the area, including the College Park Tract. The College Park Tract was one of the first subdivisions in Southern California to have underground telephone, water, gas and electrical lines, ornamental street lighting, and paved and curbed streets and alleys. Most homes were developed during the 1920s and consist



Figure 1: Project Location

Case Planner:	Elly Antuna, Associate Planner
Planning Director Approval:	
Submittal Date:	07/25/2022

Hearing Body	Date	Decision	Action
HPSC	10/13/22	Approve	Recommend
PC	10/25/22		Final
CC			

of a diverse mix of architectural styles including Colonial, Craftsman, Tudor, Mediterranean, Prairie, Ranch and Vernacular. The district also features homes with large front yard setbacks and mature street trees.

The Project site is pictured in Figure 2: Site Photographs and is developed with a 2-story, single-family residence (Avenue Boarding House), constructed in 1884 in the American Foursquare architectural style. A 649-square-foot guest house was constructed in 2007 and is located in the rear yard at the southwest corner of the site. The property is densely landscaped with a mix of mature trees, shrubs and groundcovers.



Figure 2: Site Photographs

The Avenue Boarding House was originally located at the northwest corner of C Street and Euclid Avenue. In 1923, Fred Clapp a swim instructor at Chaffey High School, bought and moved the house to its Princeton location, making way for the construction of a new theater and store building (Emmon's Building / Granada Theater). The 2-story building was originally rectangular in plan, with a hipped roof covered in asphalt shingles topped with decorative carved wood posts and cresting along the roof ridge, horizontal shiplap

wood siding, hung and casement multiple-paned wood windows, and a shed style roof front porch with decorative Eastlake brackets and posts (Figure 3: Avenue Boarding House).

The front porch and the decorative carved wood post and cresting were removed prior to relocating the building to the Princeton Street and some of the multiple-paned windows were replaced with clear glass. The building has had several additions, including a 2-story addition at the rear, a 3-car garage with a second story attached at the southeast corner, and a one-story addition attached to the rear of the garage, creating an irregular floor plan and bringing the total building area to approximately 3,200 square feet. The additions were constructed with matching materials and finishes, including horizontal wood siding, asphalt roof shingles and wood framed hung and casement windows. A hipped roof front porch was also added, and a side porch was enclosed. The former boarding house is now used as a private residence. In 2007, a 649-square-foot guesthouse was constructed at the southwest corner of the site. The guesthouse is L-shaped in plan, clad in horizontal wood siding and features hung windows with grid patterns.



Figure 3: Avenue Boarding House

PROJECT ANALYSIS:

(1) Background — The Applicant is requesting a Certificate of Appropriateness, File No. PHP22-012, and Conditional Use Permit, File No. PCUP22-017, to construct a 2-story, 558 square-foot detached accessory residential structure to accommodate a first-floor workout room and second-floor artist studio. Section 5.03.010 (Accessory Residential Structures) of the Ontario Development Code requires approval of a Conditional Use Permit for detached accessory residential structures that exceed 16 feet in height or 1,050 square-feet in size. Additionally, Section 4.02.050 (Historic Preservation Certificate of Appropriateness and Demolition of Historic Resources) of the Ontario Development Code requires approval of a Certificate of Appropriateness for any accessory residential structures that exceeds 16 feet in height and is constructed on any historic property. The Conditional Use Permit is to regulate the use of the structure while the Certificate of Appropriateness is to evaluate if the proposed construction will cause adverse impacts to the historic resource.

(2) Site Design/Building Layout — The detached accessory residential structure will be constructed at the southeast corner of the site and will be setback 42 feet from the principal dwelling to the north, 7 feet from the eastern (interior) property line, 14 feet from the southern (rear) property line, and 56 feet from the existing guesthouse to the west (Figure 3: Site Plan).

The new structure will be approximately 17 feet south of a mature and healthy coast live oak tree that will be protected in place.

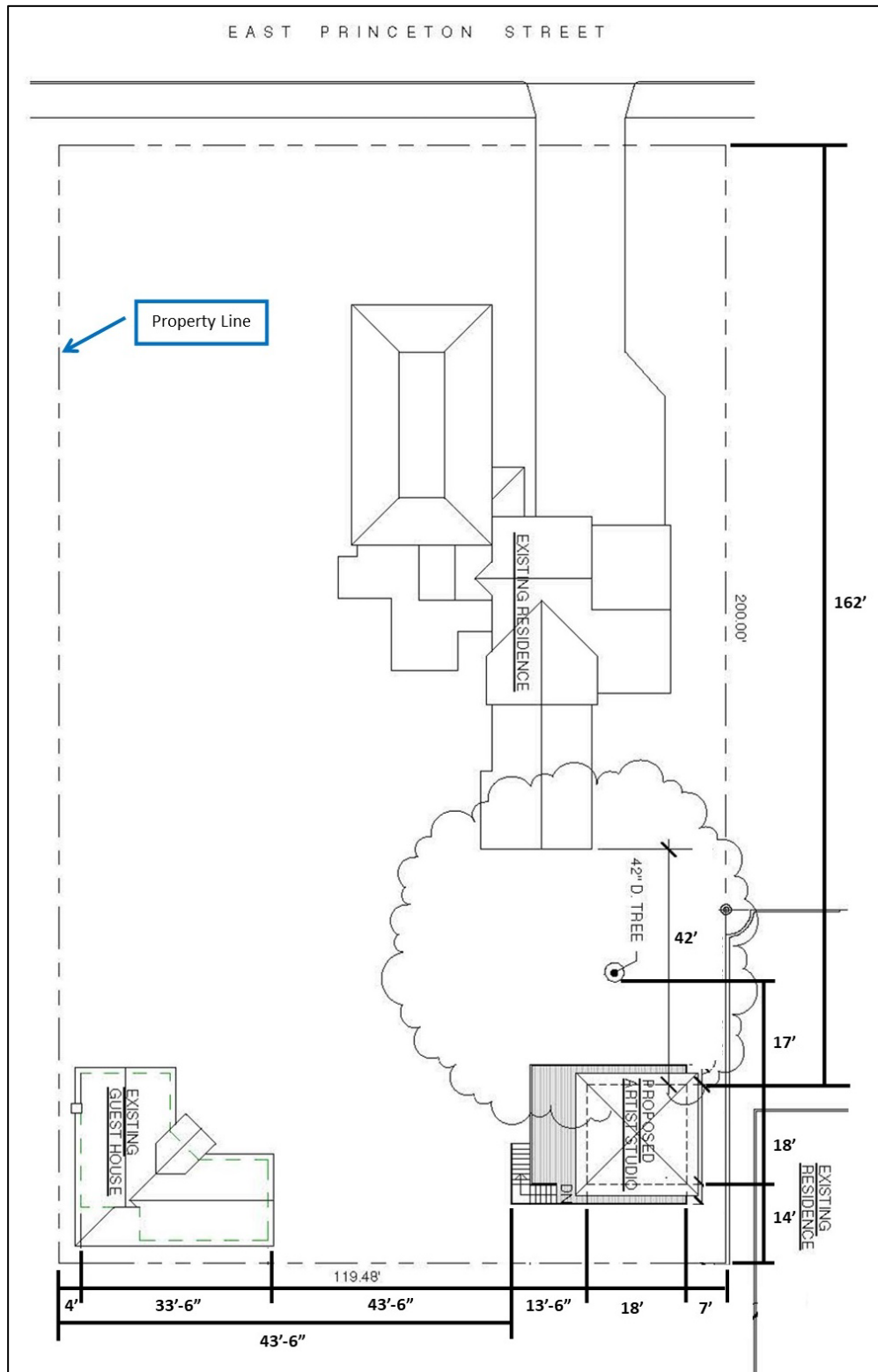


Figure 3: Site Plan

(3) Floor Plan — As depicted in Figure 4: Floor Plan, the first floor of the building contains a 234-square-foot “workout room” with a full bathroom. The 324-square-foot second story contains a sink and workstation for an “artist studio” and is accessed from the interior via a spiral staircase and from the exterior via an exterior staircase on the east side of the structure. A deck, supported by simple wood posts, wraps around the north, west and south sides of the second story.

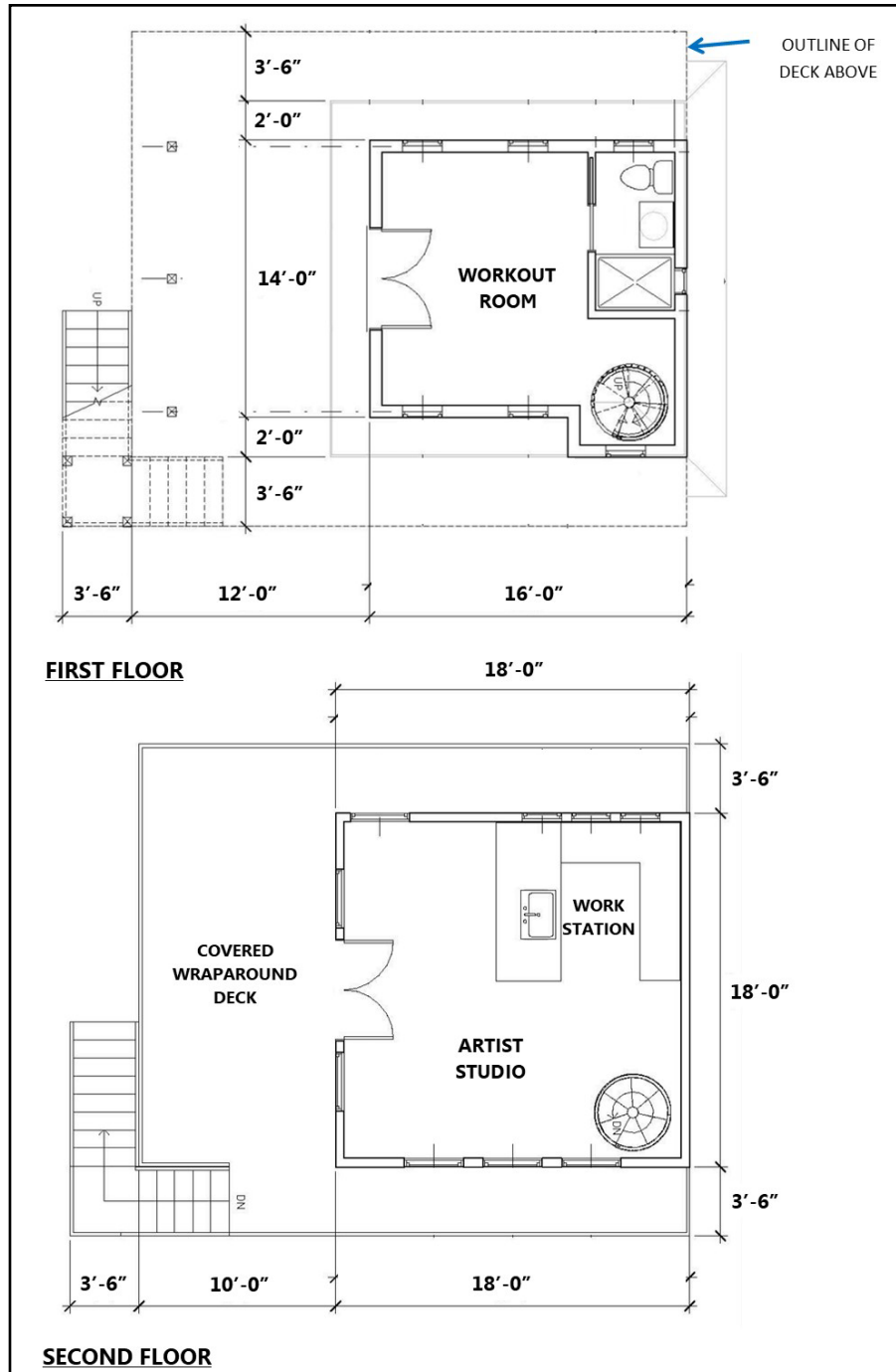


Figure 4: Floor Plan

(4) Elevations — The new building is 20 feet, 9 inches in height, square in plan with a hipped asphalt shingle roof and horizontal wood siding (Figure 5: Elevations). The west elevation will feature metal French doors on the first and second stories. The exterior light fixtures and window style, material and trim details on the detached accessory residential structure shall match the primary dwelling.

The proposed detached accessory residential structure will be setback 162 feet from the front property line and will not be visible from the public right of way. The accessory residential structure will be constructed of materials compatible with the existing historic residence and will not detract or adversely affect the historic character of the Avenue Boarding House or the College Park Historic District.



Figure 5: Elevations

(5) Conditional Use Permit — The Applicant is requesting the Conditional Use Permit ("CUP") to accommodate the use of the proposed detached accessory residential structure. The Applicant is proposing the construction of a 20-foot, 9-inches tall, 558-square-foot Accessory Residential Structure. The City's Development Code requires that any detached accessory residential structure in excess of 650 square feet or 16 feet in height requires the approval of a Conditional Use Permit. The subject application was submitted in fulfillment of this requirement.

(a) Proposed Use — The Applicant proposes to occupy the accessory residential structure as a freestanding recreation room, ancillary to that of the existing single-family residence. The structure will consist of a first-floor workout room, with a full bathroom and a second story private Artist's Studio.

(b) Land Use Compatibility — The Conditional Use Permit review is required to ensure that the proposed use will be operated in a manner consistent with all local regulations and to ensure that the use will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties, or improvements in the vicinity. The existing single-family residential home and proposed accessory residential structure are located within an established single-family neighborhood, surrounded by predominantly single-family residential uses and a commercial use to the north. Although the Project site is primarily surrounded by single-story residential homes, the proposed 2-story accessory residential structure is setback 162 feet from Princeton Street to the north. Additionally, the accessory residential structure has been designed to ensure privacy for the adjacent residence to the east. The wraparound deck does not continue to the east elevation and the openings on the east elevation are limited to one small window on the first floor. The overall height of the structure is below the Development Code allowance of 35 feet and under the maximum 50 percent lot coverage requirement at 16 percent lot coverage for the zoning district. The proposed use is consistent with the surrounding residential uses; therefore, no significant negative impacts are anticipated.

Staff believes that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use and the proposed use is compatible with adjacent land uses.

(6) Certificate of Appropriateness — Pursuant to Section 4.02.050 (Infill Development Guidelines) of the Development Code, new structures on historic properties shall be compatible with the architectural features of the historic building. The new building shall incorporate design features, details and materials similar to the historic building. Additionally, the Standards for Rehabilitation are utilized when evaluating the appropriateness of proposed additions and alterations to historic resources, including new structures proposed on historic properties. The Secretary of the Interior's Standards for the Treatment of Historic Properties was developed by the Federal Government and overseen by the National Park Service to help protect cultural resources by promoting responsible preservation practices. They are a series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations. Rehabilitation, like Preservation, acknowledges a historic resource's change

over time. The goal of Rehabilitation is to respectfully add to or alter a historic resource in order to meet new use requirements.

On October 13, 2022, the Historic Preservation Subcommittee (HPSC) reviewed the Certificate of Appropriateness application and recommended approval to the Planning/Historic Preservation Commission subject to conditions of approval as contained in Exhibit A of the Resolution.

The Planning Commission, serving as the Historic Preservation Commission, must consider and clearly establish certain findings of facts for all Certificate of Appropriateness applications. The exterior alterations, in whole or in part:

(a) **Will not detrimentally change, destroy, or adversely affect any significant architectural feature of the resource.** The accessory residential structure will be constructed 162 feet from the front property line, screened by mature landscaping and the existing residence and will not be visible from the street. The accessory residential structure will be constructed of materials compatible with the existing residence, such as an asphalt shingle roof, horizontal wood siding and grid pattern windows hung and awning windows.

(b) **Will not detrimentally change, destroy, or adversely affect the historic character or value of the resource.** The proposed accessory residential structure will be 42 feet from the existing residence and will not result in any alteration to the orientation and the spatial relationship from the building to the College Park Historic District, therefore the Project will not change, destroy or adversely affect the character or value of the College Park Historic District or the Avenue Boarding House.

(c) **Will be compatible with the exterior character-defining features of the historic resource.** Through enhanced architectural elements, such as an asphalt shingle hipped roof, horizontal wood siding and grid pattern hung and awning windows, the Project will be compatible with the exterior features of the Avenue Boarding House.

(d) **Will not adversely affect or detract from the character of the historic district.** Through placement at the southeast corner of the site and enhanced architectural elements, the Project does not detract from the character of the Avenue Boarding House.

COMPLIANCE WITH THE ONTARIO PLAN: The proposed Project is consistent with the principles, goals and policies contained within the components that make up The Ontario Plan (TOP), including: (1) Vision, (2) Governance, (3) Policy Plan (General Plan) and (4) City Council Priorities in the following ways:

- (1) City Council Goals
- Invest in the Growth and Evolution of the City's Economy
 - Focus Resources in Ontario's Commercial and Residential Neighborhoods

(2) Vision

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.

Prosperous Economy

- Extensively revitalized sectors of the Original Model Colony and mature mixed-use centers in key opportunity areas.

Distinctive Development

- Diverse and highly successful villages that benefit from preservation, enhancement and selective intensification (Original Model Colony)

(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

- G1-2 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

Land Use Element – Compatibility

- 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 – Neighborhoods & Housing

- Goal H1: Stable neighborhoods of quality housing, ample community services and public facilities, well-maintained infrastructure, and public safety that foster a positive sense of identity.
 - H1-4 Historical Preservation. We support the preservation and enhancement of residential structures, properties, street designs, lot configurations, and other reminders of Ontario's past that are considered to be local historical or cultural resources.

Housing Element – Housing Supply & Diversity

- Goal H2: Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.
 - H2-5 Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices and other best practices.

Community Economics – Complete Community

- 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

Community Design Element — Image & Identity

- Goal CD1: A dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses.
 - CD1-1 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.
 - CD1-3 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 Element — Design Quality

- Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.
 - CD2-1 Quality Architecture. We encourage all development projects to convey visual interest and character through:
 - Building volume, massing, and height to provide appropriate scale and proportion;
 - A true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and
 - Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.

Community Design Element — 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.
 - CD4-2 Collaboration with Property Owners and Developers. We educate and collaborate with property owners and developers to implement strategies and best practices that preserve the character of our historic buildings, streetscapes and unique neighborhoods
 - CD4-5 Adaptive Reuse. We actively promote and support the adaptive reuse of historic sites and buildings to preserve and maintain their viability.

AIRPORT LAND USE COMPATIBILITY PLAN: The Project site 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). No special conditions of approval associated with the proposed use are required.

ENVIRONMENTAL REVIEW: Staff independently reviewed, evaluated and exercised judgment over the Project and the Project's environmental impacts and determined that the proposed Conditional Use Permit and Certificate of Appropriateness are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) and Section 15331 (Class 31, Historical Resource Restoration/Rehabilitation) of the CEQA Guidelines, respectively.

CONDITIONS OF APPROVAL: The departmental Conditions of Approval are appended to the attached resolutions as "Attachment A".

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	<i>Existing Land Use</i>	<i>Policy Plan (general plan) Designation</i>	<i>Zoning Designation</i>
<i>Site</i>	Single-family residential	Low Density Residential	LDR-5 (Low Density Residential—2.1 to 5.0 DU/Acre)
<i>North</i>	Single-family residential	Low Density Residential	LDR-5 (Low Density Residential—2.1 to 5.0 DU/Acre)
<i>South</i>	Manufacturing / Canning	Low Density Residential	LDR-5 (Low Density Residential—2.1 to 5.0 DU/Acre)
<i>East</i>	Single-family residential	Low Density Residential	LDR-5 (Low Density Residential—2.1 to 5.0 DU/Acre)
<i>West</i>	Single-family residential	Low Density Residential	LDR-5 (Low Density Residential—2.1 to 5.0 DU/Acre)

Detached Accessory Residential Structure Building Statistics

<i>Item</i>	<i>Required Min./Max.</i>	<i>Provided (Ranges)</i>	<i>Meets Y/N</i>
<i>Maximum coverage (in %):</i>	50% Max.	19%	Y
<i>Maximum Area (in SF)</i>	650 SF	558 SF	Y
<i>Maximum Area (in SF) with Conditional Use Permit</i>	As deemed appropriate by the Approving Authority	558 SF	N/A
<i>Front yard setback (in FT):</i>	Shall be located on the rear one-half of the lot 100 FT	162 FT	Y
<i>Side yard setback (in FT):</i>	5 FT	7 FT – 84 FT 6 IN	Y
<i>Rear yard setback (in FT):</i>	10 FT	10 FT 6 IN	Y
<i>Building Separation (in FT):</i>	6 FT Min.	42 FT – 56 FT	Y
<i>Maximum height (in FT):</i>	35 FT	20 FT 9 IN	Y

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PCUP22-017, A REQUEST FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 2-STORY, 558-SQUARE-FOOT DETACHED RESIDENTIAL ACCESSORY STRUCTURE TO ACCOMMODATE A PRIVATE ARTIST'S STUDIO/WORKSHOP ON 0.56-ACRE OF LAND LOCATED AT 328 EAST PRINCETON STREET, A DESIGNATED LOCAL LANDMARK AND A CONTRIBUTOR TO THE COLLEGE PARK HISTORIC DISTRICT, WITHIN THE LDR-5 (LOW DENSITY RESIDENTIAL – 2.1 TO 5.0 DU/AC) ZONING DISTRICT AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1047-543-09

WHEREAS, Edward and Mary Rivas ("Applicant") has filed an Application for the approval of a Conditional Use Permit, File No. PCUP22-017, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 0.56-acre lot of land located at 328 East Princeton Street within the LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac), and is presently improved with a single-family dwelling and a guest house; and

WHEREAS, the surrounding properties to the Project site are within the LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac) zoning district, and are developed with residential buildings to the north, east and west, and with a historic olive canning business to the south; and

WHEREAS, the proposed Conditional Use Permit is to allow for the construction of a 2-story, 558 square-foot detached accessory residential structure to accommodate a first-floor workout room and second-floor artist studio; and

WHEREAS, the detached accessory residential structure will be constructed at the southeast corner of the site and will be setback 42 feet from the principal dwelling to the north, 7 feet from the eastern (interior) property line, 14 feet from the southern (rear) property line, and 56 feet from the existing guesthouse to the west; and

WHEREAS, the new building is 20 feet, 9 inches in height, square in plan with a hipped asphalt shingle roof and horizontal wood siding; and

WHEREAS, all members of the Development Advisory Board of the City of Ontario were provided the opportunity to review and comment on the requested Conditional Use Permit, and no comments were received opposing the proposed use; 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, the Project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the Project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix; and

WHEREAS, the proposed Project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP); 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 July 25, 2022 the Applicant has submitted a Certificate of Appropriateness, File No. PHP22-012, in conjunction with the Conditional Use Permit, File No. PCUP22-017; and

WHEREAS, approval of Conditional Use Permit Application, File No. PCUP22-017, is contingent upon approval of Certificate of Appropriateness Application, File No. PHP22-012; and

WHEREAS, on October 25, 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 body for the Project, the Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral

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

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

(2) The Project is categorically exempt from environmental review pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the State CEQA Guidelines, which consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure, including, but not limited to one single-family residence, or a second dwelling unit in a residential zone; and

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

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

SECTION 2: Ontario International Airport Land Use Compatibility Plan (“ONT 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 ONT 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 ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT 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 ONT ALUCP.

SECTION 3: Concluding Facts and Reasons. Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing

and upon the specific findings set forth in Section 1 and 2 above, the Planning Commission hereby concludes as follows:

(1) ***The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.*** The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Development Code and zoning district within which the site is located. The proposed accessory residential structure will be located at 328 East Princeton Street, which is designated for the LDR-5 (Low Density Residential – 2.1 to 5.0 DUs/acre) zoning district. The proposed use will be established consistent with the City of Ontario Development Code, and its objectives and purposes, and the objectives and purposes, and development standards and guidelines, of the LDR-5 zoning district. The proposed accessory residential structure will accommodate freestanding recreation rooms, a permitted land use in the LDR-5 zoning district.

(2) ***The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed accessory residential structure will be located at 328 East Princeton Street, which the Policy Plan Master Land Use Plan designates for Low Density Residential land uses. The proposed land use 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, which promotes the establishment and intensification of residential land uses in the area of the Project site. The proposed accessory residential structure will provide for an accessory dwelling in the existing residential neighborhood.

(3) ***The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of this Development Code and any applicable specific plan or planned unit development.*** The proposed accessory residential structure land use is located within Low Density Residential (2.1-5 du/ac) land use district of the Policy Plan Official Land Use Plan (Exhibit LU-01), and the LDR-5 (Low Density Residential – 2.1 to 5.0 DUs/acre) zoning district, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use is consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code. With approval of the Conditional Use Permit, the proposed accessory residential structure will meet all Development Code standards, including those related to setbacks, height, parking, density, lot coverage, and building area.

(4) ***The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan.*** The proposed Project is located within the Airport Influence Area of Ontario International Airport and was

evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ONT ALUCP).

(5) ***The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.*** The Project site is located within the LDR-5 (Low Density Residential – 2.1 to 5.0 DUs/acre) zoning district for which accessory residential structures are permitted uses and accessory residential structures in excess of 16 feet in height or 650 square feet in area are conditionally permitted uses. Freestanding recreation rooms are consistent with the allowed types of uses specified within the zoning district. The Project will be conditioned to ensure that it will operate and be properly maintained, therefore the Project will not be detrimental or injurious to the surrounding properties and improvements.

SECTION 4: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 thru 3 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 5: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 6: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East “B” Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 7: 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 25th day of October 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 of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC22-, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on October 25, 2022 by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PCUP22-017
Departmental Conditions of Approval**

(Departmental conditions of approval follow this page)

CONDITIONS OF APPROVAL

1.0 General Requirements.

1.1 Failure to maintain compliance with the herein-listed conditions of approval shall be deemed just cause for revocation of conditional use permit approval.

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

1.3 The use shall be operated in full conformance with the description and requirements of the Conditional Use Permit on file with the City. Any variations from, or changes in, the approved use (i.e., increase in square footage, expansion or intensification of use, etc.) must be first reviewed and approved by the Planning Commission prior to commencement of the changes.

1.4 The approved use is subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.

1.5 The Planning Department may, from time to time, conduct a review of the approved use to ascertain compliance with the herein-stated conditions of approval. Any noncompliance with the conditions of approval shall be immediately referred to the Zoning Administrator for possible action.

2.0 Special Conditions of Approval. In addition to the *General Requirements* identified in condition No. 1.0, above, the Project shall comply with the following special conditions of approval:

2.1 Site Plan.

(a) Detached accessory residential structure shall maintain the following minimum setbacks:

- (i)** Front/North property line – 162'
- (ii)** Principal Dwelling to the north – 42'
- (iii)** East property line – 7'
- (iv)** South property line – 14'
- (v)** West property line – 93'
- (vi)** Distance to Coast Live Oak Tree – 17'

2.2 Environmental Review.

(a) The proposed Project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines.

(b) 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.

(c) 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).

(d) 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.

2.3 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD), Notice of Exemption (NOE), 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 will be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in the 30-day statute of limitations for the filing of a CEQA lawsuit being extended 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.

2.4 Additional Requirements.

(a) All Ontario Development Code standards regarding Accessory Residential Structures shall apply and be maintained for the duration of the use.

(b) All conditions and requirements for all City of Ontario Departments shall be adhered to.

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

CONDITIONS OF APPROVAL

Sign Off


 Sr. Landscape Architect

09/21/2022
 Date

Reviewer's Name: Jamie Richardson, Sr. Landscape Architect	Phone: (909) 395-2615
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D.A.B. File No.: PCUP22-017	Related Files: PHP-22-012	Case Planner: Elly Antuna
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Project Name and Location:
 Two Story Artist Studio
 328 E Princeton Street

Applicant/Representative:
 Edward and Mary Rivas
 328 E Princeton Street
 Ontario, CA 91764

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | A CUP (dated 09/21/2022) has been approved considering that the following conditions below be met upon submittal of the landscape construction documents. |
| <input type="checkbox"/> | A CUP () has not been approved. Corrections noted below are required before DAB approval. |

CORRECTIONS REQUIRED

1. Plan Check: Add tree protection notes on construction plans.



CITY OF ONTARIO
MEMORANDUM



DATE: October 12, 2022
TO: Elly Antuna, Planner
Angela Truong, Engineering
FROM: Peter Tran, Utilities Engineering
SUBJECT: DAB #1 – Conditions of Approval (COA) - Utilities Comments (#8610 and #8611)
PCUP22-017, PHP 22-015 (Construct a two story artist studio, totaling 558 sqft at 328 E
PROJECT NO.: Princeton St.)

BRIEF DESCRIPTION

A Conditional Use Permit for a request to construct a two-story artist studio totaling 558 square feet on property located at 328 E Princeton St within the Low Density Residential (LDR-5) zoning district - APN: 1047-543-09. Related File(s): PHP_22-015.

THIS SUBMITTAL IS COMPLETE AND RECOMMENDED FOR APPROVAL.

CONDITIONS OF APPROVAL: *The Ontario Municipal Utilities Company (OMUC) recommends this application for approval subject to the conditions outlined below and compliance with the City's Design Development Guidelines, Specifications Design Criteria, and City Standards.*

General Conditions: (Add following to Section 2.A of Engineering Department COA)

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

Potable Water Conditions: (Add following to Section 2.D of Engineering Department COA)

2. **Domestic Water Service:** In the future, if this property does convert to a rental ADU, construct a new and separate domestic water service from the existing water service and making a direct connection from the public main in Princeton Street to the serve the proposed Artist Studio, southeast of the main residence. Also, submit the Conceptual Utilities System Map (CUSM) for review process per the guideline below.
 - a. **Conceptual Utilities Systems Map (CUSM):** As part of the submittal package, provide a Conceptual Utilities Systems Map (**PRINT AND SUBMIT IN COLOR**) 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. See attached "*Utilities Systems Map Requirements*" document for details and requirements. Also, provide a note on the CUSM to indicate "Note: The Conceptual Utilities System Map is not considered Final Design or for Construction and may change during the Design Phase."

RESOLUTION NO.

A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF ONTARIO, APPROVING FILE NO. PHP22-012, A CERTIFICATE OF APPROPRIATENESS TO CONSTRUCT A 2-STORY, 558-SQUARE-FOOT DETACHED ACCESSORY RESIDENTIAL STRUCTURE TO ACCOMMODATE A PRIVATE ARTIST'S STUDIO/WORKSHOP ON 0.56-ACRE OF LAND LOCATED AT 328 EAST PRINCETON STREET, A DESIGNATED LOCAL LANDMARK AND A CONTRIBUTOR TO THE COLLEGE PARK HISTORIC DISTRICT, WITHIN THE LDR-5 (LOW DENSITY RESIDENTIAL – 2.1 TO 5.0 DU/AC) ZONING DISTRICT AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1047-543-09

WHEREAS, Edward and Mary Rivas. (“Applicant”) has filed an application for the approval of a Certificate of Appropriateness, File No. PHP22-012, as described in the title of this Resolution (hereinafter referred to as “Project”); and

WHEREAS, the City’s character and history are reflected in its cultural, historical, and architectural heritage, with an emphasis on the “Model Colony” as declared by an act of the Congress of the United States and presented at the St. Louis World’s Fair in 1904; and

WHEREAS, the City’s historical foundations should be preserved as living parts of community life and development in order to foster an understanding of the City’s past, so that future generations may have a genuine opportunity to appreciate, enjoy, and understand Ontario’s rich heritage; and

WHEREAS, the Community Development and the Aesthetic, Cultural, Open Space, and Recreational Resources Elements of the Policy Plan component of The Ontario Plan sets forth Goals and Policies to conserve Ontario’s historic buildings and districts; and

WHEREAS, the property at 328 East Princeton Street known as the Avenue Boarding House is worthy of preservation and was designated as Local Landmark No. 9 by the City Council on December 20, 1994; and

WHEREAS, the property at 328 East Princeton Street was designated as a Contributor to the College Park Historic District by the City Council on July 18, 2000; 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

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 Historic Preservation Commission the responsibility and authority to review and act on the subject Application; and

WHEREAS, 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; and

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

WHEREAS, on October 13, 2022, the Historic Preservation Subcommittee of the City of Ontario conducted a hearing and issued Decision No. HPSC22-008, recommending the Historic Preservation Commission approve the Application; and

WHEREAS, on October 25, 2022, the Historic Preservation 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, BE IT RESOLVED, that the Historic Preservation Commission of the City of Ontario as follows:

SECTION 1: Environmental Determination and Findings. As the decision-making authority for the Project, the Historic Preservation 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 Historic Preservation Commission, the Historic Preservation Commission finds as follows:

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

(2) The Project is categorically exempt from environmental review pursuant to Section 15331 (Class 31, Historical Resource Restoration/Rehabilitation) of the CEQA Guidelines, which consists of maintenance, repairs, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer. The Guidelines were utilized in the development of the Project design and, as a result, do not pose any adverse impacts to the historic resource; and

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

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

SECTION 2: *Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the ALUCP, establishing the Airport Influence Area for Ontario International Airport, 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 Historic Preservation 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 HISTORIC PRESERVATION COMMISSION, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 3: *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the Historic Preservation Commission during the above-referenced hearing, and upon the specific findings set forth in Sections 1 and 2, above, the Historic Preservation Commission hereby concludes as follows:

(1) ***The proposed project will not detrimentally change, destroy or adversely affect any significant architectural feature of the resource.*** The accessory residential structure will be constructed 162 feet from the front property line, screened by mature landscaping and the existing residence and will not be visible from the street. The accessory residential structure will be constructed of materials compatible with the existing residence, such as an asphalt shingle roof, horizontal wood siding and grid pattern windows hung and awning windows.

(2) ***The proposed project will not detrimentally change, destroy or adversely affect the historic character or value of the resource.*** The proposed accessory residential structure will be 42 feet from the existing residence and will not result in any alteration to the orientation and the spatial relationship from the building to the College Park Historic District, therefore the Project will not change, destroy or adversely affect the character or value of the College Park Historic District or the Avenue Boarding House.

(3) ***The proposed project will be compatible with the exterior character-defining features of the historic resource.*** Through enhanced architectural elements, such as an asphalt shingle hipped roof, horizontal wood siding and grid pattern hung and awning windows, the Project will be compatible with the exterior features of the Avenue Boarding House.

(4) ***The proposed project will not adversely affect or detract from the character of the historic district.*** Through placement at the southeast corner of the site and enhanced architectural elements, the Project does not detract from the character of the Avenue Boarding House.

SECTION 4: Historic Preservation Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 3, above, the Historic Preservation 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 5: Indemnification. The Applicant shall agree to defend, indemnify, and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 6: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located

Historic Preservation Commission Resolution
File No. PHP22-012
October 25, 2022
Page 5

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

SECTION 7: **Certification to Adoption.** The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Historic Preservation 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 Historic Preservation Commission of the City of Ontario at a regular meeting thereof held on the 25th day of October 2022, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Jim Willoughby
Historic Preservation Commission
Chairman

ATTEST:

Rudy Zeledon
Planning Director and Secretary of the
Historic Preservation Commission

Historic Preservation Commission Resolution
File No. PHP22-012
October 25, 2022
Page 6

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

I, Gwen Berendsen, Secretary Pro Tempore of the Historic Preservation Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC22-, was duly passed and adopted by the Historic Preservation Commission of the City of Ontario at their regular meeting held on October 25, 2022 by the following roll call vote, to wit:

AYES:

NOES:

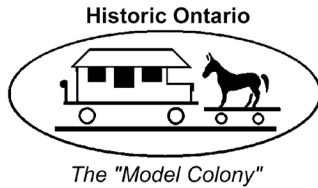
ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:
File No. PHP22-012
Departmental Conditions of Approval

(Departmental conditions of approval follow this page)



CERTIFICATE OF APPROPRIATENESS

CONDITIONS OF APPROVAL

Date:	October 25, 2022
File No.:	PHP22-012
Location:	328 East Princeton Street (APN: 1047-543-09)
Prepared By:	Elly Antuna, Associate Planner
Description:	A Certificate of Appropriateness to construct a 2-story, 558 square-foot detached accessory residential structure to accommodate a private Artist's Studio/Workshop on 0.56-acre of land located at 328 East Princeton Street, a designated Local Landmark and a Contributor to the College Park Historic District, within the LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac) zoning district.

CONDITIONS OF APPROVAL

The above-described Project shall comply with the following Conditions of Approval:

1. Time Limits.

1.1. The Certificate of Appropriateness shall become void twenty-four (24) months from the date of approval unless a building permit has been issued and work authorized by this approval has commenced prior to the expiration date and is diligently pursued to completion.

2. Site Plan. Detached accessory residential structure shall maintain the following minimum setbacks and distance between structures and objects:

2.1.1. Front/North property line – 162'

2.1.2. Distance to Principal Dwelling – 42'

2.1.3. East property line – 7'

2.1.4. South property line – 14'

2.1.5. West property line – 93'

2.1.6. Distance to Coast Live Oak Tree – 17’

3. Architectural Treatment.

- 3.1. Exterior light fixtures shall be period appropriate. Submit a cut sheet to Planning Department for review and approval prior to issuance of building permit.
- 3.2. All of the exterior siding on the building shall be a horizontal wood siding to match the principal dwelling.
- 3.3. Roof shall be a hipped roof with an asphalt tile shingle (Owens Corning Mystic Gray or similar) to match the principal dwelling. Submit a cut sheet to Planning Department for review and approval prior to issuance of building permit.
- 3.4. Eave overhang shall be between 18”–24”.
- 3.5. The style (i.e. frame thickness, opening direction, grid pattern etc.) of the new windows shall match the principal dwelling. Windows shall be Milgard Tuscany Series v400 or similar.
 - 3.5.1. Windows shall be fixed, hung or awning style.
 - 3.5.2. Hung windows shall have a tri-lite pattern on upper panes.
 - 3.5.3. All windows and exterior doors shall have a minimum recessed opening of 2”.
 - 3.5.4. Window and exterior doors shall have trim and sills to match windows on principal dwelling.
 - 3.5.5. French doors shall be metal with a grid pattern.
4. Paint color shall be selected from a period appropriate palette and shall require approval of the Planning Department prior to commencement of work.
5. Coast Live Oak tree located north of the proposed structure shall be protected in place.
6. The applicant shall obtain a building permit prior to any demolition or construction.
7. Any deviation from the approved plans, stamped red-lined plans are the official set, shall require approval of the Planning Department and, if necessary, the Historic Preservation Commission.
8. Conditions of Approval shall be reproduced onto the plans submitted for permits.
9. Prior to Occupancy, the Planning Department shall inspect the premises to ensure the Conditions of Approval have been met and that the Project has been constructed per the approved plans.

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: October 25, 2022

SUBJECT: File Nos. PDEV21-028 and PVAR21-005 – A Variance (File No. PVAR21-005) to reduce the building setback along an arterial street from 20 feet to 2.67 feet, in conjunction with a Development Plan (File No. PDEV21-028) to construct one industrial building totaling 32,165 square feet on 1.3 acres of land located at 1108 and 1120 East California Street, within the IL (Light Industrial) zoning district.

Per the applicant's request, staff is requesting that File Nos. PDEV21-028 and PVAR21-005 be continued to the November 22, 2022 Planning Commission meeting.

FILE NO: PMTT21-015

SUBJECT: A public hearing to consider Tentative Parcel Map No. 20375, subdividing 2.286 acres of land into three numbered lots and one lettered lot for residential purposes, located at 1225 Benson Avenue, within the AR-2 (Residential-Agricultural – 0 to 2.0 du/ac) zoning district; (APN: 1011-521-30) **submitted by Szuani Chi Chan**

PROPERTY OWNER: Szuani Chi Chan

RECOMMENDED ACTION: That the Planning Commission consider and approve File No. PMTT21-015, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval appended to the resolution as "Attachment A."

PROJECT SETTING: The Project site is comprised of a 2.286-acre rectangular-shaped lot oriented east/west and located at 1225 South Benson Avenue. The existing lot is currently developed with a L-shaped 2,061-square-foot single-story, single-family residence built in 1971, with an attached 525-square-foot 2-car garage, detached 3-car garage, and storage shed. In addition, the Project site contains an existing private easement (for ingress, egress, and utility purposes) for the benefit of the subject site and an adjacent parcel located at 1221 South Benson Avenue (APN: 1011-521-04), a 1.26-acre landlocked parcel located northeast of the Project site. The existing private easement will be vacated once the proposed Parcel Map has been recorded. The properties to the north, south, and east of the Project site are within the AR-2 (Residential Agricultural - 0 to 2.0 du/ac) zoning district and are developed with a single-family residence. The property to the west is within the City of Montclair sphere of influence and is developed with a single-family residence. The existing surrounding land uses, zoning, and general plan and specific plan land use designations are summarized

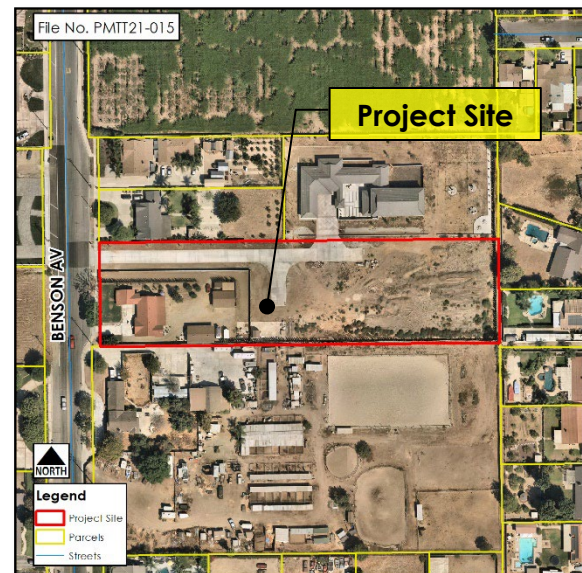
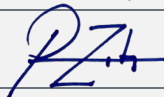


Figure 1: Project Location

Case Planner:	Robert Morales, Assistant Planner
Planning Director Approval:	
Submittal Date:	October 7, 2022

Hearing Body	Date	Decision	Action
DAB	10/17/22	Approval	Recommend
PC	10/25/2022		Final
CC			

in the "Surrounding Zoning & Land Uses" table located in the Technical Appendix of this report.

PROJECT ANALYSIS:

(1) Background — On August 10, 2021, the Applicant submitted a Tentative Parcel Map application (File No. PMTT21-015/TPM20375) to subdivide the site into 3 lots. On October 17, 2022, the Development Advisory Board ("DAB") reviewed the subject application and recommended that the Planning Commission approve the proposed Project, subject to the departmental conditions of approval included with this report.

(2) Tentative Parcel Map No. 20375 — The proposed Tentative Parcel Map will subdivide the Project site into three rectangular-shaped numbered lots for single-family residential development and one lettered lot for common access (see Exhibit B – Tentative Parcel No. 20375, attached). The proposed parcel sizes range from 23,229 square feet to 29,899 square feet. The lot widths range from 115 feet to 162 feet, and the lot depths range from 184.5 feet to 237 feet. The Development Code requires lots established by the Traditional Single-Family Subdivision Standards to have a minimum lot size of 18,000 square feet, minimum lot width of 100 feet, and minimum lot depth of 135 feet. The Project exceeds the minimum lot area and dimension requirements of the AR-2 (Residential-Agricultural – 0 to 2.0 du/ac) zoning district and is physically suitable for the proposed density of development.

Lot 1 will provide vehicle access from Benson Avenue and will utilize its existing driveway. Lot A is a common lot to facilitate ingress, egress, and utility access for Lots 2, 3, and 1221 South Benson Avenue. The existing drive approach located on Lot A will be widened to 24 feet and improved with decorative paving by adding a 2-foot concrete band on either side and extended to provide access to Lot 3. Additionally, landscaping will be provided on each side of the drive aisle. Accordingly, staff has imposed Conditions of Approval requiring the recordation of mutual access and maintenance agreements with the Final Parcel Map, for Lots 1, 2, 3, and 1221 South Benson Avenue, ensuring proper ingress, egress, and utility access for each lot.

At this time, there are no proposed development planned for Lots 2 and 3; however, approval of the Tentative Parcel Map will facilitate the future construction of one new single-family dwelling on each lot (lots 2 and 3, for a total of two dwellings). Staff has imposed Conditions of Approval on the Project to ensure future development of the lots will be designed to safeguard the vision of the AR-2 (Residential-Agricultural - 0 to 2.0 du/ac) zoning district and ensure the site's design and architecture complement that of the existing area and neighborhood. Any future improvements onsite will require separate approval through the City's Building Plan Check process.

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.

(2) Vision.

Distinctive Development:

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

(3) Governance.

Decision Making:

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

(4) Policy Plan (General Plan).

Land Use Element:

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

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

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

Community Economics Element:

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

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

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

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

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

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

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

Community Design Element:

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

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

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

➤ CD2-7 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.

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

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

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

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

HOUSING ELEMENT COMPLIANCE: The Project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the Project site is not one of the properties in the Housing Element Sites Inventory contained in Table B-2 of the Housing Element Technical Report.

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

CONDITIONS OF APPROVAL: The departmental Conditions of Approval are appended to the attached resolutions as "Attachment A".

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>	Single-Family Residential Home	RR (Rural Residential)	AR-2 (Residential-Agricultural - 0-2.0 du/ac)	N/A
<i>North</i>	Single-Family Residential Home	RR (Rural Residential)	AR-2 (Residential-Agricultural - 0-2.0 du/ac)	N/A
<i>South</i>	Single-Family Residential Home	RR (Rural Residential)	AR-2 (Residential-Agricultural - 0-2.0 du/ac)	N/A
<i>East</i>	Single-Family Residential Home	RR (Rural Residential)	AR-2 (Residential-Agricultural - 0-2.0 du/ac)	N/A
<i>West</i>	Single-Family Residential Home	Very Low-Density Res. 0-2 du/ac max (City of Montclair Sphere of Influence)	Single Residential -1 Acre Minimum (City of Montclair Sphere of Influence)	N/A

General Site & Building Statistics

<i>Item</i>	<i>Required Min./Max.</i>	<i>Provided (Ranges)</i>	<i>Meets Y/N</i>
<i>Maximum Project density (dwelling units/ac):</i>	0 to 2.0	0.44	Y
<i>Minimum lot size (in SF):</i>	18,000 SF	23,229 SF - 29,899 SF	Y
<i>Minimum lot depth (in FT):</i>	135 FT	184.5 feet to 237 feet	Y
<i>Minimum lot width (in FT):</i>	Interior Lots 100 FT	115 feet - 162 feet	Y

Exhibit A—PROJECT LOCATION MAP

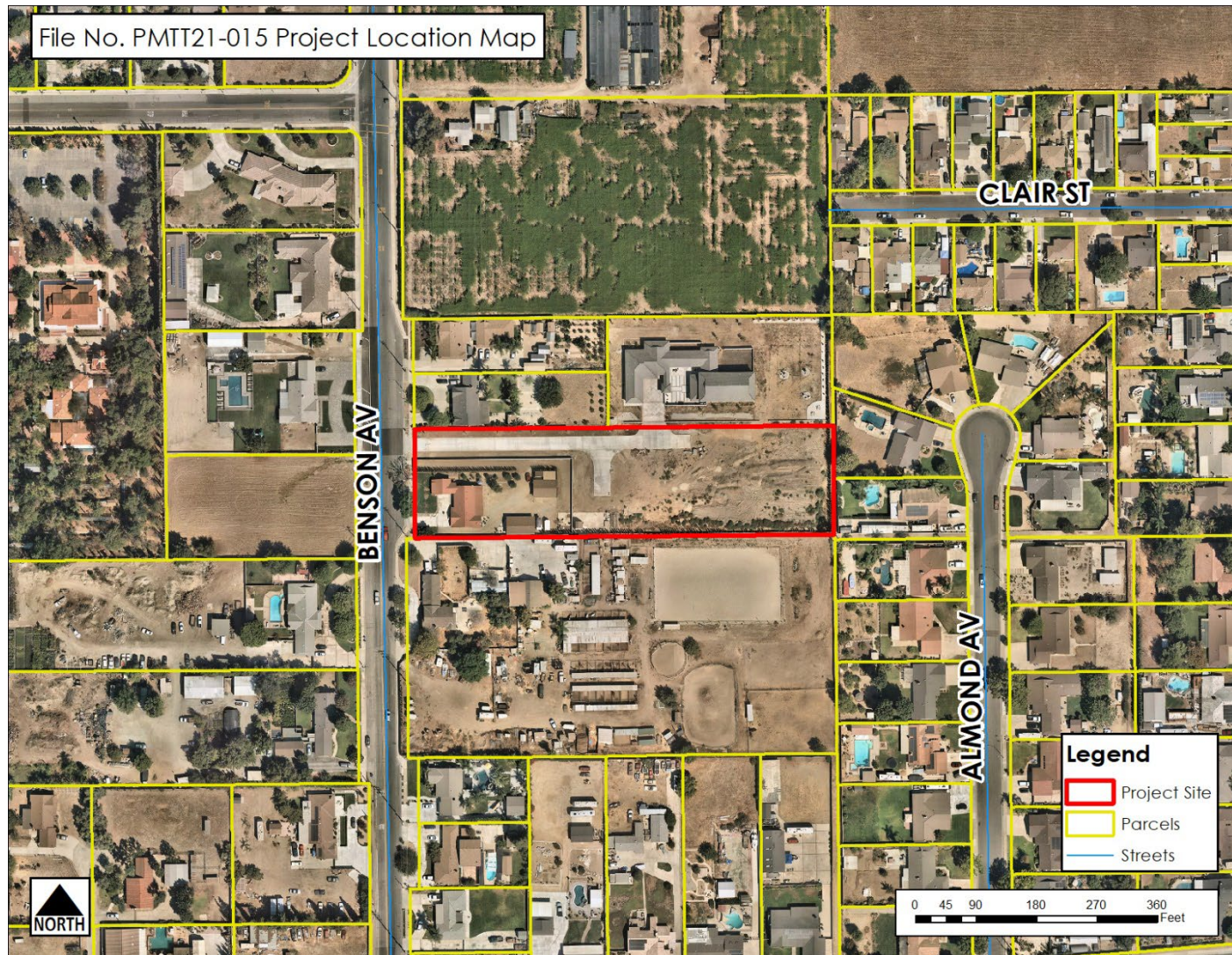
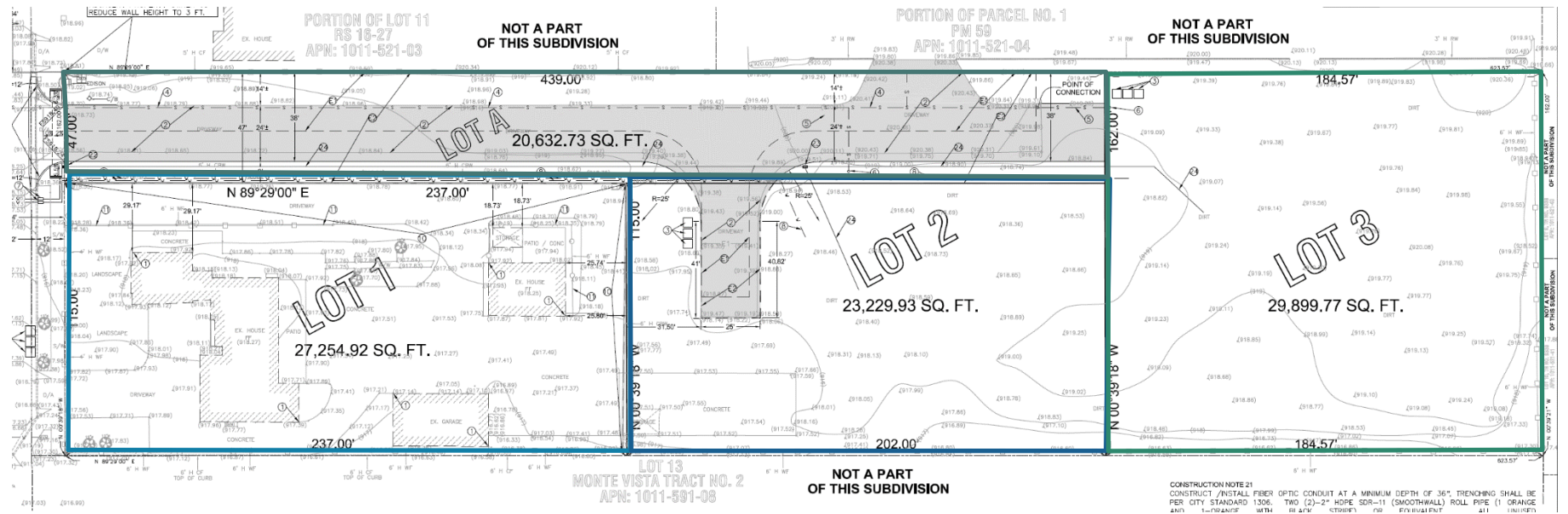


Exhibit B—Tentative Parcel Map No. 20375



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP NO. 20375 (FILE NO. PMTT21-015), SUBDIVIDING 2.286 ACRES OF LAND INTO THREE NUMBERED LOTS AND ONE LETTERED LOT FOR RESIDENTIAL PURPOSES LOCATED AT 1225 SOUTH BENSON AVENUE, WITHIN THE AR-2 (RESIDENTIAL-AGRICULTURAL – 0 TO 2.0 DU/AC) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1011-521-30.

WHEREAS, Szuan Chi Chan ("Applicant") has filed an Application for the approval of Tentative Parcel Map No. 20375 (File No. PMTT21-015), as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 2.286 acres of land generally located 717 feet north of Phillips Street and east of Benson Avenue, at 1225 South Benson Avenue, within the AR-2 (Residential Agricultural - 0 to 2.0 du/ac), and is presently improved with a single-family residence and attached two-car garage, one detached three-car garage, and one storage shed; and

WHEREAS, the properties to the north, south, and east of the Project site are within the AR-2 (Residential Agricultural - 0 to 2.0 du/ac) zoning district and are developed with single-family residences. The property to the west is within The City of Montclair sphere of influence and is developed with a single-family residence; and

WHEREAS, The proposed parcel sizes range from 23,229 square feet to 29,899 square feet. The lot widths range from 115 feet to 162 feet, and the lot depths range from 184.5 feet to 237 feet. The Development Code requires lots established by the Traditional Single-Family Subdivision Standards to have a minimum lot size of 18,000 square feet, minimum lot width of 100 feet, and minimum lot depth of 135 feet. Therefore, the Project site meets the minimum lot area and dimension requirements of the AR-2 (Residential-Agricultural – 0-2.0 du/ac) zoning district and is physically suitable for this proposed density/intensity of development; and

WHEREAS, Lot A will serve as a letter lot to facilitate ingress, egress, and utility purposes for Parcels 2 and 3, and 1221 South Benson Avenue. The existing drive approach located on Lot A will be widened to 24 feet and improved with decorative paving by adding a 2-foot concrete band on either side and extended to provide access to Lot 3. Additionally, landscaping will be provided on each side of the drive aisle; and

WHEREAS, Conditions of Approval have been imposed requiring the recordation of mutual access and maintenance agreements with the Final Parcel Map, for Lots 1, 2,

3, and 1221 South Benson Avenue, ensuring proper ingress, egress, and utility access for each lot; 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, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

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

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

WHEREAS, on October 17, 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. DAB22-040, recommending that the Planning Commission approve the Application; and

WHEREAS, on October 25, 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 categorically exempt from environmental review pursuant to Section 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines, which consists of the division of property in an urbanized area and is zoned for residential use. The subject site will be divided into 3 parcels. The subdivision does not result in any changes in land use or density. The subject site was not involved in a division of a larger parcel within the past 2 years, and the subject site does not have an average slope greater than 20 percent; and

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

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

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

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

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

(1) ***The proposed Tentative Parcel Map is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable area and specific plans, and planned unit developments.*** The proposed Tentative Parcel Map is located within the Rural Residential land use district of the Policy Plan Land Use Map, and the AR-2 (Residential Agricultural - 0 to 2.0 du/ac) zoning district. The proposed subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing "a spectrum of housing types and price ranges that match the jobs in the City, and that make it possible for people to live and work in Ontario and maintain a quality of life" (Goal LU1). Furthermore, the project will promote the City's policy to "incorporate a variety of land uses and building types that contribute to a complete community where residents at all stages of life, employers, workers, and visitors, have a wide spectrum of choices of where they can live, work, shop, and recreate within Ontario" (Policy LU1-6 *Complete Community*).

(2) ***The design or improvement of the proposed Tentative Parcel Map is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable specific plans and planned unit developments.*** The proposed Tentative Parcel Map is located within the Rural Residential land use district of the Policy Plan Land Use Map, and the AR-2 (Residential Agricultural - 0 to 2.0 du/ac) zoning district. The proposed design or improvement of the subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing "[a] high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct" (Goal CD2). Furthermore, the Project will promote the City's policy to "create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

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

(3) ***The site is physically suitable for the type of development proposed.*** The project site meets the minimum lot area and dimensions of the AR-2 (Residential Agricultural - 0 to 2.0 du/ac) zoning district, and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.

(4) ***The site is physically suitable for the density/intensity of development proposed.*** The project site is proposed for residential development at [a density of 0-2 DUs/acre. The project site meets the minimum lot area and dimensions of the AR-2 (Residential Agricultural - 0 to 2.0 du/ac) zoning district and is physically suitable for this proposed density / intensity of development.

(5) ***The design of the subdivision or the proposed improvements thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.*** The project site is not located in an area that has been identified as containing species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service, nor does

the site contain any riparian habitat or other sensitive natural community, and no wetland habitat is present on site; therefore, the design of the subdivision, or improvements proposed thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.

(6) ***The design of the subdivision, or the type of improvements thereon, are not likely to cause serious public health problems.*** The design of the proposed subdivision, and the residential 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 5: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

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

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

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 25th day of October, 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 October 25, 2022, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PMTT21-015 (TPM 20375)
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)

Date Prepared: 9/27/2022

File No: PMTT21-015

Project Description: A public hearing to consider Tentative Parcel Map No. 20375, subdividing 2.286 acres of land into three numbered lots and one lettered lot for residential purposes located at 1225 South Benson Avenue, within the AR-2 (Residential-Agricultural – 0 to 2.0 du/ac) zoning district (APN(s)1011-521-30:); **submitted by Szuani Chi Chan.**

Prepared By: Robert Morales, Assistant Planner
Phone: 909.395.2432 (direct)
Email: Rmorales@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. Tentative Parcel/Tract Map approval shall become null and void 2 years following the effective date of application approval, unless the final parcel/tract map has been recorded, or a time extension has been approved by the Planning Commission pursuant to Development Code Section 2.02.025 (Time Limits and Extensions). This Permit does not supersede any individual time limits specified herein for performance of specific conditions or improvements.

2.2 Subdivision Map.

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

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

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

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 the 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 Mechanical and Rooftop Equipment.

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

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

2.9 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).

2.10 Mutual Access and Maintenance Agreements.

(a) A Reciprocal Access Agreement ("Agreement") shall be prepared for the Project and shall be recorded with the Final Map.

(b) The Agreement shall be in a form and contain provisions satisfactory to the City.

(i) Agreement shall ensure reciprocal driveway access between parcels located within the Project site and the property to the north (1221 South Benson Avenue, APN: 1011-5211-04); and

(ii) Agreement shall ensure common maintenance of shared driveway.

(iii) Utility and drainage easements.

2.11 Disclosure Statements. 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 is tract is subject to noise from the Ontario International Airport and may be more severely impacted in the future.

2.12 Environmental Requirements.

(a) The proposed Project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15315 (Class 15, Minor Land Division) of the CEQA Guidelines, which consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within 2 years, and the parcel does not have an average slope greater than 20 percent.

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

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

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

2.14 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Exemption ("NOE") 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"). The filing of a NOE is voluntary; however, 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) The future development of Lots 2 and 3 shall be designed in a manner compatible with the adjacent single-family residences and the surrounding neighborhood. The Applicant/Owner shall submit Plans to the City's Building Department for City review.

(b) All accessory buildings or structures located within the setback area along the newly created interior property line shall be demolished or removed prior to final map recordation.

(c) The Applicant/Owner will widen their existing driveway aisle from 20 feet to 24 feet and extend the driveway to Lot 3 prior to final map recordation.

(d) A two-foot-wide colored concrete band shall be provided along each side of the driveway aisle.

(e) A matching decorative masonry block wall shall be constructed along the perimeter of all subdivisions, including all interior side and rear Project boundaries. Furthermore, the Applicant/Owner will work with the neighboring property owner on 1211 South Benson Avenue (APN: 1011-521-103) to construct a matching decorative masonry block wall. The applicant/property owner will submit Plans to the City's Building Department for City review and approval prior to final map recordation. All Project walls and fences shall comply with the requirements of Ontario Development Code Division 6.02 (Walls, Fences and Obstructions).



**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 checked="" type="checkbox"/> PARCEL MAP	<input type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
PROJECT FILE NO. <u>PM-20375</u> RELATED FILE NO(S). <u>PMTT21-015</u>		
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: <u> </u> / <u> </u> / <u> </u>		

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

CITY PROJECT PLANNER & PHONE NO: Robert Morales (909) 395-2432

DAB MEETING DATE: October 17th, 2022

PROJECT NAME / DESCRIPTION: PM-20375, a Parcel Map to subdivide 2.286 acres of land into 3 parcels

LOCATION: 1225 South Benson Avenue

APPLICANT: Szuan Chi Chan

REVIEWED BY: Raymond Lee 10/6/22
 Raymond Lee, P.E. Date
 Assistant City Engineer

APPROVED BY: [Signature] 10-6-22
 Khoi Do, P.E. Date
 City Engineer



- 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. **The applicant/developer shall reserve a private easement for common ingress & egress, utilities & drainage over Lot 2 for the benefit of Lot 3.**

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

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

- 2.01 **Record Parcel Map No. 20375 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: _____
- 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 100% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.**
- 2.15 **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. Storm Drain Development Impact Fee shall be paid to the Building Department. Final fee shall be determined based on the approved site plan and the DIF rate at the time of payment.**
- 2.17 **Other conditions:**
 - a. **Pay a Storm Drain In-Lieu Fee, \$75,936.61, for a future 54-inch storm drain along the project frontage on Benson Avenue.**



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

2.18 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	Benson Av	Street 2	Street 3	Street 4
Curb and Gutter	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input checked="" type="checkbox"/> 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"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Fire Hydrant	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Services	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service



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

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

- 2.19 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s):
 - a. Benson Avenue – Minimum limits of construction shall be along the entire project frontage, from street centerline to curb/gutter.
- 2.20 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.
- 2.21 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.
- 2.22 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892). Developer may pay in-lieu fee, approximately _____, for undergrounding of utilities in accordance with Section 7-7.302.e of the City's Municipal Code.
- 2.23 Other conditions: _____



C. SEWER

- 2.24 **A 12-nch sewer main is available for connection by this project in Benson Avenue. (Ref: Sewer Drawing Number: S13092)**
- 2.25 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.26 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.
- 2.27 Other conditions: _____

D. WATER

- 2.28 **An 8-inch water main is available for connection by this project in Benson Avenue. (Ref: Water Drawing Number: W11460)**
- 2.29 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.30 Other conditions: _____

E. RECYCLED WATER

- 2.31 A _____ inch recycled water main is available for connection by this project in _____. (Ref: Recycled Water plan bar code: _____)
- 2.32 Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.
- 2.33 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.
- 2.34 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.

- 2.35 Other conditions: _____

F. TRAFFIC / TRANSPORTATION

- 2.36 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
- 2.37 New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.
- 2.38 **Other conditions:**
 - a. **The applicant/developer shall reconstruct the driveway approach to accommodate the 24-ft minimum width requirement for the fire truck access.**



G. DRAINAGE / HYDROLOGY

- 2.39 A _____ inch storm drain main is available to accept flows from this project in _____.
(Ref: Storm Drain plan bar code: _____)
- 2.40 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.
- 2.41 **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.**
- 2.42 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.
- 2.43 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.
- 2.44 Other conditions: _____

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

- 2.45 401 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.
- 2.46 **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>.**
- 2.47 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.
- 2.48 Other conditions: _____



J. SPECIAL DISTRICTS

- 2.49 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.

- 2.50 Other conditions: _____

K. FIBER OPTIC

- 2.51 A _____ fiber optic line is available for connection by this project in _____.
(Ref: Fiber Optic plan bar code: _____)

- 2.52 **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. The applicant/developer shall construct two (2) OntarioNet handholes with two (2) conduits in between each hand-hole in the ROW along Benson Avenue project frontage.**

- 2.53 **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 FINAL ACCEPTANCE, 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 BOND RELEASE, 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: Parcel Map No. 20375

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/Parcel Map processing fee**



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



CITY OF ONTARIO MEMORANDUM



DATE: June 21, 2022
TO: Antonio Alejos, Engineering
CC: Robert Morales, Planning
FROM: Peter Tran, Utilities Engineering
SUBJECT: DPR #2 - Utilities Comments, Conditions of Approval(#8471)
PROJECT NO.: PMTT21-015 (A Tentative Parcel Map, PM-20375 to subdivide 2.286 acres into 3 parcels)

BRIEF DESCRIPTION

A Tentative Parcel Map (PM 20375) to subdivide 2.286 acres of land into 3 parcels located at 1225 Benson Avenue, within the AR-2 (Residential-Agricultural - 0 to 2.0 du/ac) zoning district (APN: 1011-521-30).

THIS SUBMITTAL IS COMPLETE AND RECOMMENDED FOR APPROVAL.

CONDITIONS OF APPROVAL: *The Ontario Municipal Utilities Company (OMUC) recommends this application for approval subject to the conditions outlined below and compliance with the City's Design Development Guidelines, Specifications Design Criteria, and City Standards.*

General Conditions: (Add following to Section 2.A of Engineering Department COA)

1. **Standard Conditions of Approval:** Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017; as well as project-specific conditions/requirements as outlined below:
2. **Utilities Connections:** Each parcel to have its own utility connections (water, sewer, etc.).
3. **Easement:** Plot the official easement on the design plans with labeling, detail, etc. during plan check for future development.
4. **Utilities:** All water and sewer on private property down the drive isle must be privately owned and maintained.

Potable Water Conditions: (Add following to Section 2.D of Engineering Department COA)

5. **Fire Flow:** A fire flow will be required at the time of development of this parcel map during the entitlement phase with the follow guideline:
 - a. Submit an application with the Fire Prevention Bureau requesting a Fire Water Flow Test in order to verify the size and alignment of the proposed water system improvements for this project. The project is responsible for installing all water system improvements which may be necessary in order to meet Fire Flow requirements and to mitigate any potential deficiencies.

Integrated Waste Conditions: (Add following to Section 2.L of Engineering Department COA)

6. **Integrated Trash Truck Access:** If the homeowners and/or residents not able to roll trash bins (three per residence) out to Benson for staging on trash pickup day(s), then the project must provide adequate room for the trash truck to make a complete turn-around. Trash truck is not allowed to backup more than 150'. Also, a Solid Waste Handling Plan (SWHP) must be prepared and submit for review. A guideline will be provided to the developer when the time comes for the SWHP preparation.



CITY OF ONTARIO

MEMORANDUM

Development Plan Review

Engineering Department:
Transportation Section

Project: PMTT21-015

Date: September 15th, 2021

Location: 1225 Benson Avenue

By: Nathan Kuan

The Transportation Division recommends the following to be incorporated into the Project's Conditions-of-Approval:

Conditions:

1. Design and construct proposed driveway in accordance with City of Ontario Standard Drawing No. 1204 for Commercial Driveway Approach along Benson Avenue.

nk;



CITY OF ONTARIO

MEMORANDUM

TO: Eric Woosley, ENGINEERING DEPARTMENT
FROM: Celia Corral
DATE: September 21, 2021
SUBJECT: File No. PMTT21-015



The Parcel Map for this project is approved for DAB based on the following conditions:

When future development is proposed, an infiltration study must be submitted along with a WQMP proposal. The WQMP template is available at: <http://www.sbcountry.gov/dpw/land/npdes.asp> or on the City's website under Engineering/Environmental Services.

Activities resulting in land disturbance of one acre or more is required to obtain coverage under the Construction General Permit (CGP). The owner is the legally responsible person (LRP) of the site and shall have a Stormwater Pollution Prevention Plan (SWPPP) developed and submitted through the SMARTS website at <https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.xhtml>



CITY OF ONTARIO

MEMORANDUM

TO: Robert Morales, Assistant Planner
Planning Department

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

DATE: September 13, 2021

SUBJECT: PMTT21-015 - A Tentative Parcel Map (PM 20375) to subdivide 2.286 acres of land into 3 parcels located at 1225 Benson Avenue, within the AR-2 (Residential-Agricultural - 0 to 2.0 du/ac) zoning district (APN: 1011-521-30).

-
- 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: Not Listed
- C. Ground Floor Area(s): Not Listed
- D. Number of Stories: Not Listed
- E. Total Square Footage: Not Listed
- 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.

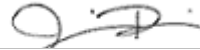
5.0 BUILDING CONSTRUCTION FEATURES

- 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
LANDSCAPE PLANNING DIVISION
 303 East "B" Street, Ontario, CA 91764

CONDITIONS OF APPROVAL

Sign Off



Jamie Richardson, Sr. Landscape Planner

09/17/2021

Date

Reviewer's Name:

Jamie Richardson, Sr. Landscape Planner

Phone:

(909) 395-2615

D.A.B. File No.:

PMTT21-015

Related Files:

Case Planner:

Robert Morales

Project Name and Location:

Subdivide 2.286 acres of land into three parcels
 1225 S. Benson Ave.

Applicant/Representative:

Calland Engineering Inc. / Peterzon Sy peter@callandeng.com 714-671-1050 ext 112
 576 E. Lambert Road
 Brea, CA 92821



A Tentative Tract Map (dated 08/09/2021) 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.

CORRECTIONS REQUIRED

On Grading or Utility Construction Plans:

1. 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.
2. Note decorative paving for all motor courts, including the lots facing the parking rows aisles.
3. Note for compaction to not be greater than 85% at landscape areas; all finished grades 1 ½" below finished surfaces; landscaped slopes to be max 3:1.
4. 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 sidewalk, add detail.
5. 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.
6. 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.
7. 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.
8. Show light standards 15' away from required tree locations.
9. Wall footings shall not restrict landscape; max 12" in front of footing with 12" of cover.
10. Wall openings for drainage overflow shall be max 4" wide.
11. Provide a solid surface path from the driveway to the side yard gate for entry and trash bin access.
12. 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.

13. Before installation, stormwater infiltration devices located in landscape areas shall be reviewed and approved by the Landscape Planning Division.
14. 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.
15. 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.
16. 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.: PMTT21-015

Address: 1225 Benson Avenue

APN: 1011-521-30

Existing Land Use: Single Family Residential

Proposed Land Use: Tentative Parcel Map to subdivide 2.2 acres into 3 parcels

Site Acreage: 2.2 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: Robert Morales

Date: 12/23/2021

CD No.: 2021-048

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 checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> 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: <u>200 FT +</u>	
<input type="radio"/> Zone 5			

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

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

Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

Recorded Overflight Notification Required

Airport Planner Signature: _____



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: Robert Morales, Assistant Planner

DATE: August 26, 2021

SUBJECT: FILE #: PMTT21-015

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 Parcel Map (PM 20375) to subdivide 2.286 acres of land into 3 parcels located at 1225 Benson Avenue, within the AR-2 (Residential-Agricultural - 0 to 2.0 du/ac) zoning district (APN: 1011-521-30).

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

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

The plan does not adequately address the departmental concerns.

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

Police
Department

ANTONIO RAIBAN
Signature

POICIE OFFICER
Title

9/7/21
Date

FILE NO: PMTT21-016 (TTM 20451)

SUBJECT: A public hearing to consider Tentative Tract Map No. 20451, subdividing 30.17 acres of land for condominium purposes, into 138 numbered lots and 48 lettered lots for residential uses, landscape neighborhood edges, private drives, private lanes, private streets, parking, and common open space purposes, generally located at the southwest corner of Hamner Avenue and Old Edison Road, within PA-3 (RD-7 / Row Townhomes and RD-8 / Motorcourt Townhomes) and PA-4 (RD-6 / 6 and 8 Pack Courtyard / Row Townhomes) of the Esperanza Specific Plan (APNs: 0218-252-39 and 0218-252-09); **submitted by Richland Ventures, Inc.**

PROPERTY OWNER: Richland Ventures, Inc.

RECOMMENDED ACTION: That the Planning Commission approve File No. PMTT21-016 (TTM 20451), pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval appended to the resolution as "Attachment A."

PROJECT SETTING: The Project site is comprised of 30.17 acres of land located at southwest corner of Hamner Avenue and Old Edison Road, within PA-3 (RD-7 / Row Townhomes and RD-8 / Motorcourt Townhomes) and PA-4 (RD-6 / 6 and 8 Pack Courtyard / Row Townhomes) of the Esperanza Specific Plan, and is depicted in Figure 1: Project Location, below. The Project site slopes gently from north to south and was historically utilized for agricultural dairy purposes. The Project site is presently improved with two single family residential homes, several supportive dairy pole structures, and concrete slabs throughout the site. The existing surrounding land uses, zoning, and general plan and specific plan land

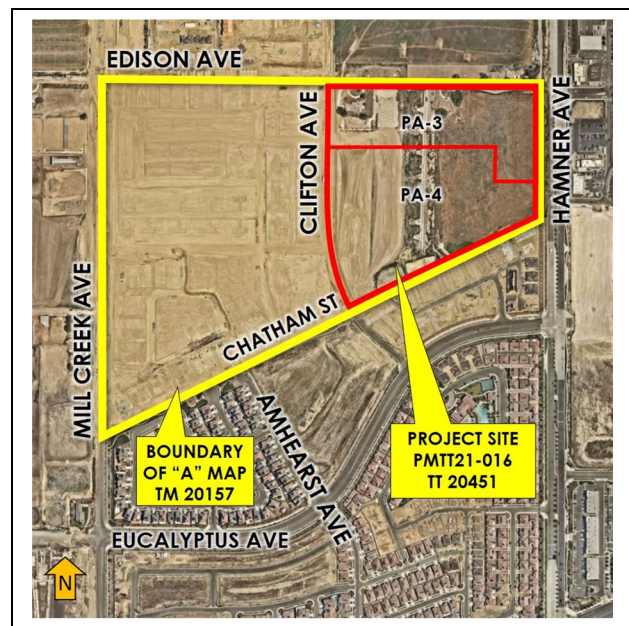
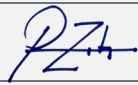


Figure 1: Project Location

Case Planner:	Jeanie Irene Aguilo
Planning Director Approval:	
Submittal Date:	08/11/21

Hearing Body	Date	Decision	Action
DAB	09/19/22	Approval	Recommend
PC	10/25/22		Final
CC			

use designations are summarized in the “Surrounding Zoning & Land Uses” table located in the Technical Appendix of this report.

PROJECT ANALYSIS:

(1) Background — The Esperanza Specific Plan Environmental Impact Report (State Clearinghouse No. 2002061047) was certified by the City Council on January 16, 2007. The related Specific Plan (File No. PSP05-002) was approved by the City Council on February 6, 2007. The Specific Plan established the land use designations, development standards, and design guidelines for the Esperanza Specific Plan, which included the potential development of 1,594 residential dwelling units and a 10.02-acre elementary school (see Exhibit B—Esperanza Specific Plan Land Use Map, attached).

On August 27, 2019, the Planning Commission approved Tentative Tract Map No. 20157 (File No. PMTT18-002) for Planning Areas PA-1, PA-2, PA-3 and PA-4, which subdivided 81.35 gross acres of land into 6 numbered lots and 5 lettered lots for residential, public streets, landscaped neighborhood edges, and common open space purposes. The Tentative Map served as the “A” Map for all four planning areas. The “A” Map subdivided the parcel to facilitate future land uses, backbone infrastructure improvements (major streets, sewer, water, and storm drain facilities) and future “B” Maps.

On September 17, 2019, the City Council approved a Development Agreement (File No. PDA19-002) to facilitate infrastructure improvements to serve the “A” Map, which would be completed in two phases. Phase 1 improvements would develop PA-1 and PA-2, and Phase 2 improvements would develop PA-3 and PA-4.

On August 11, 2021, the Applicant submitted Tentative Tract Map No. 20451, subdividing 30.17 acres of land for condominium purposes, into 138 numbered lots and 48 lettered lots for residential uses, landscape neighborhood edges, private drives, private lanes, private streets, parking, and common open space purposes, generally located at the southwest corner of Hamner Avenue and Old Edison Road, within PA-3 (RD-7 / Row Townhomes and RD-8 / Motorcourt Townhomes) and PA-4 (RD-6 / 6 and 8 Pack Courtyard / Row Townhomes) of the Esperanza Specific Plan.

On September 19, 2022, the Development Advisory Board (“DAB”) conducted a hearing to consider the Tentative Tract Map, and concluded the hearing on that date, and unanimously voted to recommend that the Planning Commission approve the Applications subject to conditions of approval, which are included as attachments to the Planning Commission resolution.

(2) Tentative Tract Map No. 20451 — The proposed Tentative Tract Map will subdivide the Project site into 138 numbered lots and 48 lettered lots for residential uses, landscape neighborhood edges, private drives, private lanes, private streets, parking, and common open space purposes (see Exhibit C—Tentative Tract Map No. 20451, attached). The Project site will accommodate two residential product types, including Row Townhomes,

and 6 and 8-Pack Courtyard Homes, for a total of 333 units, which are described below (see Exhibit D—Typical Plotting and Elevations):

(a) PA-3 (RD-7 / Row Townhomes) – The Row Townhomes are located along the northern portion of the Project site and include lots 109 through 138, for a total of 156 multiple-family residential units. The proposed lot sizes range from 7,038 square feet to 12,600 square feet, with an average lot size of 9,516 square feet. The Esperanza Specific Plan does not specify a minimum unit or lot size for the Row Townhomes product type.

(b) PA-4 (RD-6 / 6- and 8-Pack Courtyard Homes) –

(i) 6- and 8-Pack Courtyard Homes – The 6 and 8-Pack Courtyard product types are located within the southwest portion of the Project site and include lots 1 through 13, for a total of 82 single-family residential units. The Esperanza Specific Plan requires cluster lots to maintain a minimum lot size of 2,200 square feet. The proposed lot sizes range from 10,838 square feet to 17,065 square feet, with an average lot size of 14,949 square feet.

(ii) Large 6- and 8-Pack Courtyard Homes – The Large 6- and 8-Pack Courtyard product types comprise the southeast portion of the Project site and include lots 14 through 108, for a total of 95 single-family residential units. The Esperanza Specific Plan requires cluster lots to maintain a minimum lot size of 2,200 square feet. The proposed lot sizes range from 2,697 square feet to 5,300 square feet, with an average lot size of 3,081 square feet.

(3) Density — The Policy Plan Land Use Map designates the subject site as Medium Density Residential (11.1 to 25 du/ac) and the proposed Project will establish a total of 333 residential units at a density of 12.34 du/ac, which is consistent with the Esperanza Specific Plan and the Policy Plan (general plan).

(4) Site Access/Circulation — The Project site will have one main access point from Hamner Avenue, which runs north and south along the western frontage of the site. A secondary access point from Clifton Avenue is provided, which runs north and south along the western frontage of the Project site. Clifton Avenue connects to Eucalyptus Avenue to the south of the Project site, which serves as the main access point for the Esperanza Specific Plan. In addition, the Tentative Tract Map will facilitate the construction of the interior tract streets and private lanes that will provide access to the future residential development north and south of the Project site. The Tentative 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.

(5) Parking — A parking plan was completed for the proposed Tentative Tract Map to demonstrate that sufficient parking has been provided throughout the Project site (see Exhibit E—Parking Plan, attached). The Tentative Tract Map's proposed product types

would require a total of 770 parking spaces, in which 666 of those parking spaces would be provided within a garage. The parking plan demonstrates that a total of 1,107 spaces will be provided, exceeding the minimum requirements by 337 parking spaces. The additional parking spaces are provided throughout the site as on-street parking, driveways, and within the private drive aisles. The parking plan demonstrates that there will be an average of 3.32 parking spaces per unit, which should be 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.

(6) Architecture — Future development of the site will be required to meet all Development Code and Esperanza Specific Plan standards regarding architecture, including style, decorative elements, enhancements, etc.

(7) Landscaping/Open Space — Tentative Tract Map No. 20157 (“A” Map) will facilitate the construction of neighborhood parks, sidewalks, parkways, and open space areas for Planning Areas PA-1 through PA-4. TOP Policy PR1-1 requires new developments to provide a minimum of two acres of Private Park per 1,000 residents. The overall tract is required to provide 5.53 acres of parkland to meet the minimum TOP private park requirement and a total of 6.46 acres of parkland is being provided. PA-1 will provide a 0.69-acre recreation park and a 0.32-acre trellis park. PA-2 will provide a 3.4-acre central neighborhood park and a 0.27-acre garden park. PA-3 and PA-4 will provide 1.78-acre neighborhood park and 0.1-acre pocket park (see Exhibit F—Parks and Open Space Summary, attached). The pedestrian circulation system provides connectivity to the parks, residential neighborhoods, and surrounding communities. Future park designs and amenities located within PA-3 and PA-4 will be addressed as part of the Development Plan entitlement process that will require consistency with the Esperanza Specific Plan.

(8) Utilities (drainage, sewer) — All major backbone improvements and interior site improvements will be constructed in congruence with the proposed Tentative Tract Map. The Applicant will also obtain an encroachment permit to conduct work within the public rights-of-way. Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan (“PWQMP”), which establishes the Project’s compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces and maximizes low impact development (“LID”) best management practices (“BMPs”), such as retention and infiltration, biotreatment, and evapotranspiration. Additionally, the Project is consistent with the previously approved Development Agreement (File No. PDA19-002) that required all major backbone infrastructure improvements within the Esperanza Specific Plan.

(9) Covenants, Conditions and Restrictions (“CC&Rs”) — As a Condition of Approval, staff will require that CC&R’s be prepared and recorded with the final map. The CC&R’s will outline the maintenance responsibilities for the open space areas, recreation

amenities, drive aisles, utilities, and upkeep of the entire site to ensure the on-going maintenance of the common areas and facilities.

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

(1) City Council Goals.

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

(2) Vision.

Distinctive Development:

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

(3) Governance.

Decision Making:

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

(4) Policy Plan (General Plan).

Land Use Element:

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
 - LU1-1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.
 - LU1-6 Complete Community: We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario. (Refer to Complete Community Section of Community Economics Element).
- Goal LU2: Compatibility between a wide range of uses.
 - LU2-6: Infrastructure Compatibility: We require infrastructure to be aesthetically pleasing and in context with the community character.

Housing Element:

- Goal H2: Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.
 - H2-4 New Model Colony. We support a premier lifestyle community in the New Model Colony distinguished by diverse housing, highest design quality, and cohesive and highly amenitized neighborhoods.
 - H2-5 Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices and other best practices.
- Goal H5: A full range of housing types and community services that meet the special housing needs for all individuals and families in Ontario, regardless of income level, age or other status.

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;
- 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.

➤ CD2-13 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: Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the approving body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the Project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the Project site is not one of the properties in the Housing Element Sites contained in Table B-1 (Housing Element Sites Inventory) of the Housing Element Technical Report.

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 ("ONT 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 ONT ALUCP. Any special conditions of approval associated with uses in close proximity to the airport are included in the conditions of approval provided with the attached Resolution.

ENVIRONMENTAL REVIEW: The environmental impacts of this Project were previously reviewed in conjunction with the Esperanza Specific Plan (File No. PSP05-002) Environmental Impact Report (State Clearinghouse No. 2002061047), certified by the City Council on January 16, 2007.

CONDITIONS OF APPROVAL: The departmental Conditions of Approval are appended to the attached resolutions as "Attachment A".

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 Dairy and Two Single-Family Residential structures	(MDR) Medium Density Residential (11.1 – 25 du/ac)	Esperanza Specific Plan	PA-3 (RD-7 / Row Townhomes and RD-8 / Motorcourt Townhomes) & PA-4 (RD-6 / 6 and 8 Pack Courtyard / Row Townhomes)
<i>North</i>	Vacant land and Two Single-Family Residential structures	(MU) Mixed Use – Rich Haven	Rich Haven Specific Plan	Mixed Use District PA 8A and 8B (Stand Alone Residential Overlay and Regional Commercial)
<i>South</i>	Residential Subdivision (Under Construction)	(MDR) Medium Density Residential (11.1 – 25 du/ac)	Esperanza Specific Plan	PA-4 (RD-6 / 6 and 8 Pack Courtyard / Row Townhomes)
<i>East</i>	Commercial	Commercial Retail, Business Park, Light Industrial	The Goodman Commerce Center Specific Plan	PA1 (Commercial Retail), PA4 (Commercial, Retail, Business Park, Hospital), PA3 (Commercial, Retail, Business Park, Hospital, Industrial)
<i>West</i>	Vacant/Mass Graded	(LDR) Low Density Residential (2 – 5 du/ac), (MDR) Medium Density Residential (11.1 – 25 du/ac)	Esperanza Specific Plan	PA-1 (RD-7 Row Townhomes and RD-8 Motorcourt Townhomes) & PA-2 (RD-4 / SFD Cottages and RD-6 / 6 Pack Courtyard)

Tentative Tract Map Summary:

<i>Item</i>	<i>Tentative Tract Map No. 20451</i>	<i>Meets Esperanza Specific Plan Requirements</i>
<i>Total Area Gross (AC)</i>	30.17	N/A
<i>Total Area Net (AC)</i>	26.99	N/A
<i>6- and 8-Pack Min. Lot Size (SF)</i>	2,697 SF	Yes (2,200 SF Min.)
<i>6- and 8-Pack Max. Lot Size (SF)</i>	17,065 SF	Yes (2,200 SF Min.)
<i>Row Townhomes Min. Lot Size (SF)</i>	7,038 SF	Yes (No Min.)
<i>Row Townhomes Max. Lot Size (SF)</i>	12,600 SF	Yes (No Max.)
<i>Gross Density (du/net ac)</i>	12.34 du/ac	Yes (5-21 du/ac)

Exhibit A—PROJECT LOCATION MAP

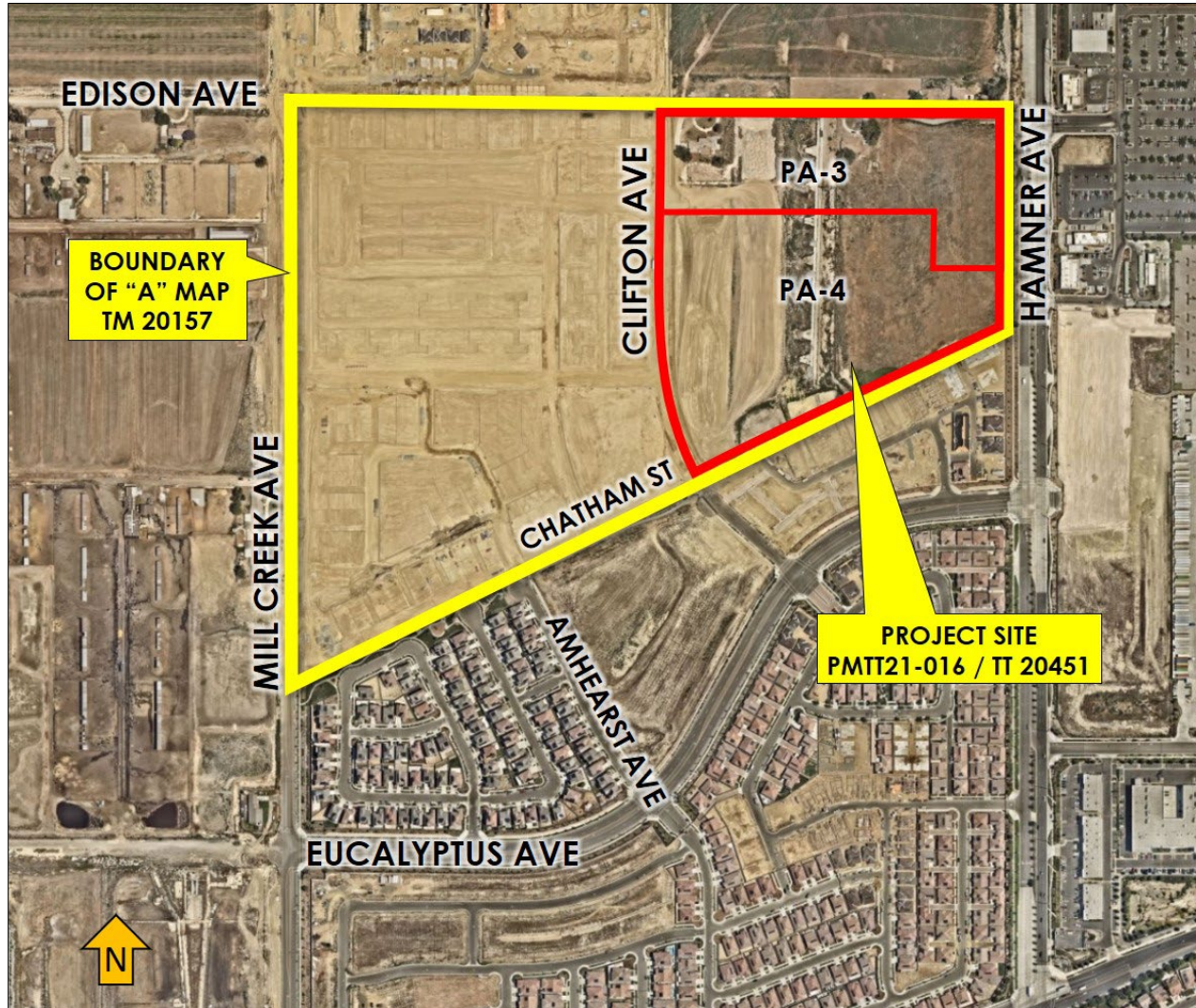


Exhibit B—ESPERANZA SPECIFIC PLAN LAND USE MAP

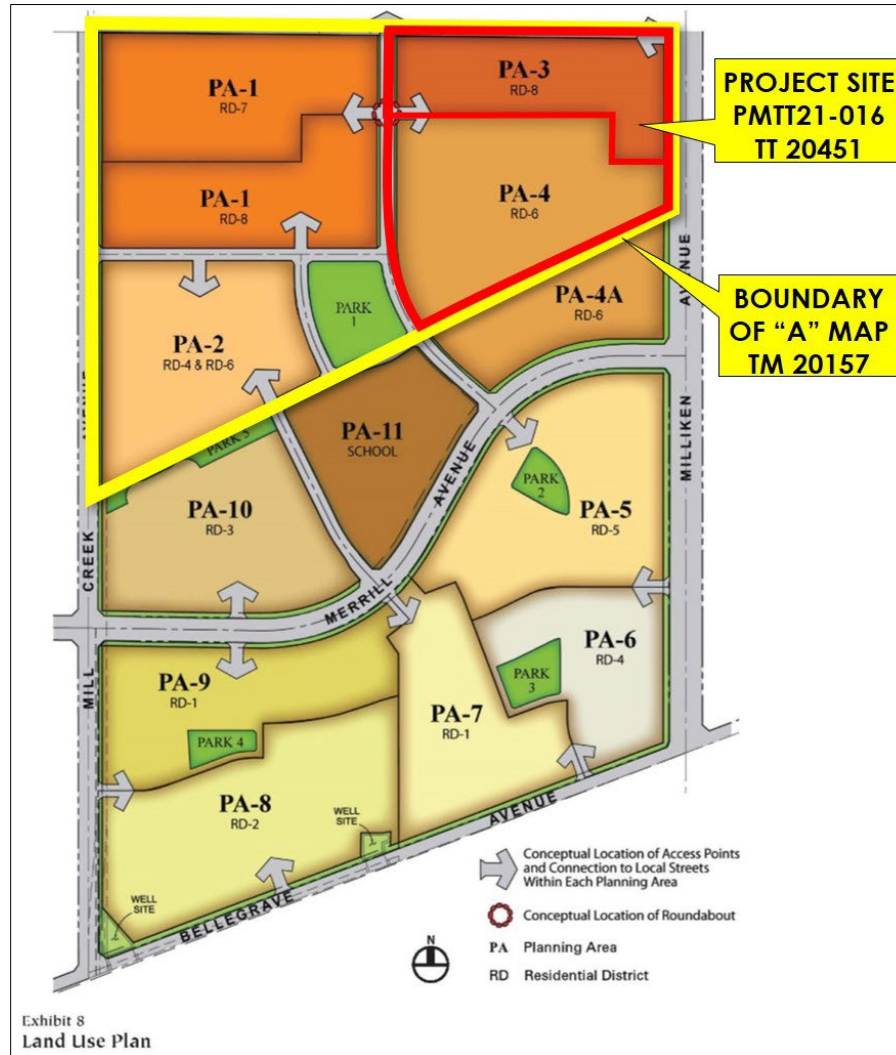


Exhibit C—TENTATIVE TRACT MAP NO. 20451

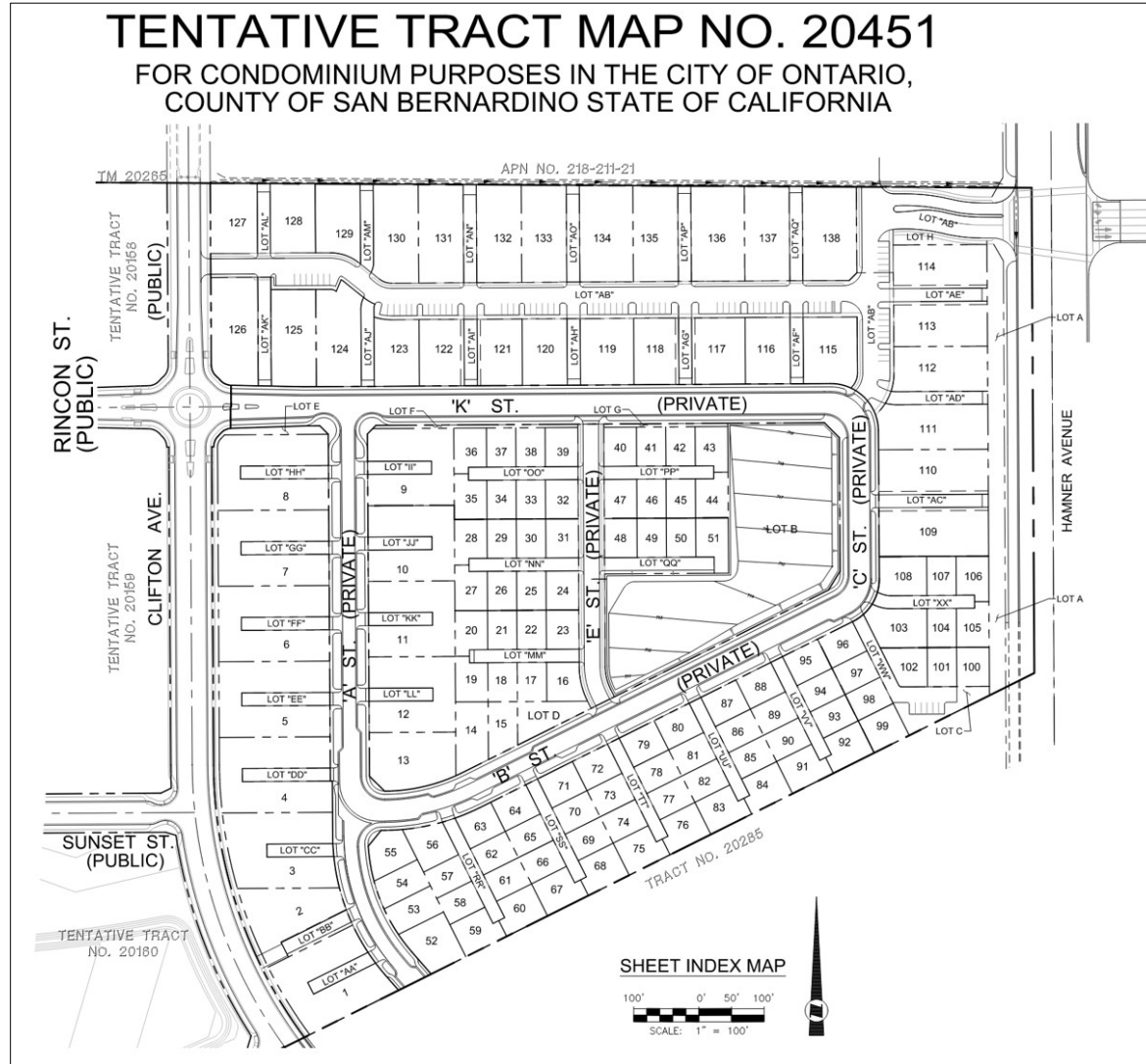


Exhibit D—CONCEPTUAL DEVELOPMENT PLAN



Exhibit E—TYPICAL PLOTTING AND ELEVATIONS



Row Townhomes



6-Pack Courtyard Homes



8-Pack Courtyard Homes

Exhibit F—PARKING PLAN



TABULATION

SUMMARY

TOWNHOMES	156 DU	11.4 AC	13.7 DU/AC
SMALL SFD CLUSTER	82 DU	7.5 AC	10.9 DU/AC
LARGE SFD CLUSTER	95 DU	10.5 AC	9.0 DU/AC
PARK		1.8 AC	
TOTAL	333 DU	31.2 AC	10.7 DU/AC

31.2 ACRES OVERALL SITE
 29.0 ACRES ADJUSTED GROSS AREA

PARKING REQUIRED:

PRODUCT	UNITS	PARKING REQ./DU	PARKING REQ.
TOWNHOMES			
3 BR	156	2.5 SPACES/DU	390
SUBTOTAL	156		390
SMALL SFD CLUSTER	82	2 SPACES/DU	164
SUBTOTAL	82		164
LARGE SFD CLUSTER	95	2 SPACES/DU	190
SUBTOTAL	95		190
GUEST PARKING (TOWNHOMES)		1 SPACE/6 DU	26
TOTAL PARKING REQUIRED			770

PARKING PROVIDED:

PRODUCT	UNITS	PARKING/DU	GARAGE SPACES
TOWNHOMES	156	2.0 SPACES/DU	312
SMALL SFD CLUSTER	82	2.0 SPACES/DU	164
LARGE SFD CLUSTER	95	2.0 SPACES/DU	190
GARAGE SPACES PROVIDED			666
DESIGNATED/NUMBERED OPEN SPACES			78
GUEST PARKING (TOWNHOMES)			26
TOTAL REQUIRED PARKING ON PLAN (YELLOW SPACES)			770
TOWNHOMES DRIVEWAY SPACES			39
SMALL SFD CLUSTER DRIVEWAY SPACES			6
SMALL SFD CLUSTER SPACES			23
LARGE SFD CLUSTER DRIVEWAY SPACES			190
ADDITIONAL PARKING SPACES			77
HANDICAP PARKING SPACES			2
TOTAL ADDITIONAL PARKING			337

Exhibit F—PARKS AND OPEN SPACE SUMMARY



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 20451 (FILE NO. PMTT21-016), SUBDIVIDING 30.17 ACRES OF LAND FOR CONDOMINIUM PURPOSES, INTO 138 NUMBERED LOTS AND 48 LETTERED LOTS FOR RESIDENTIAL USES, LANDSCAPE NEIGHBORHOOD EDGES, PRIVATE DRIVES, PRIVATE LANES, PRIVATE STREETS, PARKING, AND COMMON OPEN SPACE PURPOSES, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAMNER AVENUE AND OLD EDISON ROAD, WITHIN PA-3 (RD-7 / ROW TOWNHOMES AND RD-8 / MOTORCOURT TOWNHOMES) AND PA-4 (RD-6 / 6 AND 8 PACK COURTYARD / ROW TOWNHOMES) OF THE ESPERANZA SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-252-39 AND 0218-252-09.

WHEREAS, RICHLAND VENTURES, INC. ("Applicant") has filed an Application for the approval of a Tentative Tract Map No. 20451 (File No. PMTT21-016), as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 30.17 acres of land generally located at the southwest corner of Hamner Avenue and Old Edison Road, within PA-3 (RD-7 / Row Townhomes and RD-8 / Motorcourt Townhomes) and PA-4 (RD-6 / 6 and 8 Pack Courtyard / Row Townhomes) of the Esperanza Specific Plan, and is presently vacant dairy land with two single-family residential homes, several supportive dairy pole structures, and concrete slabs throughout the site; and

WHEREAS, the property to the north of the Project site is within Mixed Use District PA 8A and 8B (Mixed-Use Stand Alone Residential Overlay) of the Rich Haven Specific Plan and is presently vacant dairy land with two single-family residential homes. The property to the east is within the within the PA1 (Commercial Retail), PA4 (Commercial, Retail, Business Park, Hospital), PA3 (Commercial, Retail, Business Park, Hospital, Industrial) of the Goodman Commerce Center Specific Plan in the City of Eastvale and are zoned for commercial retail, business park, and light industrial land uses. The property to the south is within the PA-4 (RD-6 / 6 and 8 Pack Courtyard / Row Townhomes) and is currently under construction for residential homes. The property to the west is within PA-1 (RD-7 Row Townhomes and RD-8 Motorcourt Townhomes) & PA-2 (RD-4 / SFD Cottages and RD-6 / 6 Pack Courtyard) and is presently vacant and mass graded; and

WHEREAS, proposed Tentative Tract Map will subdivide the Project site into 138 numbered lots and 48 lettered lots for residential uses, landscape neighborhood edges, private drives, private lanes, private streets, parking, and common open space purposes. The Project site will accommodate two residential product types, including Row Townhomes, and 6 and 8-Pack Courtyard Homes, for a total of 333 units; and

WHEREAS, the Row Townhomes are located along the northern portion of the Project site and include lots 109 through 138, for a total of 156 multiple-family residential units. The proposed lot sizes range from 7,038 square feet to 12,600 square feet, with an average lot size of 9,516 square feet. The Esperanza Specific Plan does not specify a minimum unit or lot size for the Row Townhomes product type; and

WHEREAS, the 6 and 8-Pack Courtyard product types are located within the southwest portion of the Project site and include lots 1 through 13, for a total of 82 single-family residential units. The Esperanza Specific Plan requires cluster lots to maintain a minimum lot size of 2,200 square feet. The proposed lot sizes range from 10,838 square feet to 17,065 square feet, with an average lot size of 14,949 square feet; and

WHEREAS, the Large 6- and 8-Pack Courtyard product comprise the southeast portion of the Project site and include lots 14 through 108, for a total of 95 single-family residential units. The Esperanza Specific Plan requires cluster lots to maintain a minimum lot size of 2,200 square feet. The proposed lot sizes range from 2,697 square feet to 5,300 square feet, with an average lot size of 3,081 square feet; and

WHEREAS, the Policy Plan Land Use Map designates the subject site as Medium Density Residential (11.1 to 25 du/ac) and the proposed Project will establish a total of 333 residential units at a density of 12.34 du/ac, which is consistent with the Esperanza Specific Plan and the Policy Plan (general plan); and

WHEREAS, the Project site will have one main access point from Hamner Avenue, which runs north and south along the western frontage of the site. A secondary access point from Clifton Avenue is provided, which runs north and south along the western frontage of the Project site. Clifton Avenue connects to Eucalyptus Avenue to the south of the Project site, which serves as the main access point for the Esperanza Specific Plan; and

WHEREAS, a parking plan was completed for the proposed Tentative Tract Map to demonstrate that sufficient parking has been provided throughout the Project site. The Tentative Tract Map's proposed product types would require a total of 770 parking spaces, in which 666 of those parking spaces would be provided within a garage. The parking plan demonstrates that a total of 1,107 spaces will be provided, exceeding the minimum requirements by 337 parking spaces; and

WHEREAS, Tentative Tract Map No. 20157 ("A" Map) will facilitate the construction of neighborhood parks, sidewalks, parkways, and open space areas for Planning Areas PA-1 through PA-4. The overall tract is required to provide 5.53 acres of parkland to meet the minimum TOP private park requirement and a total of 6.46 acres of parkland is being provided; and

WHEREAS, the Project is consistent with the previously approved Development Agreement (File No. PDA19-002) that required all major backbone infrastructure improvements within the Esperanza Specific Plan; and

WHEREAS, Covenants, Conditions and Restrictions (CC&Rs) will be prepared and recorded with the Final 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; and

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

WHEREAS, the environmental impacts of this Project were previously reviewed in conjunction with the Esperanza Specific Plan (File No. PSP05-002) Environmental Impact Report (State Clearinghouse No. 2002061047), certified by the City Council on January 16, 2007, 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 (hereinafter referred to as "ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on September 19, 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. DAB22-039, recommending the Planning Commission approve the Application; and

WHEREAS, on October 25, 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-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 the Esperanza Specific Plan (File No. PSP05-002) Environmental Impact Report (State Clearinghouse No. 2002061047), certified by the City Council on January 16, 2007; and

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision making authority for the Project, the PLANNING COMMISSION finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the Project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. 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 (333)

and density (12.34 du/ac) specified in the Available Land Inventory. Per the Available Land Inventory, the Esperanza Specific Plan is required to provide 1,410 dwelling units with an overall density of 5-21 du/ac.

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

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

(1) ***The proposed Tentative 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 Medium Density Residential (11.1 – 25 du/ac) land use district of the Policy Plan Land Use Map, and the within PA-3 (RD-7 / Row Townhomes and RD-8 / Motorcourt Townhomes) and PA-4 (RD-6 / 6 and 8 Pack Courtyard / Row Townhomes) of the Esperanza 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 Map is located within the (MDR) Medium Density Residential (11.1 – 25 du/ac) land use district of the Policy Plan Land Use Map, and the within PA-3 (RD-7 / Row Townhomes and RD-8 / Motorcourt Townhomes) and PA-4 (RD-6 / 6 and 8 Pack Courtyard / Row Townhomes) of the Esperanza 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 PA-3 (RD-7 / Row Townhomes and RD-8 / Motorcourt Townhomes) and PA-4 (RD-6 / 6 and 8 Pack Courtyard / Row Townhomes) of the Esperanza Specific Plan, and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.

(4) ***The site is physically suitable for the density/intensity of development proposed.*** The Project site is proposed for residential development at a density of 12.34

DUs/acre. The Project site meets the minimum lot area and dimensions of the PA-3 (RD-7 / Row Townhomes and RD-8 / Motorcourt Townhomes) and PA-4 (RD-6 / 6 and 8 Pack Courtyard / Row Townhomes) of the Esperanza 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 right-of-way 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 25th day of October 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 October 25, 2022, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PMTT21-016 (TTM 20451)
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)

Date Prepared: 8/29/2022
File No: PMTT21-016 (TTM 20451)
Related Files: PMTT18-002 (TM 20157)

Project Description: A public hearing to consider Tentative Tract Map No. 20451, subdividing 30.17 acres of land for condominium purposes, into 138 numbered lots and 48 lettered lots, residential uses, landscape neighborhood edge, private drives, private lanes, private streets, and parking, and common open space purposes, located at the southwest corner of Hamner Avenue and Old Edison Road, within PA-3 (RD-7 / Row Townhomes and RD-8 / Motorcourt Townhomes) and PA-4 (RD-6 / 6 and 8 Pack Courtyard / Row Townhomes) of the Esperanza Specific Plan; (APNs: 0218-252-39 and 0218-252-09)); **submitted by Richland Ventures, Inc..**

Prepared By: Jeanie Irene Aguilo, Associate Planner
Phone: 909.395.2418 (direct)
Email: jaguilo@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. 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) and the Esperanza Specific Plan.

2.6 Parking, Circulation and Access.

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

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

(c) 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.

(d) 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).

(e) 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.

(a) 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 former 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 homeowners will be assessed through their property taxes for the continuing maintenance of the district.

2.11 Environmental Requirements.

(a) 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).

(b) 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 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.

2.14 Additional Requirements.

(a) All applicable provisions of the related Development Agreement (File No. PDA19-002) and PMTT18-002 (Tract Map No. 20157) are a requirement of this tract.

(b) All applicable conditions of approval of the Esperanza 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 166th unit.

(e) Final sets of plans shall be provided after project approval per the directions to be provided by the Planning Department.

(f) All conditions of approval from all other City agencies and departments shall be complied with.

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PMTT21-016

Address: 700 ft North of the NWC Eucalyptus Avenue & Hamner Avenue

APN: 0218-252-07

Existing Land Use: Vacant/Mass Graded

Proposed Land Use: TTM (TT20451) to subdivide 27 acres of land into 208 lots for residential

Site Acreage: 27 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: Jeanie Aguilo

Date: 12/23/2021

CD No.: 2021-051

PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="checkbox"/> High Terrain Zone	<input type="checkbox"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input 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.

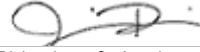
Real Estate Transaction Disclosure Required

Airport Planner Signature: _____

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

CONDITIONS OF APPROVAL

Sign Off



Jamie Richardson, Sr. Landscape Planner

06/06/2022

Date

Reviewer's Name:
Jamie Richardson, Sr. Landscape Planner

Phone:
(909) 395-2615

D.A.B. File No.:
 PMTT21-016

Related Files:

Case Planner:
 Jeanie Irene Aguilo

Project Name and Location:

Esperanza Specific Plan – Subdivide 27 acres into 208
 TM 20451

Applicant/Representative:

Fusco Engineering/ RWT Preserve Holdings.
 3161 Michelson Dr. ste. 425
 Irvine, CA 92612

- A Tentative Tract Map (dated 4/25/2022) 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.**

CORRECTIONS REQUIRED

1. DG trails and parkways at corners (Hamner Ave.) shall have the trail curve into the sidewalk rather than out to the corner ramp; OK to end parkway landscape before corner utilities. **Condition of Approval; no action required.**
 2. Note corner ramp and sidewalk per city standard drawing 1213 with max 10' or 13' of ramp and sidewalk behind at corners. Additional landscape and irrigation may be required at these locations; maximum 4' behind ramp. **Condition of Approval; no action required.**
 3. Corners; verify dimension and grade for required monumentation (see Specific Plan for detail). Adjacent walls shall not interfere with required monumentation. **Condition of Approval; no action required.**
 4. Show and identify any on-site stormwater infiltration areas or stormwater infiltration devices proposed in parkways or other landscape areas. The infiltration chambers shown in the park shall be buried a minimum 5' to allow for required trees and landscape. **Condition of Approval; no action required.**
- On Future Grading or Utility Construction Plans: **Conditions of Approval; no action required.**
5. 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. The infiltration chambers shown in the park shall be buried a minimum 5' to allow for required trees and landscape
 6. Note decorative paving for all motor courts, including the lots facing the parking rows aisles.
 7. 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.
 8. Show light standards 15' away from required tree locations.

9. 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.
10. Stormwater infiltration devices located in landscape areas shall be reviewed and approved by the Landscape Planning Division before installation.
11. Provide a tree inventory for existing trees include genus, species, trunk diameter, canopy width, and condition. Show and note existing trees in good condition to remain and note trees proposed to be removed. Include existing trees within 15' of adjacent property that would be affected by new walls, footings, or on-site tree planting. Add tree protection notes on construction and demo plans.
12. 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.

Once items are complete, you may email an electronic set to:

landscapeplancheck@ontarioca.gov



CITY OF ONTARIO

MEMORANDUM

TO: Jeanie Irene Aguilo, Associate Planner
Planning Department

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

DATE: August 26, 2021

SUBJECT: PMTT21-016 - A Tentative Tract Map (TTM20451) to subdivide 27 acres of land into 208 lots, located approximately 700 feet northwest of the intersection of Eucalyptus Avenue and Hamner Avenue, within Planning Area 4 of the Esperanza Specific Plan (APN(s): 218-252-07).

-
- 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: Not Listed
- C. Ground Floor Area(s): Not Listed
- D. Number of Stories: Two Story
- E. Total Square Footage: Not Listed
- F. 2019 CBC Occupancy Classification(s): R-3

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.



**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-20451 RELATED FILE NO(S). PMTT21-016	
<input type="checkbox"/> ORIGINAL <input checked="" type="checkbox"/> REVISED: 9/19/2022	

CITY PROJECT ENGINEER & PHONE NO: Miguel Sotomayor (909) 395-2108

CITY PROJECT PLANNER & PHONE NO: Jeanie Aguilo (909) 395-2418

DAB MEETING DATE: September 19, 2022

PROJECT NAME / DESCRIPTION: TM-20451 – A Tentative Tract Map to subdivide 27 acres of land into 208 lots, within Planning Area 4 of the Esperanza Specific Plan

LOCATION: North of Eucalyptus Avenue West of Hamner Avenue

APPLICANT: SLV LC Center, LLC

REVIEWED BY: Raymond Lee 9/29/22
 Raymond Lee, P.E. Date
 Assistant City Engineer

APPROVED BY: [Signature] 9-29-22
 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 HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE CHECKED. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO FINAL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT.

1. PRIOR TO FINAL MAP APPROVAL, APPLICANT SHALL:		Check When Complete
<input type="checkbox"/>	1.01 Dedicate to the City of Ontario, the right-of-way, described below: _____ feet on _____ Property line corner 'cut-back' required at the intersection of _____ and _____.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	1.02 Dedicate to the City of Ontario, the following easement(s): a. Various width public utility easement along private Lot "AB" and private 'K' Street (as shown on the approved tentative tract map). b. 20' public utility easement west of Lot "BB" (as shown on the approved tentative tract map). c. 21' public utility easement along private Lot "BB". d. 30' public utility easement along private Lot "AI". e. 30' public utility easement along private Lot "AG". f. 30' public utility easement along private Lot "AC". g. 40' public utility easement along private 'E' Street. h. 54' public utility easement along private 'A' Street south of private 'B' Street. i. 60' public utility easement along private 'A' Street (from private 'B' Street to private 'K' Street), private 'B' Street, 'C' Street.	<input type="checkbox"/>
<input type="checkbox"/>	1.03 Restrict vehicular access to the site as follows: _____	<input type="checkbox"/>
<input checked="" type="checkbox"/>	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.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	1.05 Submit a copy of a recorded private reciprocal use agreement or easement. The agreement or easement shall ensure, at a minimum, common ingress and egress and joint maintenance of all common access areas and drive aisles.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	1.06 Provide (original document) Covenants, Conditions and Restrictions (CC&Rs) as applicable to the project and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&Rs shall provide for, but not be limited to, common ingress and egress, joint maintenance responsibility for all common access improvements, common facilities, parking areas, utilities, median and landscaping improvements and drive approaches, in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project. The CC&Rs shall also address the maintenance and repair responsibility for public improvements/utilities (sewer, water, storm drain, recycled water, etc.) located within open	<input type="checkbox"/>



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.ontarioca.gov) 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. All the required improvements for this tract shall be subject to completion of the required public improvements including public utilities beyond the tract limits as specified in Esperanza Specific Plan, the Development Agreement and the Conditions of Approval for TM-20157.



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

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

- 2.01 Record Tract Map No. 20451 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 Tract Map No. 20157.
- 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: City of Eastvale

- 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. Storm Drain Development Impact Fee, approximately _____, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan and the DIF rate at the time of payment.
- 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. The applicant/developer shall grant a private ingress/egress easement to TM-20285 to the south and the future development to the north of this project site.
c. The applicant/developer shall enter into an agreement with the property owner to the north (APN:0218-211-15) for the maintenance and construction of the temporary drainage swale being proposed on said property owner's parcels. The



applicant/developer shall pay the applicable City Attorney fees associated with the review of the encroachment agreement. Final approval of encroachment agreement shall be to the satisfaction of the City Engineer.

B. PUBLIC IMPROVEMENTS

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

- 2.18 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	Hamner Avenue	Clifton Avenue	Private A, B, C and K Streets	Private Street E
Curb and Gutter	<input checked="" type="checkbox"/> New; 54 ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 24 ft. from C/L ^(a) <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Widen 13 additional feet along frontage, including pavm't transitions	<input checked="" type="checkbox"/> New; 22 ft. from C/L (both sides) ^{(b)(c)} <input type="checkbox"/> Widen ___ additional feet along frontage,	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)^(d)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Sidewalk	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input 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



Improvement	Hamner Avenue	Clifton Avenue	Private A, B, C and K Streets	Private Street E
Fire Hydrant	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input 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 Except on A and B Streets	<input type="checkbox"/> Main <input 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 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 checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input 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 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
Fiber Optics (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input checked="" type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input checked="" type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	_____	_____	_____
Other Improvements	_____	Roundabout	_____	_____



Improvement	Lot "AC"	Lot "BB"	Lot "AG" and "AI"	Lot "AB"
Curb and Gutter	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input 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 type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Fire Hydrant	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral



Improvement	Lot "AC"	Lot "BB"	Lot "AG" and "AI"	Lot "AB"
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 checked="" 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 type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
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 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 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 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. 2.18, above:

- a. Curb and gutter shall be designed and constructed 18' from centerline (both sides) on Clifton Avenue from 'K' Street to the northerly tract boundary. 24' from centerline (both sides) on Clifton Avenue from 'K' Street to Eucalyptus Avenue.
- b. AC shall be designed and constructed 16' from centerline (both sides) on Clifton Avenue from private 'K' Street to the northerly tract boundary. 22' from centerline (both sides) on Clifton Avenue from private 'K' Street to Eucalyptus Avenue.



- c. **Clifton Avenue street improvements including curb and gutter shall extend past the tract boundary from Chatham Street to Eucalyptus Avenue.**
- d. **Trench cuts within the exiting PCC Pavement shall require full panel removal and replacement.**

- 2.19 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s): _____
- 2.20 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.
- 2.21 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.
- 2.22 **Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892).**
- 2.23 **Other conditions:**
 - a. **If at the time of construction of this project Clifton Avenue from Eucalyptus Avenue to Chatham Street ends with a temporary cul-de-sac, the applicant/developer shall design and construct Clifton Avenue to remove the cul-de-sac and provide connectivity to Eucalyptus Avenue. The improvements will include but not be limited to: cul-de-sac removal, AC, curb & gutter, sidewalk, street lights, signing and striping, landscape and irrigation. The applicant/developer shall also vacate the temporary cul-de-sac easement.**

C. SEWER

- 2.24 **A 8 inch sewer main is available for connection by this project in Eucalyptus Avenue and Clifton Avenue (Ref: Sewer plan bar code: S16186 and S15240)**
- 2.25 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.26 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.
- 2.27 **Other conditions:**
 - a. **Sewer Main Construction: Construct all proposed 8-inch (minimum size) sewer mains in tract. See TTM-20451 **Conceptual** Utility Systems Map.**



D. WATER

- 2.28 A 24 inch, 24 inch and 8 inch water main is available for connection by this project in Hamner Avenue and Clifton Avenue respectively. (Ref: Water plan bar code: W13497, W15441)
- 2.29 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.30 Other conditions:
 - b. Backflow Device: Provide by installing a backflow device at the back of each applicable master metering, on private property.
 - c. Domestic Water Main Construction: Construct all proposed 8-inch (minimum size) domestic water mains in tract. See TTM-20451 **Conceptual** Utility Systems Map.
 - d. Fire Water Service: For onsite private Fire System uses:
 - i. Where the domestic water service and meters connected to the Public Potable Water System that serves any use that is more than one (1) single family detached residential unit, or any non-residential use: if an onsite private fire system is required, then a separate Fire Service with Double Check Detector Assembly (DCDA) per City Standard #4208 connected to the Public Potable Water System is required, to serve the onsite private fire system. The onsite fire system and onsite domestic water plumbing system shall be separate.
 - ii. In certain residential cases where a separate fire service with DCDA connected to the Public Potable Water System is not required by above the requirement, and approved by the City Fire Department and the City Building Department, then the California Residential Code must be followed for the residential buildings; if the California Residential Code is not followed for the residential buildings; then a separate fire service with DCDA is required

E. RECYCLED WATER

- 2.31 A 8 inch recycled water main is available for connection by this project in Hamner Avenue and Clifton Avenue. (Ref: Recycled Water plan bar code: P10250, P11232)
- 2.32 Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.
- 2.33 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.
- 2.34 **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.
- 2.35 Other conditions:
 - a. Recycled Water Main Construction: Construct all proposed 8-inch (minimum size) recycled water mains in tract. See TTM-20451 **Conceptual** Utility Systems Map.



F. TRAFFIC / TRANSPORTATION

- 2.36 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

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

- 2.38 Other conditions:
 - a. **The applicant/developer must comply with TM-20157 A-Map Conditions of Approval dated August 2019.**

 - b. **The applicant/developer shall align the proposed tract entry street onto Hamner Avenue with the existing signalized driveway on the eastside of Hamner Avenue (The Station). The proposed project tract entry street shall be wide enough to accommodate a single in-bound lane (22-foot wide) that aligns with the westbound thru lane on The Station. The proposed project tract entry street must also provide an out-bound left turn lane (12-foot wide) and out-bound thru-right turn lane (20-foot wide). The Applicant/Developer shall provide a conceptual layout of lanes, with widths and centerline alignments to verify lane alignment through the intersection. The intersection traffic signal design, signing and striping shall be subject to review and approval by the City of Eastvale.**

 - c. **The applicant/developer shall be responsible to design and construct modifications to the existing traffic signal at Hamner Avenue and proposed tract entry street/existing signalized driveway (The Station). The traffic signal modification shall address relocation or upgrade of any affected equipment including poles, video detection, fiber optic communication cable and conduit, fiber optic communication equipment, 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. The Applicant/Developer shall design and construct the ultimate signing and striping improvements on Hamner Avenue and The Station necessary to accommodate the proposed tract entry street.**

 - d. **The applicant/developer shall be responsible to design and construct half-width frontage improvements along Hamner Avenue in accordance with conditions issued by the City's Land Development Division. These and all other street improvements required herein shall include, but may not be limited to, concrete curb and gutter, sidewalk, LED street lights, signing and striping, and parkway landscaping.**

 - e. **The applicant/developer shall be responsible to design and construct the necessary pavement and striping transitions from existing roadway conditions to the widened roadway portions along Hamner Avenue. Striping improvements shall include the removal of existing interim signing and striping beyond the project frontage limits on Hamner Avenue and the installation of ultimate signing and striping.**

 - f. **The roundabout at Clifton Avenue and 'K' Street shall be fully constructed and designed in accordance with the Traffic and Transportation Guidelines Figure 1: Roundabout Layout Detail and Figure 2: Roundabout Landscape Detail, other applicable standards, and to the satisfaction of the City Engineer. The following apply to the design: Parking shall be restricted on Clifton Avenue and 'K' Street approaching the roundabout per the Traffic and Transportation Guidelines. Provide detailed roundabout exhibit to verify lane widths and ROW requirements.**



- g. The applicant/developer shall terminate Rincon Street west of the roundabout as a temporary dead-end condition per City of Ontario Standard Drawing No. 1310. Rincon Street from roundabout to dead-end shall include curb to curb improvements.
- h. The applicant/developer shall terminate Clifton Avenue north of the roundabout and Lot 127 as a temporary dead-end condition per City of Ontario Standard Drawing No. 1310.
- i. If at the time of development of this tract Clifton Avenue has not been constructed south of this development, then the applicant/developer shall construct ultimate curb-to-curb width street improvements on Clifton Avenue south to Eucalyptus Avenue.
- j. The applicant/developer shall terminate Sunset Street west of Clifton Avenue as a temporary dead end per the City of Ontario Standard Drawing 1310 until the construction of the TM-20159.
- k. Modified bends shall be constructed per City Standard Drawing No. 1114. Parking shall be restricted with red curb along modified bends as depicted in the standard.
- l. Hamner Avenue shall be signed "No Stopping Anytime" along the property frontage.
- 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/stripping, street lighting and traffic signal design plans to define limits of improvements.

G. DRAINAGE / HYDROLOGY

- 2.39 A 48 inch storm drain main is available to accept flows from this project in TM-20285. (Ref: Storm Drain plan bar code: D14306)
- 2.40 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.
- 2.41 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.
- 2.42 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.
- 2.43 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.
- 2.44 Other conditions:
 - a. The applicant/developer shall design and construct a 48" storm drain on Hamner Avenue from the northerly tract to the southerly tract boundaries and connect to the existing storm drain per the Master Plan of Drainage, Esperanza Specific Plan and TM-



20157 DA Exhibits.

- b. The applicant/developer shall design and construct the in-tract storm drain to serve this project. See TTM-20451 **Conceptual** Utility Systems Map.**

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

- 2.45 401 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.
- 2.46 **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.sbcountry.gov/dpw/land/npdes.asp>.**
- 2.47 **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.**
- 2.48 Other conditions: _____

J. SPECIAL DISTRICTS

- 2.49 **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.**
- 2.50 Other conditions: _____

K. FIBER OPTIC

- 2.51 **A fiber optic line is available for connection by this project in SEC Hamner Avenue and The Station. Also, near the SWC of Hamner Avenue and Eucalyptus Avenue. (Ref: Fiber Optic plan bar code: O10516)**
- 2.52 **Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall**



interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole. Generally located SEC Hamner Avenue and The Station. Also, near the SWC of Hamner Avenue and Eucalyptus Avenue.

- 2.53 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: Tract Map No. 20451

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/Parcel Map processing fee



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

FILE NO: PDA22-001

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 Tentative Tract Map 20529 (PMTT22-010), an 11.11 acre property generally located on the east side of Twinkle Avenue approximately 350 feet south of future Chino Avenue, within Planning Areas 4A, 4B, and 4C (Residential – SFD/Attached) land use districts of the Rich-Haven Specific Plan; (APN: 218-161-14) **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. PDA22-001) 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 11.11 acres of land generally located 400 feet southwest of Chino Avenue and Mill Creek Avenue, within Planning Areas 4A, 4B, and 4C (Residential – SFD/Attached) land use districts 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 The Ontario Plan (TOP).

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-

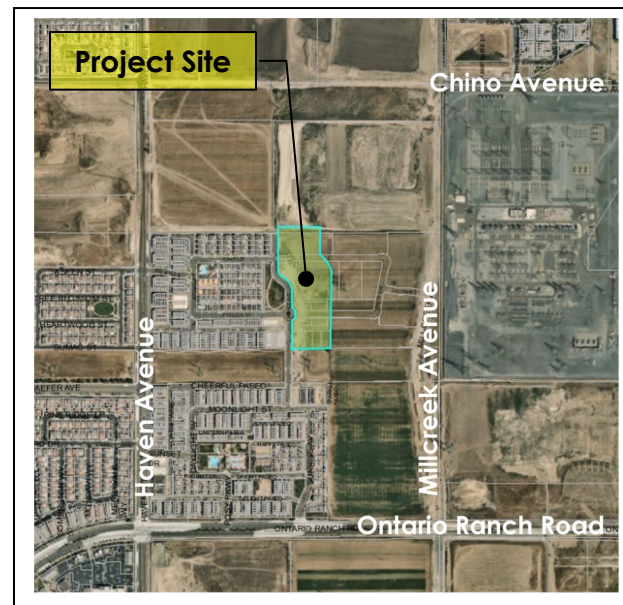



Figure 1: Project Location

Case Planner:	Derrick Womble, Departmental Administrator
Planning Director Approval:	
Submittal Date:	N/A

Hearing Body	Date	Decision	Action
DAB	N/A	N/A	N/A
PC	10/25/2022		Recommend
CC	11/15/2022		Final

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.

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. PDA22-001) 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 11.11 acres of land within Planning Areas 4A, 4B, and 4C (Residential – SFD/Attached) land use districts 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 20529 (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 generally located on the east side of Twinkle Avenue approximately 350 feet south of future Chino Avenue, and proposes to subdivide approximately 11.11 acres of land into three (3) numbered lots and 15 lettered lots, to facilitate the development of 120 multi-family dwelling units, drive aisles, utility easement, public/private streets, landscaped 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, as the Project site is not one of the properties in the Housing Element Sites contained in Table B-1 (Housing Element Sites Inventory) of the Housing Element Technical Report.

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 ("ONT 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 ONT ALUCP. Any special conditions of approval associated with uses in close proximity to the airport are included in the conditions of approval provided with the attached Resolution.

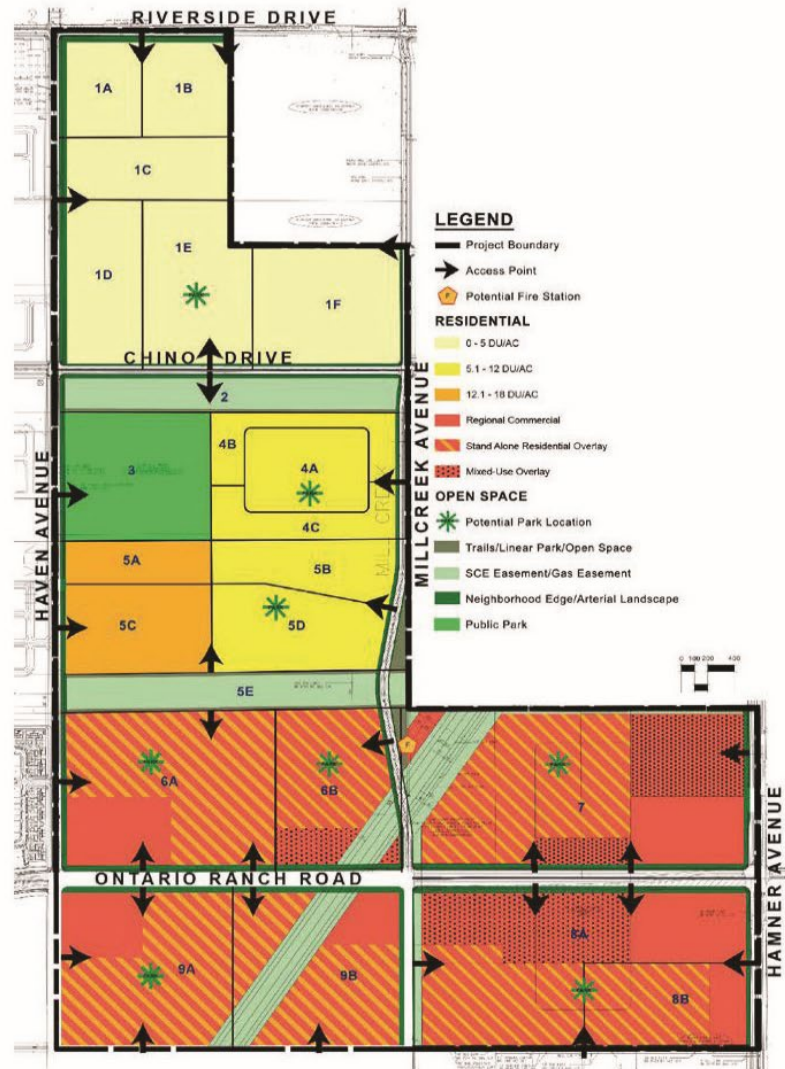
ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with the Rich-Haven Specific Plan (File No. PSP05-004), for which an Environmental Impact Report (State Clearinghouse No. 2006051081) was certified by the City Council on December 4, 2007. This application is consistent with the previously adopted Environmental Impact Report 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 (ONT ALUCP).

Exhibit A—RICH HAVEN SPECIFIC PLAN LAND USE PLAN

RICH HAVEN

3

LAND USE

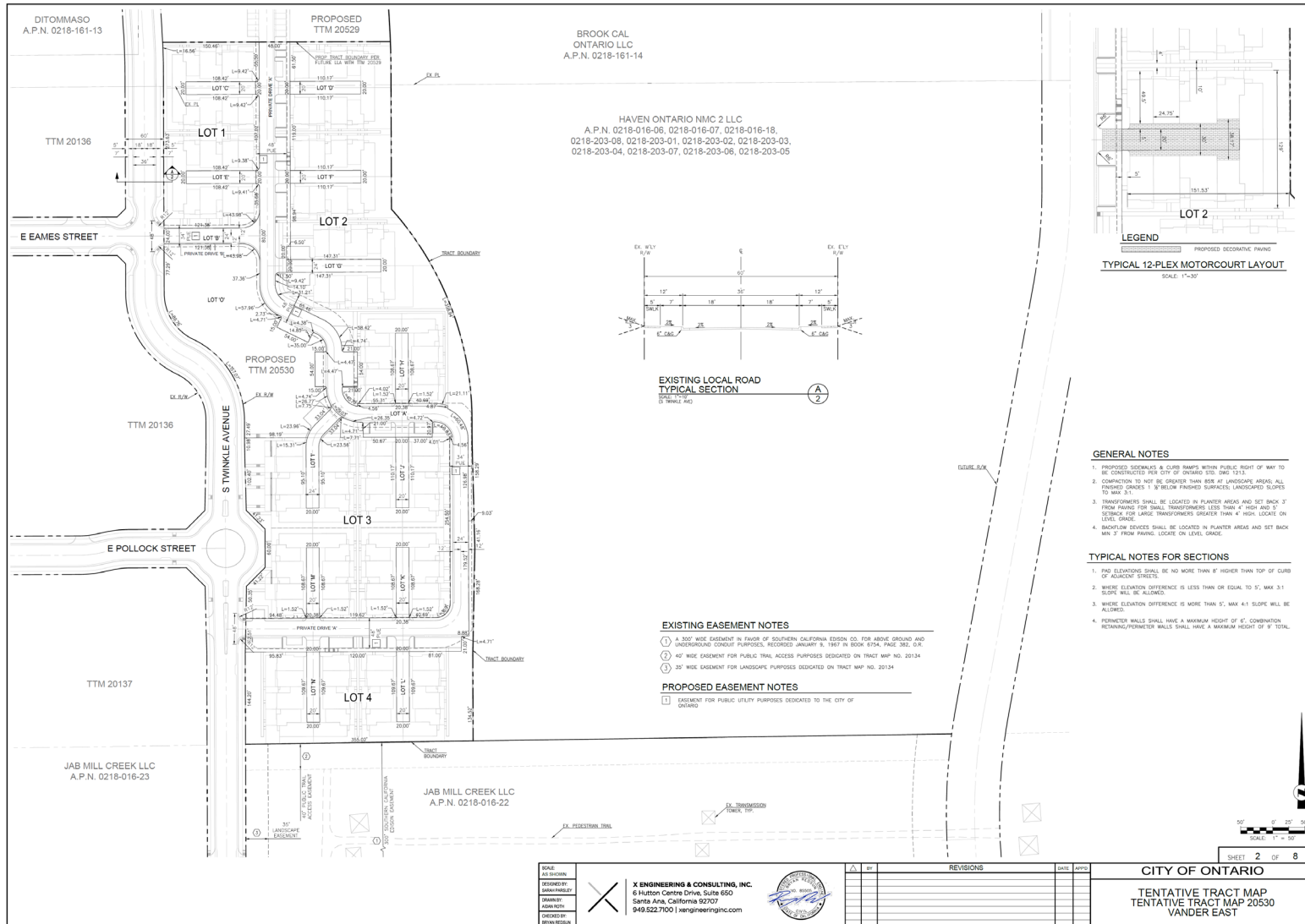


* Circulation pattern for local streets within Specific Plan Area to be established at Tentative Tract Map submittal.
 ** Residential development along the frontage of Haven Avenue within Planning Areas 5A, 5C and 6A and residential development along the frontage of Ontario Ranch Road within Planning 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 + 9B 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

Exhibit B—TENTATIVE TRACT MAP NO. 20529



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE FILE NO. PDA22-001, 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 NO. 20529 (FILE NO. PMTT22-010), AN 11.11 ACRE PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF TWINKLE AVENUE APPROXIMATELY 350 FEET SOUTH OF FUTURE CHINO AVENUE, WITHIN PLANNING AREAS 4A, 4B, AND 4C (RESIDENTIAL – SFD/ATTACHED) LAND USE DISTRICTS OF THE RICH HAVEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-161-14.

WHEREAS, BrookCal Ontario, LLC., ("Applicant") has filed an Application for the approval of a Development Agreement, File No. PDA22-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 11.11 acres of land generally located on the east side of Twinkle Avenue approximately 350 feet south of future Chino Avenue, within Planning Areas 4A, 4B, and 4C (Residential – SFD/Attached) land use districts of the Rich Haven Specific Plan; and

WHEREAS, the Applicant has submitted a Tentative Tract Map 20529 (File No. PMTT22-010) to subdivide approximately 11.11 acres of land into three (3) numbered lots and 15 lettered lots, to facilitate the development of 120 multi-family dwelling units, drive aisles, utility easement, public/private streets, landscaped neighborhood edges and common open space purposes; and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with the Rich-Haven Specific Plan (File No. PSP05-004), for which an Environmental Impact Report (State Clearinghouse No. 2006051081) was certified by the City Council on December 4, 2007. This application is consistent with the previously adopted Environmental Impact Report 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 October 25, 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 the Rich-Haven Specific Plan (File No. PSP05-004), for which an Environmental Impact Report (State Clearinghouse No. 2006051081) was certified by the City Council on December 4, 2007. This application is consistent with the previously adopted Environmental Impact Report 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 body for the Project, the PLANNING COMMISSION finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the Project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the Project site is not one of the properties in the Housing Element Sites contained in Table B-1 (Housing Element Sites Inventory) of the Housing Element Technical Report.

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 11.11 acres of land generally located on the east side of Twinkle Avenue approximately 350 feet south of future Chino Avenue, within Planning Areas 4A, 4B, and 4C (Residential – SFD/Attached) land use districts of the Rich Haven Specific Plan; and

b. The Development Agreement establishes parameters for the development of the Planning Areas 4A, 4B, and 4C Residential – SFD/Attached) land use districts 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 20529 (File No. PMTT22-010) as long as the Owner complies with the terms and conditions of the Specific Plan and EIR. Tentative Tract Map 20529 is generally located on the east side of Twinkle Avenue approximately 350 feet south of future Chino Avenue, and proposes to subdivide 11.11 acres of land into three (3) numbered lots and 15 lettered lots, to facilitate the development of 120 multi-family dwelling units, drive aisles, utility easement, public/private streets, landscaped neighborhood edges and common open space purposes; 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 the Rich-Haven Specific Plan (File No. PSP05-004), for which an Environmental Impact Report (State Clearinghouse No. 2006051081) was certified by the City Council on December 4, 2007; 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.

PDA22-001) attached hereto as "Attachment A," and incorporated herein by this reference.

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

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

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 25th day of October 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. PC22-_____, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on October 25, 2022, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

File No. PDA22-001

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. PDA22-001

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. PDA22-001

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. 20529 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 twelve (12) model units, private common recreation facilities and sales facilities constructed by OWNER prior to the construction of any Production Units and not offered for sale and occupancy for a period of time after the issuance of permits for Production Units.

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

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

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

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

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

1.1.22 "Specific Plan" means that certain specific plan adopted by the City Council, and entitled, "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: 714.200.1550

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

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

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

3.6 Reservations of Authority.

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

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

3.6.2 Subsequent Development Approvals. This Agreement shall not prevent CITY, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations that do not conflict with the Development Plan, nor shall this Agreement prevent CITY from denying or conditionally approving any Subsequent Development 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 for Phase 1 and Phase 2, 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 for Phase 1, as described in Exhibit E and depicted in Exhibit F. OWNER agrees to design, construct, and complete the storm drain improvements for Phase 2, within three (3) years of the issuance of the first building permit for Production Units within Phase 1, as described in Exhibit E and depicted in Exhibit F. In no event shall OWNER be issued occupancy for any Production Unit within Phase 1 until the completion of the storm drain improvements within Phase 2, 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 for Phase 1 and Phase 2 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 for Phase 1, as described in Exhibit E and depicted in Exhibit F.

OWNER agrees to design, construct, and complete the street improvements for Phase 2, within three (3) years of the issuance of the first building permit for Production Units in Phase 1, as described in Exhibit E and depicted in Exhibit F. In no event shall OWNER be issued occupancy for any Production Unit within Phase 1 until the completion of the street improvements within Phase 2, 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 improvements for Phase 1 and Phase 2 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 for Phase 1, 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. OWNER agrees to design, construct, and complete the water and recycled water improvements for Phase 2, within three (3) years of the issuance of the first building permit for Production Units in Phase 1, as described in Exhibit E and depicted in Exhibit F. In no event shall OWNER be issued occupancy for any Production Unit within Phase 1 until the completion of the water and recycled water improvements within Phase 2, as described in Exhibit E and depicted in Exhibit F.

3.7.4 OWNER agrees that development of the Property shall require the extension of sewer improvements for Phase 1 and Phase 2, 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 for Phase 1, as described in Exhibit E and depicted in Exhibit F. OWNER agrees to design, construct, and complete the sewer improvements for Phase 2, within three (3) years of the issuance of the first building permit for Production Units in Phase 1, as described in Exhibit E and depicted in Exhibit F. In no event shall OWNER be issued occupancy for any Production Unit within Phase 1 until the completion of the sewer improvements within Phase 2, 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 for Phase 1 and Phase 2 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 for Phase 1, as described in Exhibit E and depicted in Exhibit F. OWNER agrees to design, construct, and complete the fiber optic improvements for Phase 2, within three (3) years of the issuance of the first building permit for Production Units in Phase 1, as described in Exhibit E and depicted in Exhibit F. In no event shall OWNER be issued occupancy for any Production Unit within Phase 1 until the completion of the fiber optic improvements within Phase 2, as described in Exhibit E and depicted in Exhibit F.

3.7.6 OWNER further acknowledges and agrees that if the Phase 2 infrastructure improvements, as described in Exhibit E and depicted in Exhibit F, are not completed prior to the request of occupancy for Phase 1 Production Units, then OWNER, in order to satisfy the condition of completion of the Phase 2 infrastructure improvements prior to the issuance of occupancy permits for Phase 1 Production Units, shall deposit funds into an escrow account equal to the cost for the Phase 2 improvements (amount subject to the sole discretion of the City Engineer). OWNER's deposit does not alleviate the requirement for OWNER to construct and complete the Phase 2 infrastructure improvements. OWNER shall make their best reasonable efforts to receive right-of-way approvals from Southern California Edison and/or other agencies to complete the Phase 2 infrastructure improvements. OWNER shall provide periodic updates to the CITY every ninety (90) days, or upon written request from the CITY.

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. 20529.

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 Three Dollars Twelve Cents (\$3.12) per square foot of residential development within OWNER’s Project or, if pre-paid as set forth below, Two Dollars Seventy-Four Cents (\$2.74) 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 Three Dollars Twelve Cents Cents (\$3.12) and the Two Dollars Seven

Cents (\$2.74) per square foot amounts shall automatically be increased annually, commencing on July 1, 2023, 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 thirty (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.

4.7.4 Effectiveness of Agreement. Notwithstanding anything set forth in this Agreement, CITY and OWNER each acknowledge, confirm, and agree that (i) the CITY approval of this Agreement and (ii) the effectiveness of this Agreement, in each case, are conditioned upon OWNER's admission to NMC Builders as a "Member" (if not already a Member) thereof pursuant to the terms and conditions of the operating agreement of NMC Builders within thirty (30) days following the Effective Date of this Agreement. OWNER'S failure to maintain membership in NMC Builders LLC is and shall be a Default under this Agreement.

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 \$1,443.71 per Single Family Detached Dwelling Unit, \$1,251.15 per Multiple-Family Dwelling Unit, \$1,048.96 per Gated Apartment Community Dwelling Unit, and \$.27 per square foot for Non-Residential buildings. These amounts shall be subject to an automatic increase at a rate not to exceed four (4%) percent per year, 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:

BEING A PORTION OF PARCEL 2 OF PARCEL MAP NO. 16568, AS PER MAP FILED IN PAGES 24 AND 25 IN PARCEL MAP BOOK NO. 204, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN BERNARDINO COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 6 OF TRACT MAP NO. 20134, AS PER MAP FILED IN BOOK 357, PAGES 23 THROUGH 33, INCLUSIVE, OF TRACT MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID CORNER BEING ON THE SOUTHERLY LINE OF SAID PARCEL MAP NO. 16568; THENCE EASTERLY ALONG SAID SOUTHERLY LINE NORTH 89°37'37" EAST, A DISTANCE OF 355.00 FEET,

THENCE NORTH 00°11'36" WEST, A DISTANCE OF 20.60 FEET, TO THE BEGINNING OF A TANGENT 1385.00 FOOT RADIUS CURVE, CONCAVE WESTERLY;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°13'59", A LENGTH OF 78.15 FEET;

THENCE NORTH 03°25'35" WEST, A DISTANCE OF 99.85 FEET, TO THE BEGINNING OF A TANGENT 615.00 FOOT RADIUS CURVE, CONCAVE EASTERLY;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°14'00", A LENGTH OF 34.71 FEET;

THENCE NORTH 00°11'35" WEST, A DISTANCE OF 761.32 FEET, TO THE NORTHERLY LINE OF SAID PARCEL 2;

THENCE ALONG SAID NORTHERLY LINE, SOUTH 89°58'40" WEST, A DISTANCE OF 385.00 FEET, TO THE EASTERLY LINE OF PARCEL 1 OF SAID PARCEL MAP NO.16568;

EXHIBIT "A" CONTINUED

THENCE SOUTHERLY ALONG SAID EASTERLY LINE, SOUTH 00°11'35" EAST, A DISTANCE OF 946.80 FEET, TO THE SOUTHERLY LINE OF SAID PARCEL 1;

THENCE WESTERLY ALONG SAID SOUTHERLY LINE, SOUTH 89°37'37" WEST, A DISTANCE OF 1168.19 FEET, TO THE CENTERLINE OF HAVEN AVENUE, AS SHOWN ON SAID PARCEL MAP NO. 16568:

THENCE SOUTHERLY ALONG SAID CENTERLINE, SOUTH 00°11'36" EAST, A DISTANCE OF 50.00 FEET, TO THE SOUTHERLY LINE OF SAID PARCEL 2;

THENCE EASTERLY ALONG SAID SOUTHERLY LINE, NORTH 89°37'37" EAST, A DISTANCE OF 1207.01 FEET, TO THE NORTHWEST CORNER OF LOT 6 OF TRACT MAP NO. 20134 AND THE POINT OF BEGINNING.

CONTAINING:

442,924 SQUARE FEET / 10.168 ACRES GROSS, MORE OR LESS.

439,824 SQUARE FEET / 10.097 ACRES NET, MORE OR LESS

SUBJECT TO ALL COVENANTS, CONDITIONS, RESERVATIONS, RESTRICTIONS, RIGHT-OF- WAY AND EASEMENTS OF RECORD, IF ANY.

EXHIBIT "B"
TO DEVELOPMENT AGREEMENT

Map showing Property and its location

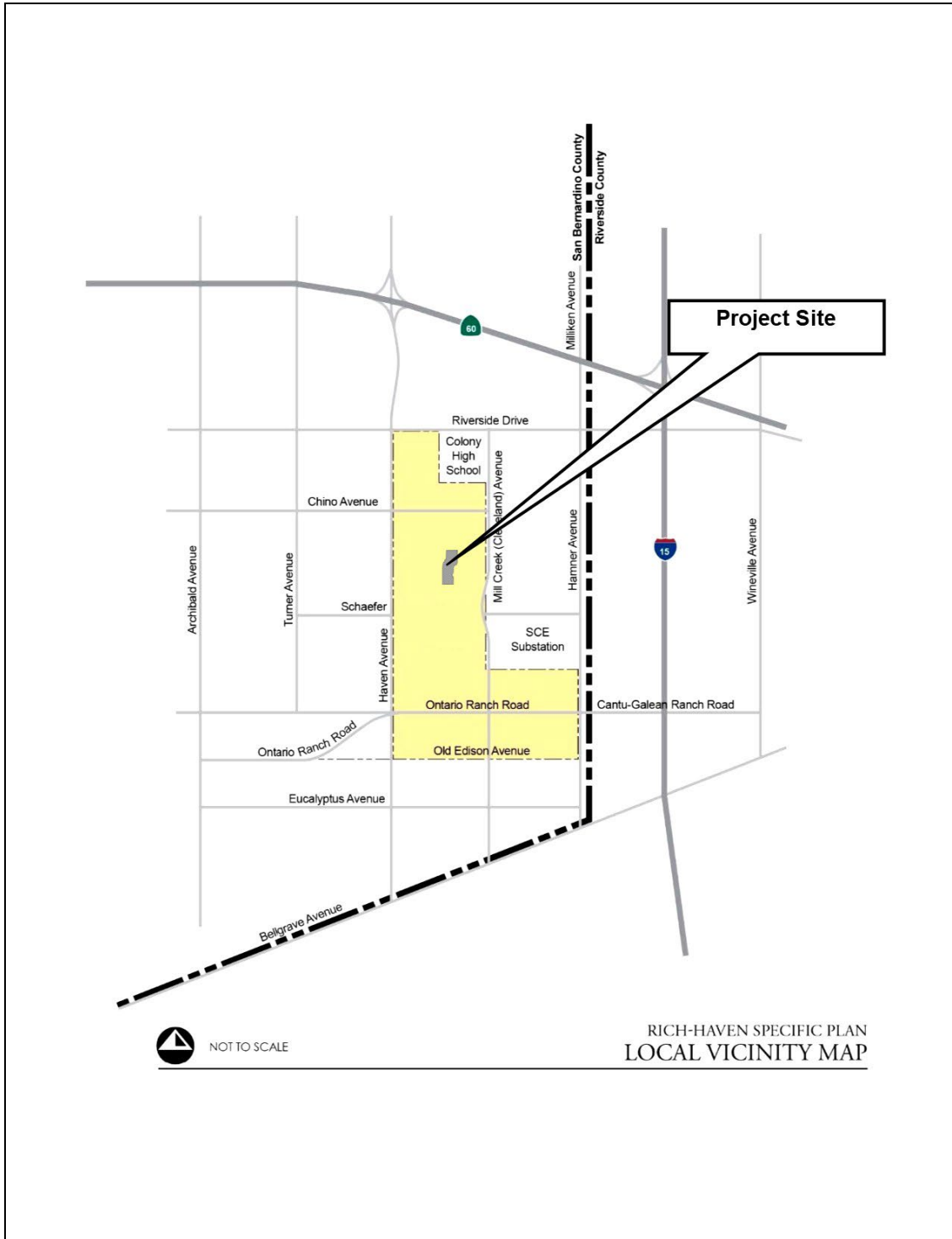


EXHIBIT "C"
TO DEVELOPMENT AGREEMENT

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.

- A) PHASE 1 IMPROVEMENTS include but not limited to the street, water, recycled water, sewer, storm drain, fiber optic, and traffic signal improvements along Twinkle Avenue.

- B) PHASE 2 IMPROVEMENTS include but not limited to the street, water, recycled water, sewer, storm drain, fiber optic, and traffic signal improvements, north on Twinkle Avenue and west along Chino Avenue to Haven Avenue.

- C) If the PHASE 2 IMPROVEMENTS are not completed prior to the request of occupancy for Phase 1 Production Units, then OWNER shall deposit funds into an escrow account equal to the cost for the Phase 2 improvements, subject to the sole discretion of the City Engineer.

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 NOS: PMTT22-009 (TTM 20530) and PMTT22-010 (TTM 20529)

SUBJECT: A public hearing to consider the following entitlements: [1] Tentative Tract Map No. 20530, subdividing 9.19 gross acres of land for condominium purposes, into 4 numbered lots and 15 lettered lots for residential uses, drive aisles, and common open space purposes; and [2] Tentative Tract Map No. 20529, subdividing 11.11 gross acres of land for condominium purposes, into 3 numbered lots and 15 lettered lots for residential uses, drive aisles, utility easement and common open space purposes. The Project site is generally located on the east side of Twinkle Avenue approximately 500 feet north of Moonlight Street, within Planning Areas 4A, 4B, 4C, 5B and 5D (Residential – SFD/Attached) of the Rich Haven Specific Plan (APNs: 0218-016-06, 0218-016-07, 0218-016-18, 0218-203-08, 0218-203-01, 0218-203-02, 0218-203-03, 0218-203-04, 0218-203-07, 0218-203-06, 0218-203-05 and 0218-161-14); **submitted by BrookCal Ontario LLC, Haven Ontario NMC 1 LLC, and Haven Ontario NMC 2 LLC.**

PROPERTY OWNER: BrookCal Ontario LLC, Haven Ontario NMC 1 LLC and Haven Ontario NMC 2 LLC

RECOMMENDED ACTION: That the Planning Commission consider and approve Tentative Tract Map Nos. 20529 and 20530 (File Nos. PMTT22-009 and PMTT22-010), pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval appended to the attached resolutions as “Attachment A.”

PROJECT SETTING: The Project site is comprised of two Tentative Tract Maps totaling 20.3 acres of land generally located on the east side of Twinkle Avenue, approximately 500 feet north of Moonlight Street. Tentative Tract Map No. 20530 is comprised 9.19 acres of land located within Planning Areas 5B, and 5D (Residential – SFD/Attached) of the Rich

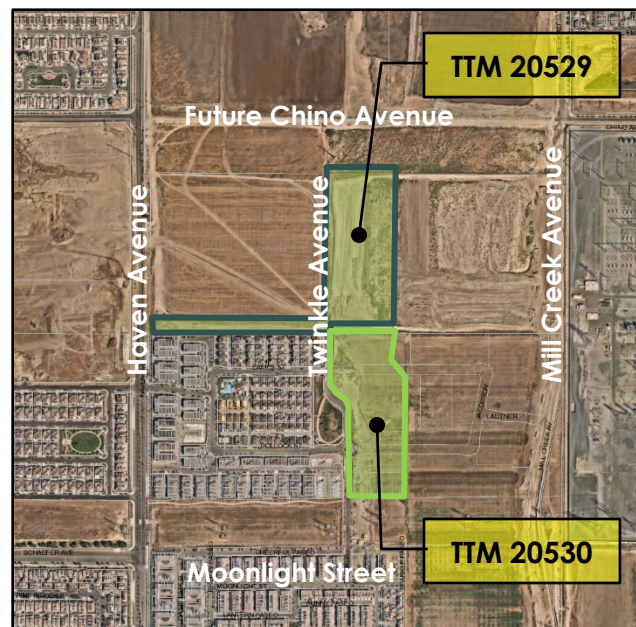



Figure 1: Project Location

Case Planner:	Lorena Mejia
Planning Director Approval:	
Submittal Date:	2/23/2022

Hearing Body	Date	Decision	Action
DAB	10/17/2022	Approval	Recommend
PC	10/25/2022		Final
CC	N/A	N/A	N/A

Haven Specific Plan. Tentative Tract Map No. 20530 is comprised 11.11 acres of land located within Planning Areas 4A, 4B, and 4C (Residential – SFD/Attached) of the Rich Haven Specific Plan. Both Tentative Tract Maps are depicted in Figure 1: Project Location. The area surrounding the Project site is characterized by vacant lands to the east that are planned for future industrial development, a 300-foot wide Southern California Edison utility corridor to the south and north, and a mix of multiple-family, single-family residential development, and future park to the west. 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 April 23, 2019, the Planning Commission approved Tentative Tract Map 20134 (File No. PMTT17-013) to subdivide 80.61 acres of land into 15 numbered lots and 15 lettered lots for residential and public/private streets, landscape neighborhood edges and common open space purposes. Tract Map 20134 served as the "A" map for Planning Areas 5A through 5E of the Rich Haven Specific Plan, which includes the Project site. On June 18, 2019, the City Council adopted Ordinance No. 3136, a Development Agreement (File No. PDA18-005) that established the terms and conditions of infrastructure improvements for Tract Map 20134, which proposed Tentative Tract Map No. 20530 will also be subject to.

On February 23, 2022, two related Tentative Tract Maps, located adjacent to one another, were filed for concurrent processing. Haven Ontario NMC 1 LLC and Haven Ontario NMC 2 LLC submitted Tentative Tract Map No. 20530 (File No. PMTT22-009) and BrookCal Ontario LLC, submitted Tentative Tract Map No. 20529 (File No. PMTT22-010), which are described below. Although, the applications propose two separate tentative tract maps, both maps were designed to function as one community, sharing pedestrian access, parking, circulation, and open space/park amenities. The Tentative Tract Map applications are described as follows:

- File No. PMTT22-009: Tentative Tract Map No. 20530 proposes to subdivide 9.19 gross acres of land for condominium purposes, into 4 numbered lots and 15 lettered lots for residential uses, drive aisles, and common open space purposes for a property generally located on the east side of Twinkle Avenue, approximately 500 feet north of Moonlight Street, within Planning Areas 5B and 5D (Residential – SFD/Attached) of the Rich Haven Specific Plan.

- File No. PMTT22-010: Tentative Tract Map No. 20529 proposes to subdivide 11.11 gross acres of land into 3 numbered lots and 15 lettered lots for residential uses, drive aisles, utility easement and common open space purposes for a property generally located on the east side of Twinkle Avenue, approximately 350 feet south of future Chino Avenue, within Planning Areas 4A, 4B, and 4C (Residential – SFD/Attached) of the Rich Haven Specific Plan.

Additionally, concurrent with the Tentative Tract Map submittals, a Development Agreement (File No. PDA22-001) between the City of Ontario and BrookCal Ontario LLC, was filed to establish the terms and conditions associated with the improvement of Tentative Tract Map 20529.

On October 17, 2022, the Development Advisory Board (“DAB”) of the City of Ontario conducted a hearing to consider Tentative Tract Map Nos. 20529 and 20530. Concluding the hearing, the DAB voted to issue Decision Nos. DAB22-041 and DAB22-042, recommending the Planning Commission approve the Tentative Tract Maps, subject to conditions of approval, which are appended to each Planning Commission resolution as Attachment A.

(2) Tentative Tract Map Nos. 20529 and 20530 — Tentative Tract Map No. 20529 is being subdivided for residential condominium purposes to accommodate twenty, six-unit Row Townhome buildings, for a total 120 units (see Exhibit C1—Tentative Tract Map No. 20529, attached). The Rich Haven Specific Plan requires row townhomes to maintain a minimum unit size of 1,800 square feet. A minimum lot size is not specified for this product type. The proposed lot sizes range from 46,941 to 91,915 square feet, exceeding the minimum requirement.

Tentative Tract Map No. 20530 is being subdivided for residential condominium purposes to accommodate twelve, twelve-unit Courtyard Townhome buildings, for a total of 144 units (see Exhibit C2—Tentative Tract Map No. 20530, attached). The Rich Haven Specific Plan requires courtyard townhomes to maintain a minimum unit size of 1,800 square feet. A minimum lot size is not specified for this product type. The proposed lot sizes range from 38,646 to 95,644 square feet, exceeding the minimum requirement.

(3) Density — The Policy Plan Land Use Map designates the subject site as Medium Density Residential (11.1 to 25 du/ac). The number of units proposed by both Tentative Tract Map No. 20530 and Tentative Tract Map No. 20529 totals 264, which have a combined overall density of 13.0 du/ac, which is consistent with the Rich Haven Specific Plan and the Policy Plan (general plan) component of The Ontario Plan (“TOP”).

(4) Site Access/Circulation — The Project site will have one access point from Twinkle Avenue, which runs north and south along the western frontage of the site. The Tentative Tract Maps will facilitate the construction of the private drive aisles/lanes that will serve the Project site. Both Tentative Tract Maps are 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.

(5) Parking — A parking plan was completed for the proposed Tentative Tract Maps to demonstrate that sufficient parking has been provided throughout the Project site (see Exhibit D—Parking Plan, attached). The product types proposed by the Tentative Tract Maps would require a total of 649 parking spaces, in which 504 of those parking spaces would be provided within a garage. The parking plan demonstrates that a total of 756 spaces will be provided, exceeding the minimum requirements by 107 parking spaces. The additional parking spaces are provided throughout the site as on-street parking and off-street parking spaces distributed along the private drive aisle. The parking plan demonstrates that there will be an average of 2.9 parking spaces per unit, which will adequately 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.

(6) Architecture — Future development of the site will be required to meet all Development Code and Rich-Haven Specific Plan standards regarding building architecture, including style, decorative elements, enhancements, etc.

(7) Landscaping/Open Space — Both Tentative Tract Maps will facilitate the construction of two neighborhood parks, sidewalks, parkways, and open space areas. TOP Policy PR1-1 requires new developments to provide a minimum of 2 acres of Private Park per 1,000 residents. Overall, both maps are required to provide 1.78 acres of parkland to meet the minimum TOP private park requirement, while 2.08 acres of parkland have been provided, exceeding the minimum requirement (see Exhibit E—Open Space, attached). To satisfy the park requirement, the applicant is constructing a 0.5-acre neighborhood park centrally located between the two Tentative Tract Maps and a 0.9-acre park centrally located within Tentative Tract 20530. The proposed pedestrian circulation system provides connectivity to the parks, residential neighborhoods within the Project site, and adjacent communities. Future community park design and amenities will be addressed as part of the Development Plan entitlement process, which will require consistency with the Rich Haven Specific Plan.

(8) Utilities (drainage, sewer) — All major backbone improvements and interior site improvements will be constructed consistent with the proposed Tentative Tract Map and related Development Agreements (approved File No. PDA18-005 and proposed File No. PDA22-001). Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan (“PWQMP”), which establishes the Project’s compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces and maximizes low impact development (“LID”) best management practices (“BMPs”), such as retention and infiltration, biotreatment, and evapotranspiration.

(9) Covenants, Conditions and Restrictions ("CC&Rs") — As a Condition of Approval, staff will require that CC&R's be prepared and recorded with the final map. The CC&R's will outline the maintenance responsibilities for the open space areas, recreation amenities, drive aisles, utilities, and upkeep of the entire site to ensure the on-going maintenance of the common areas and facilities.

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

(1) City Council Goals.

- Maintain the Current High Level of Public Safety
- Operate in a Businesslike Manner
- Pursue City's Goals and Objectives by Working with Other Governmental Agencies
 - Focus Resources in Ontario's Commercial and Residential Neighborhoods
 - Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
 - Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities
 - Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

(2) Vision.

Distinctive Development:

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

(3) Governance.

Decision Making:

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

(4) Policy Plan (General Plan)

Land Use Element:

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
 - LU1-1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.
 - LU1-6 Complete Community: We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario. (Refer to Complete Community Section of Community Economics Element).
- Goal LU2: Compatibility between a wide range of uses.
 - LU2-6: Infrastructure Compatibility: We require infrastructure to be aesthetically pleasing and in context with the community character.

Housing Element:

- Goal H2: Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.
 - H2-4 New Model Colony. We support a premier lifestyle community in the New Model Colony distinguished by diverse housing, highest design quality, and cohesive and highly amenitized neighborhoods.
 - H2-5 Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices, and other best practices.
- Goal H5: A full range of housing types and community services that meet the special housing needs for all individuals and families in Ontario, regardless of income level, age, or other status.

Community Economics Element:

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

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

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

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

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

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

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

Safety Element:

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

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

Community Design Element:

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

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

➤ CD1-3 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.

➤ CD2-13 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, as the project site is not one of the properties in the Housing Element Sites Inventory contained in Figure B-1 of the Housing Element Technical Report Appendix.

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

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with the Rich Haven Specific Plan (File No. PSP05-004), for which an Environmental Impact Report (State Clearinghouse No. 2006051081) was certified by the City Council on December 4, 2007, in conjunction with the approval of File No. PGPA07-001 for the Rich Haven Specific Plan. This Application introduces no new significant environmental impacts, and all previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.

CONDITIONS OF APPROVAL: The departmental Conditions of Approval are appended to the attached resolutions as "Attachment A".

TECHNICAL APPENDIX:

Surrounding Zoning and Land Uses for PMTT22-009:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Rich Haven Specific Plan Land Use</i>
<i>Site</i>	Vacant	(MDR) Medium Density Residential (11.1 – 25 du/ac)	Rich Haven Specific Plan	Planning Areas 5B and 5D - Residential – SFD/Attached (5.1 – 12 du/ac)
<i>North</i>	Vacant	(MDR) Medium Density Residential (11.1 – 25 du/ac)	Rich Haven Specific Plan	Planning Areas 4A, 4B, and 4C - Residential – SFD/Attached (5.1 – 12 du/ac)
<i>South</i>	SCE Easement	Open Space - Non-Recreation (OS-NR)	Rich Haven Specific Plan	Planning Area 5E
<i>East</i>	Vacant	Industrial (0.55 FAR)	Rich Haven Specific Plan	Planning Areas 5B and 5D - Residential – SFD/Attached (5.1 – 12 du/ac)
<i>West</i>	Residential Subdivision	(MDR) Medium Density Residential (11.1 – 25 du/ac)	Rich Haven Specific Plan	Planning Areas 5A and 5C - Residential – SFD/Attached (12.1 – 25.1 du/ac)

Surrounding Zoning and Land Uses for PMTT22-010:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Rich Haven Specific Plan Land Use</i>
<i>Site</i>	Vacant	(MDR) Medium Density Residential (11.1 – 25 du/ac)	Rich Haven Specific Plan	Planning Areas 4A, 4B, and 4C (Residential – SFD/Attached) (5.1 – 12 du/ac)
<i>North</i>	SCE Easement	(OS-NR) Open Space - Non-Recreation	Rich Haven Specific Plan	Planning Area 2 – Open Space – Non Recreation
<i>South</i>	Vacant	(MDR) Medium Density Residential (11.1 – 25 du/ac)	Rich Haven Specific Plan	Planning Areas 5B and 5D - Residential – SFD/Attached (5.1 – 12 du/ac)
<i>East</i>	Vacant	Industrial (0.55 FAR)	Rich Haven Specific Plan	Planning Areas 4A, 4B, and 4C (Residential – SFD/Attached) (5.1 – 12 du/ac)
<i>West</i>	Vacant	(OS-R) Open Space - Parkland	Rich Haven Specific Plan	Planning Area 3 – Public Park

Off-Street Parking:

<i>Product Type (No. of Units)</i>	<i>Required Parking Per Unit</i>	<i>Total Required Parking</i>	<i>Garage Spaces Provided</i>	<i>On-Street, Drive-Aisle & Driveway Parking Spaces</i>	<i>Total Spaces Provided</i>
<u>Rowtown Product:</u> 2- Bedrooms (40 Units) 3- Bedrooms (80 Units)	2 spaces, (80 spaces) 2.5 spaces (200 spaces)	280 spaces	2-car garage (80 spaces) 2-car garage (160 spaces)	48 driveway spaces	288 spaces
<u>Courtyard Product:</u> 1 Bedroom (24 Units) 2 Bedrooms (48 Units) 3 Bedrooms (72 Units)	1.75 spaces (42 spaces) 2 spaces (96 spaces) 2.5 spaces (180 spaces)	318 spaces	1-car garage (24 spaces) 2-car garage (96 spaces) 2-car garage (144 spaces)	147 drive-aisle spaces	411 spaces
Guest Parking (264 Units)	Less than 50 units: 0.25 spaces per unit (13 spaces) 50 to 100 units: 0.20 spaces per unit (10 spaces) More than 100 units: 0.17 spaces per unit (28 spaces)	51 spaces		57 on-street spaces	57spaces
Totals (264 Units)	649 spaces	649 spaces	504 spaces	252 spaces	756 spaces
				2.9 spaces per unit	

Tentative Tract Map Summary:

<i>Item</i>	<i>Tentative Tract Map</i>	<i>Meets Rich Haven Specific Plan Requirements</i>
<i>Total Area Gross (AC)</i>	20.3	N/A
<i>Courtyard Town Home Min. Lot Size (SF)</i>	46,941 SF	Yes (No Min.)
<i>Courtyard Town Home Max. Lot Size (SF)</i>	91,915 SF	Yes (No Max.)
<i>Rowtown Home Min. Lot Size (SF)</i>	71,001 SF	Yes (No Min.)
<i>Rowtown Home Max. Lot Size (SF)</i>	143,694 SF	Yes (No Max.)
<i>Gross Density (du/net ac)</i>	13 du/ac	Yes

Exhibit A—PROJECT LOCATION MAP

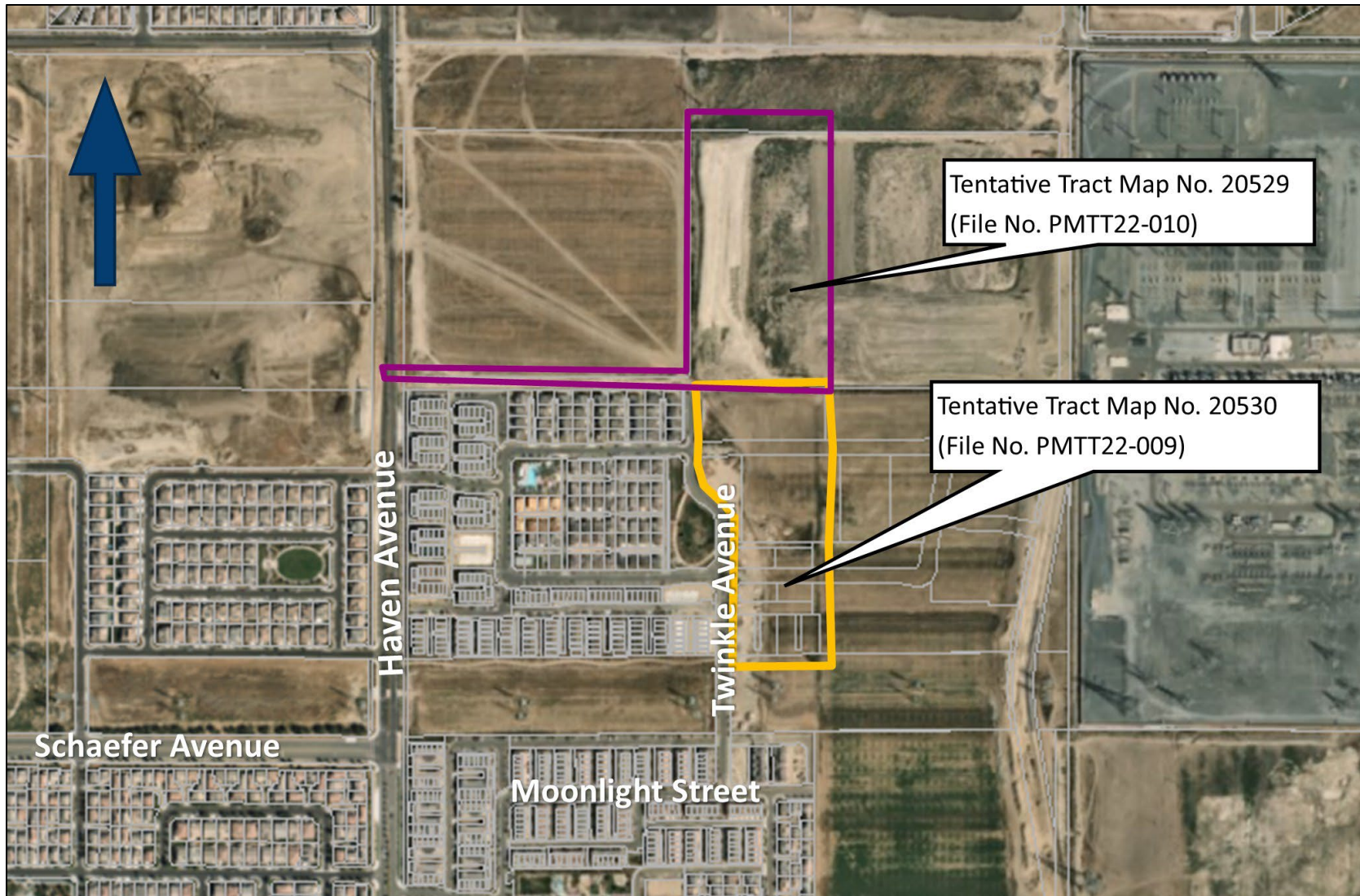
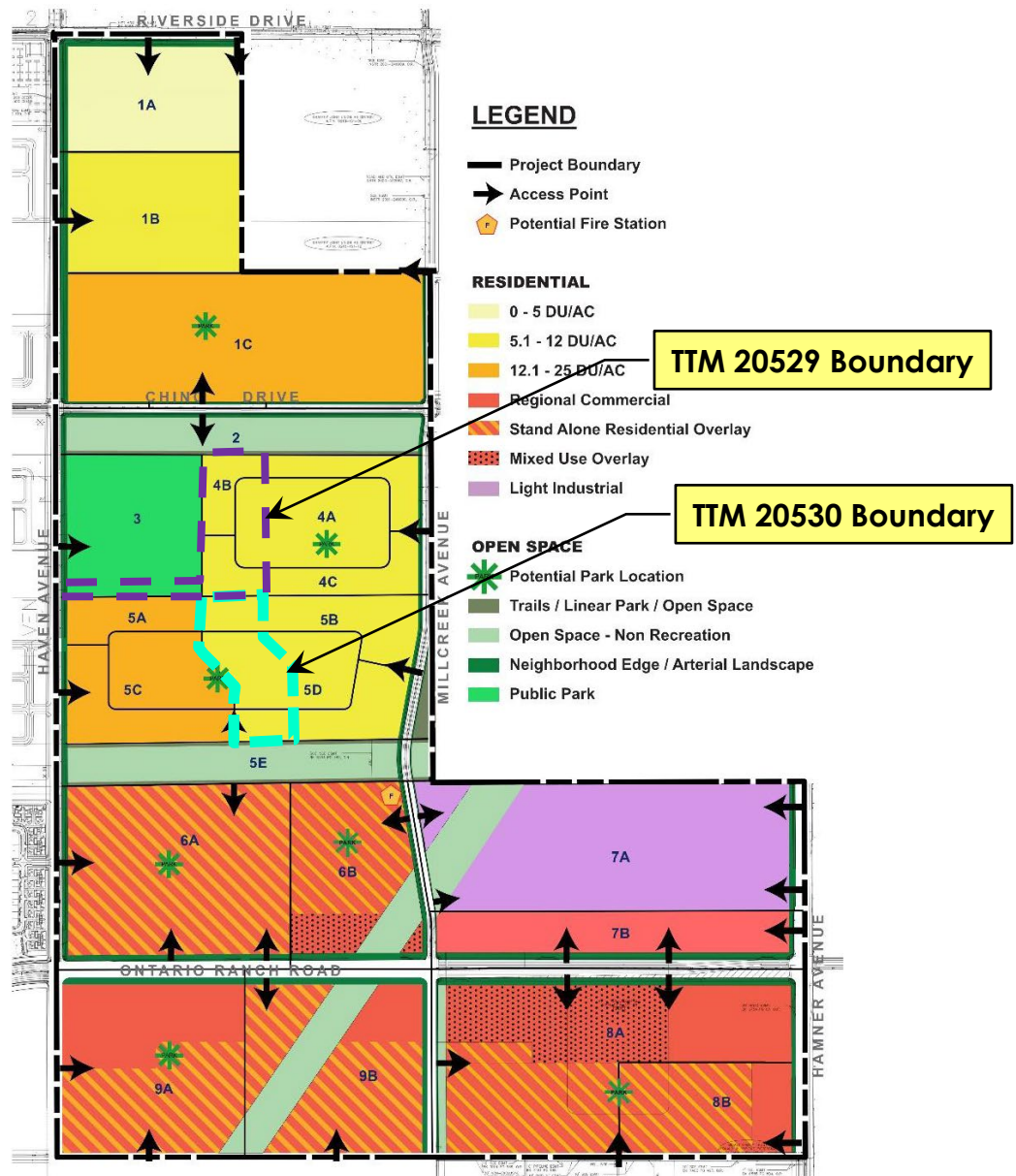


Exhibit B—RICH HAVEN SPECIFIC PLAN LAND USE MAP



* 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 streets 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.

**** Planning Area 7B shall have a minimum depth of 300 feet along Ontario Ranch Road measured from the back of the ROW and Neighborhood Edge.

Exhibit C1—TENTATIVE TRACT MAP NO. 20529

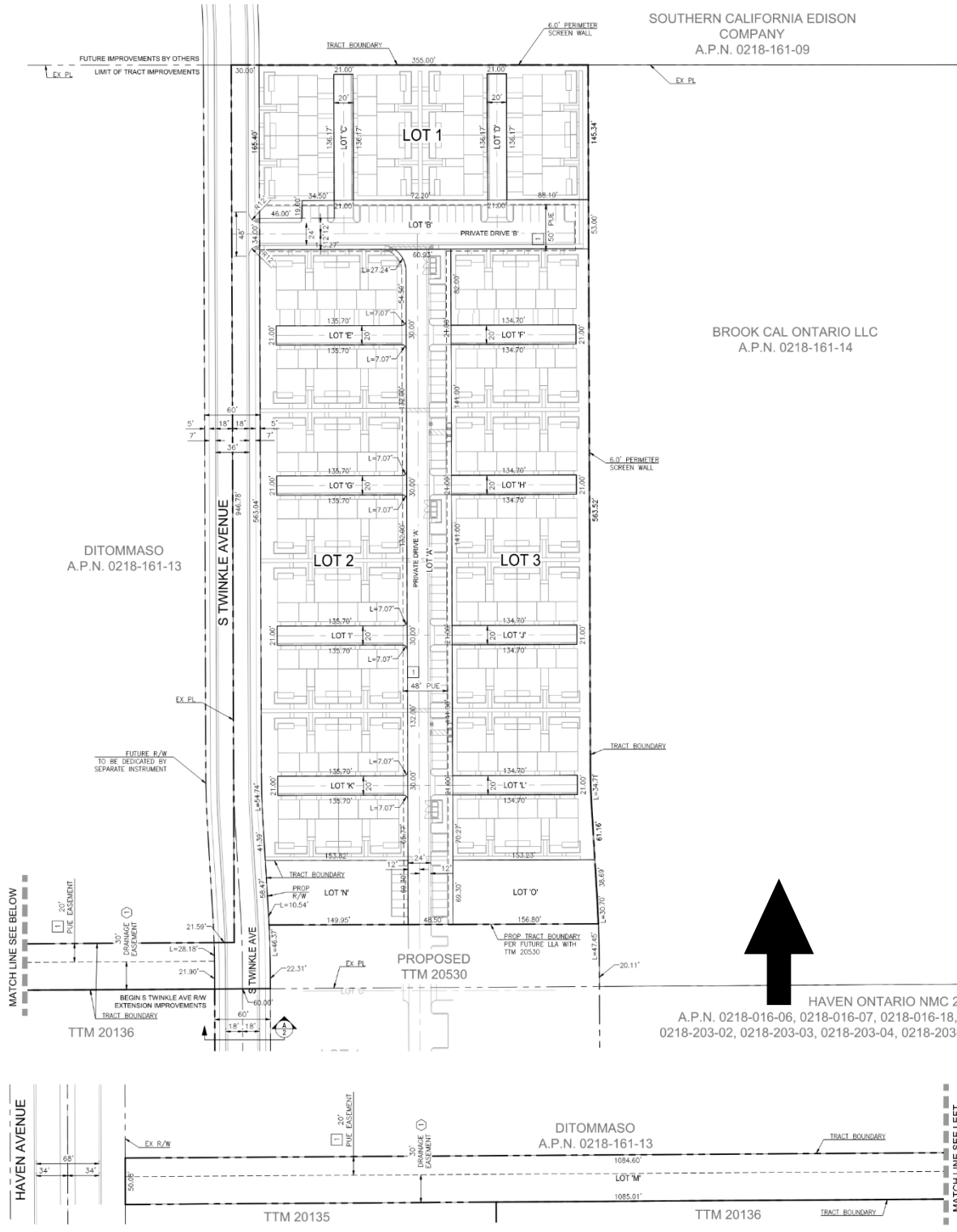


Exhibit C2—TENTATIVE TRACT MAP NO. 20530

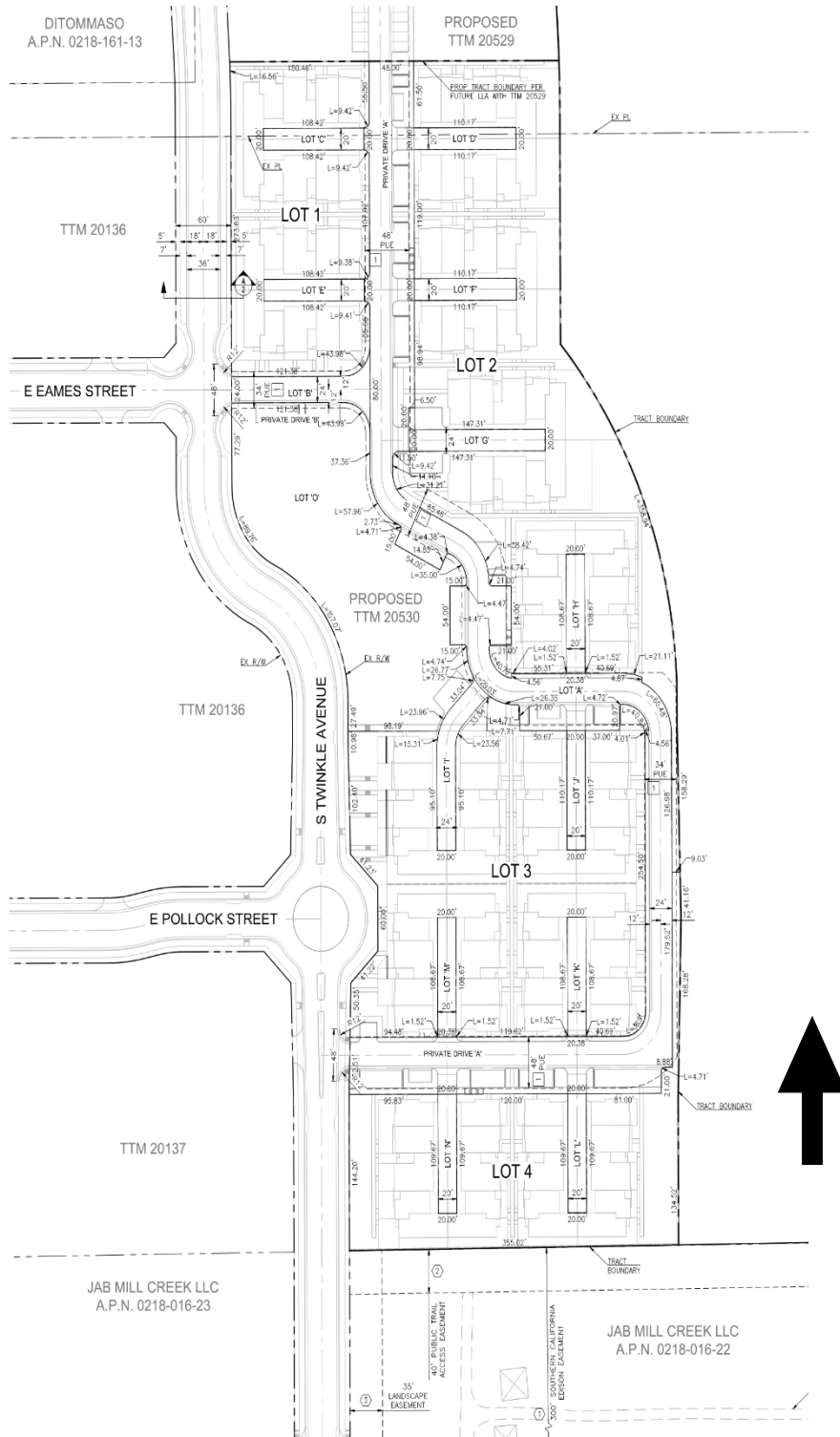


Exhibit D—Parking Plan

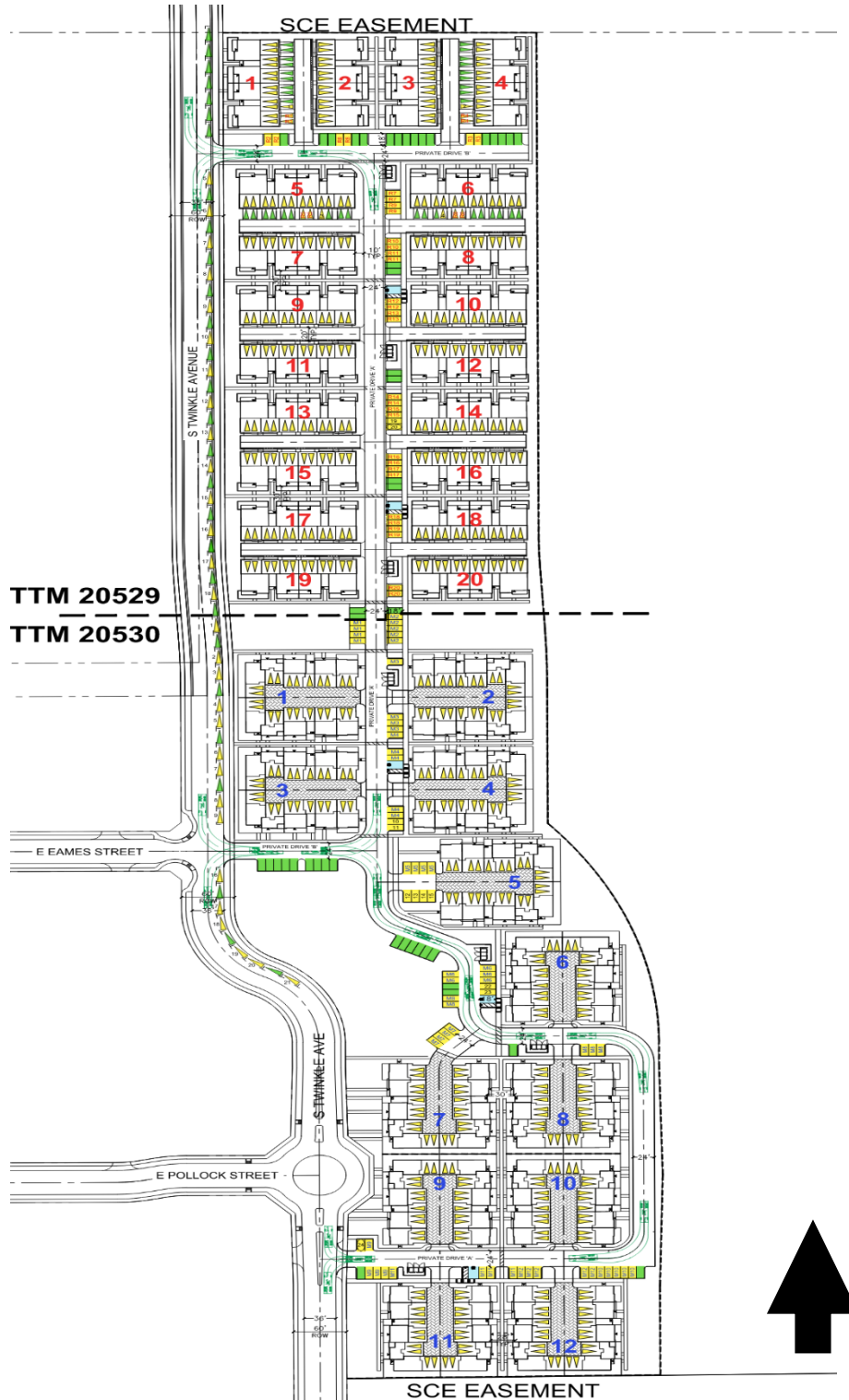


Exhibit E—OPEN SPACE



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 20530 (FILE NO. PMTT22-009), SUBDIVIDING 9.19 GROSS ACRES OF LAND FOR RESIDENTIAL CONDOMINIUM PURPOSES, INTO 4 NUMBERED LOTS AND 15 LETTERED LOTS FOR MULTIPLE-FAMILY RESIDENTIAL USES, COMMON DRIVE AISLES, AND COMMON OPEN SPACE PURPOSES FOR A PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF TWINKLE AVENUE APPROXIMATELY 500 FEET NORTH OF MOONLIGHT STREET, WITHIN PLANNING AREAS 5B AND 5D (RESIDENTIAL – SFD/ATTACHED) OF THE RICH HAVEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN NOS: 0218-016-06, 0218-016-07, 0218-016-18, 0218-203-08, 0218-203-01, 0218-203-02, 0218-203-03, 0218-203-04, 0218-203-07, 0218-203-06, AND 0218-203-05.

WHEREAS, HAVEN ONTARIO NMC 1 LLC AND HAVEN ONTARIO NMC 2 LLC ("Applicant") has filed an Application for the approval of a Tentative Tract Map, File No. PMTT22-009, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 9.19 acres of land generally located on the east side of Twinkle Avenue approximately 500 feet north of Moonlight Street, within Planning Areas 5B and 5D (Residential – SFD/Attached) of the Rich Haven Specific Plan, and is presently vacant; and

WHEREAS, the property to the north of the Project site is within Planning Areas 4A, 4B, and 4C (Residential – SFD/Attached) of the Rich Haven Specific Plan and is presently vacant. The property to the east is within Planning Areas 5B and 5D (Residential – SFD/Attached) of the Rich Haven Specific Plan and is presently vacant. The property to the south is within Planning Area 5E (Open Space - Non-Recreation) of the Rich Haven Specific Plan and is developed with SCE transmission towers and power lines. The property to the west is within Planning Areas 5A and 5C (Residential – SFD/Attached) of the Rich Haven Specific Plan and is presently developed with a residential subdivision that is currently under construction; and

WHEREAS, on February 23, 2022, two Tentative Tract Maps adjacent to each other were filed concurrently. Haven Ontario NMC 1 LLC and Haven Ontario NMC 2 LLC submitted Tentative Tract Map No. 20530 (File No. PMTT22-009) and BrookCal Ontario LLC, submitted Tentative Tract Map No. 20529 (File No. PMTT22-010). Although, there are two proposed separate maps, both maps were designed to function as one community sharing pedestrian access, parking, circulation, and open space/park amenities; and

WHEREAS, the Project site is being subdivided for residential condominium purposes to accommodate the future development of twelve, twelve-unit Courtyard Townhome buildings, for a total of 144 units. The Rich Haven Specific Plan requires courtyard townhomes to maintain a minimum unit size of 1,800 square feet. A minimum lot size is not specified for this product type. The proposed lot sizes range from 38,646 to 95,644 square feet, exceeding the minimum requirement; and

WHEREAS, the Policy Plan Land Use Map designates the subject site as Medium Density Residential (11.1 to 25 du/ac). The total number of units of Tentative Tract Map No. 20530 and Tentative Tract Map No. 20529 is 264 units, which have a combined overall density of 13.0 du/a, which is consistent with the Rich Haven Specific Plan and the Policy Plan (general plan); and

WHEREAS, the Project site will have one access point from Twinkle Avenue, which runs north and south along the western frontage of the site. The Tentative Tract Map will facilitate the construction of the private drive aisles/lanes that will serve the Project site. The Tentative 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; and

WHEREAS, a parking plan was completed for the proposed Tentative Tract Map Nos. 20529 and 20530 to demonstrate that sufficient parking has been provided throughout the Project site. The Tentative Tract Maps proposed product types would require a total of 649 parking spaces, in which 504 of those parking spaces would be provided within a garage. The parking plan demonstrates that a total of 756 spaces will be provided, exceeding the minimum requirements by 107 parking spaces. The additional parking spaces are provided throughout the site as on-street parking and off-street parking spaces distributed along the private drive aisle. The parking plan demonstrates that there will be an average of 2.9 parking spaces per unit, which should be 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; and

WHEREAS, Tentative Tract Map Nos. 20529 and 20530 will share in the construction of two neighborhood parks, sidewalks, parkways, and open space areas. TOP Policy PR1-1 requires new developments to provide a minimum of 2 acres of Private Park per 1,000 residents. The tentative tract maps are required to provide a total of 1.78 acres of parkland to meet the minimum TOP private park requirement, while a total of 2.08 acres of parkland have been provided, exceeding the overall minimum requirement. To satisfy the park requirement, the applicant is constructing a 1/2-acre neighborhood park centrally located between the two Tentative Tract Maps and a 0.9-acre park centrally located within Tract 20530. The proposed pedestrian circulation system provides

connectivity to the parks, residential neighborhoods within the Project site, 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; and

WHEREAS, all major backbone improvements and interior site improvements will be constructed consistent with the proposed Tentative Tract Map and related Development Agreement (File No. PDA18-005). Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan ("PWQMP"), which establishes the Project's compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces and maximizes low impact development ("LID") best management practices ("BMPs"), such as retention and infiltration, biotreatment, and evapotranspiration; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with File No. PSP05-004, the Rich Haven Specific Plan for which an Environmental Impact Report (State Clearinghouse No. 2006051081) — (hereinafter referred to as "Certified EIR") was adopted by the City Council on December 4, 2007, 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 (hereinafter referred to as "ONT ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on October 17, 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. DAB22-041 recommending the Planning Commission approve the Application; and

WHEREAS, on October 25, 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 EIR" and supporting documentation. Based upon the facts and information contained in the previous "Certified EIR" and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were previously reviewed in conjunction with File No. PSP05-004, the Rich Haven Specific Plan, for which a "Certified EIR" was adopted by the City Council on December 4, 2007; and

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making authority for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the Project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Housing Element Sites Inventory contained in Figure B-1 of the Housing Element Technical Report Appendix.

SECTION 4: *Ontario International Airport Land Use Compatibility Plan (“ONT 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 ONT ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as “ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making authority for the Project, the Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT 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 ONT 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 (MDR) Medium Density Residential (11.1 – 25 DU/AC) land use district of the Policy Plan Land Use Map, and Planning Areas 5B and 5D (Residential – SFD/Attached) 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 Map is located within the (MDR) Medium Density Residential (11.1 – 25 du/ac) land use district of the Policy Plan Land Use Map, and the Planning Areas 5B and 5D (Residential – SFD/Attached) 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 Planning Areas 5B and 5D (Residential – SFD/Attached) of the Rich Haven Specific Plan and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.

(4) ***The site is physically suitable for the density/intensity of development proposed.*** The Project site is proposed for residential development at a density of 15.7 du/ac. The Project site meets the minimum lot area and dimensions of Planning Areas 5B and 5D 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 right-of-way improvements proposed on the Project site, are not likely to cause serious public health problems, as the Project is not anticipated to involve the transport, use, or disposal of hazardous materials during either construction or Project implementation, include the use of hazardous materials or volatile fuels, nor are there any known stationary commercial or industrial land uses within close proximity to the subject site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the Project site.

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

SECTION 6: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 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 25th day of October 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 October 25, 2022, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PMTT22-009 (TTM 20530)
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PMTT22-009

Address: east side of Twinkle Avenue approximately 500 feet north of Moonlight Street

APN: 0218-016-06, 0218-016-07, 0218-016-18, 0218-203-08, 0218-203-01, 0218-203-02,

Existing Land Use: Vacant

Proposed Land Use: Tentative Tract Map to subdivide 9.19 gross acres of land for condominium purposes, into 4 numbered lots and 15 lettered lots for residential uses

Site Acreage: 9.19 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: 10/11/22

CD No.: 2022-035

PALU No.: n/a

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

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

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

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

Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

Real Estate Transaction Disclosure required.

Airport Planner Signature:

Date Prepared: 10/17/2022
File No: PMTT22-009 (TTM 20530)
Related Files: PMTT22-010

Project Description: A Tentative Tract Map No. 20530, subdividing 9.19 gross acres of land for condominium purposes, into 4 numbered lots and 15 lettered lots for residential uses, drive aisles, and common open space purposes for a property generally located on the east side of Twinkle Avenue approximately 500 feet north of Moonlight Street, within Planning Areas 5B, 5C, 5D and 5E (Residential – SFD/Attached and Edison Easement) of the Rich Haven Specific Plan. (APNs: 0218-016-06, 0218-016-07, 0218-016-18, 0218-203-08, 0218-203-01, 0218-203-02, 0218-203-03, 0218-203-04, 0218-203-07, 0218-203-06, 0218-203-05 and 218-016-22); **submitted by Haven Ontario NMC 1 LLC and Haven Ontario NMC 2 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. Tentative Tract Map approval shall become null and void 2 years following the effective date of application approval, unless the final parcel/tract map has been recorded, or a time extension has been approved by the Planning Commission pursuant to Development Code Section 2.02.025 (Time Limits and Extensions). This Permit does not supersede any individual time limits specified herein for performance of specific conditions or improvements.

2.2 Subdivision Map.

(a) The Final 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 Landscaping.

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

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

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

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

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

2.5 Covenants, Conditions and Restrictions (CC&Rs)/Mutual Access and Maintenance Agreements.

(a) CC&Rs shall be prepared for the Project and shall be recorded prior to the issuance of a building permit.

(b) The CC&Rs shall be in a form and contain provisions satisfactory to the City. The articles of incorporation for the property owners association and the CC&Rs shall be reviewed and approved by the City.

(c) CC&Rs shall ensure reciprocal parking and access between parcels.

(d) CC&Rs shall ensure reciprocal parking and access between parcels, and common maintenance of:

(i) Landscaping and irrigation systems within common areas;

(ii) Landscaping and irrigation systems within parkways adjacent to the project site, including that portion of any public highway right-of-way between the property line or right-of-way boundary line and the curb line and also the area enclosed within the curb lines of a median divider (Ontario Municipal Code Section 7-3.03), pursuant to Ontario Municipal Code Section 5-22-02;

(iii) Shared parking facilities and access drives; and

(iv) Utility and drainage easements.

(e) CC&Rs shall include authorization for the City's local law enforcement officers to enforce City and State traffic and penal codes within the project area.

(f) The CC&Rs shall grant the City of Ontario the right of enforcement of the CC&R provisions.

(g) A specific methodology/procedure shall be established within the CC&Rs for enforcement of its provisions by the City of Ontario, if adequate maintenance of the development does not occur, such as, but not limited to, provisions that would grant the City the right of access to correct maintenance issues and assess the property owners association for all costs incurred.

2.6 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.

2.7 Environmental Requirements.

(a) 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).

(b) 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.

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

2.9 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.

2.10 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.

2.11 Additional Requirements.

(a) All applicable conditions of approval of Development Agreement (File No. PDA18-005) 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.

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT

CD No.: 2022-035
PALU No.: _____

PROJECT CONDITIONS

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the Airport Land Use Compatibility Plan (ALUCP) for ONT. The applicant is required to meet the Real Estate Transaction Disclosure in accordance with California Codes (Business and Professions Code Section 11010-11024). New residential subdivisions within an Airport Influence Area are required to file an application for a Public Report consisting of a Notice of Intention (NOI) and a completed questionnaire with the Department of Real Estate and include the following language within the NOI:

NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.



CITY OF ONTARIO

MEMORANDUM

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

FROM: Lorena Mejia, Senior Planner

DATE: March 01, 2022

SUBJECT: FILE #: PMTT22-009

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 (TT 20530) for condominium purposes, to subdivided 8.3 acres of land into 4 numbered lots and 15 lettered lots, to facilitate the development of 144 multi-family dwellings located northeast of Pollock Street and Twinkle Avenue, within PA-5 of the Rich-Haven Specific Plan (APN(s): 218-016-06, 218-016-07, 218-016-18, 218-203-08, 218-203-01, 218-203-02, 218-203-03, 218-203-04, 218-203-07, 218-203-06 & 218-203-05).

- 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.

Broadband Operations
Department

Cameron Chadwick
Signature

Title

03/29/2022
Date

CITY OF ONTARIO
BROADBAND OPERATIONS
303 East "B" Street, Ontario, CA 91764

CONDITIONS OF APPROVAL	
Sign Off	
Broadband Operations	3/08/22

Reviewer's Name Cameron Chadwick	Phone 909-395-2090
File #	Project Engineer:
Project Name and Location:	
Sent to:	

<input type="checkbox"/>	Plan does adequately address the departmental concerns at this time. No Comments.
<input checked="" type="checkbox"/>	Plan does adequately address the departmental concerns at this time. Report below.
<input type="checkbox"/>	Plan does not adequately address the departmental concerns. The conditions contained below must be met prior to scheduling for Development Advisory Board.

Req'd for Project	CONDITIONS OF APPROVAL -	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. Project shall be designed and constructed 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 in the Right-of-Way (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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. Contractor is responsible for locating and connecting conduit to existing OntarioNet hand holes on adjacent properties within a reasonable distance. There should be no "Gaps" in conduit between the contractor's development and the adjacent property. OntarioNet hand holes are typically located in the ROW at the extreme edge of a property.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. Where a joint telcom or street light street crossing is required, include (2) 2" hdpe sdr-11 conduits or (1) 4" schedule 80 conduit sleeve. Terminate the street crossing conduit(s) in a new HH-3/22 ontarionet hand hole in the right of way
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4. The City requires a public utility easement for fiber optics on all private aisles/alley ways.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5. Hand holes - Design and install OntarioNet fiber optic hand hole HH-2 (17x30x24), HH-2A (24x36x30), HH-3 (30x48x36) and/or HH-4 (36x60x36) as needed. Respectively Newbasis Part # PCA-173024-90116, PCA-243630-90064, PCA-304836-90244 and PCA-366036-90146 per City Standard 1316. Conduits sweeping into hand holes shall enter in flush with the cut-out mouse holes aligned parallel to the bottom of the box and come in perpendicular to the wall of the box. Conduits shall not enter at any angle other than parallel. Provide 5 foot minimum clearance from existing/proposed utilities. All hand holes will have ¼-inch galvanized wire between the hand holes and the gravel it is placed on.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6. ROW Conduit – Design and install fiber optic conduit at a minimum depth of 36-inch. Trenching shall be per City Standard 1306. Install (1) 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct and (1) 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange with Black Stripe) duct. Conduit(s) between ROW hand holes and hand holes on private property shall be 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct.
<input type="checkbox"/>	<input type="checkbox"/>	7. Building Entrance (Single Family) – Design and install 0.75-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct from hand holes on property or hand holes in the ROW. Consult City's Fiber Team for design assistance.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8. Building Entrance (Multi-family and Commercial) - From the nearest handhole to the building entrance, design and install fiber optic conduit at a minimum depth of 36-inches. Trenching shall be per City Standard for Commercial Buildings. (1) 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct. Install locate/tracer wires minimum 12AWG within conduit bank and fiber warning tape 18-inch above the uppermost duct

Req'd for Project	CONDITIONS OF APPROVAL -	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9. Multi-family and commercial properties shall terminate conduit in an electrical room adjacent to the wall no less than five inches above the finished floor. A 20" width X length 36" space shall be reserved on the plywood wall for OntarioNet equipment. This space shall be labeled "OntarioNet Only". Ontario Conduit shall be labeled "OntarioNet"
<input checked="" type="checkbox"/>	<input type="checkbox"/>	10. A minimum 1.5-inch joint use telecommunications conduit with pull-rope from the multi-family or commercial building communal telecomm/electrical room/closet to each multi-family or commercial building unit shall be installed. See Structured Wiring Checklist on City's website for additional details.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11. Warning Tape - Contractor shall supply and install an approved non-detectable warning tape 18-inch above the uppermost conduit when backfilling trenches, pits or excavations greater than 10' in length. Warning Tape shall be non-detectable, Orange in color, 4-inch minimum width, 4 mil, 500% minimum elongation, with bold printed black letters "CAUTION - BURIED FIBER OPTIC CABLE BELOW" printed in bold black lettering no less than 2-inch high.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12. All hand holes, conduits, conduit banks, materials and installations are per the City's Fiber Optic Master Plan and City Fiber Optic Cable and Duct Standards. All hand holes, conduits and ducts shall be placed in the public right of way.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13. All unused conduits/ducts/microducts shall be protected with duct plugs that provide a positive seal. Ducts that are occupied shall be protected with industry accepted duct seal compound.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14. Locate/Tracer Wire - Conduit bank requires (1) 12AWG high strength (minimum break load 452#) copper-clad steel with 30mil HDPE orange insulation for locate/tracer wire. Contact City's Fiber Team for tracer wire specifications and see note 8.
<input type="checkbox"/>	<input type="checkbox"/>	15. Developer to install 3 inch SCE conduit stub for future City fiber optic meter pedestal within an 8-foot wide, 5-foot deep reserved area for City fiber optic network cabinet. A 3-foot clearance must be maintained around the cabinet and the meter. HH4 shall be placed near the reserved area for cable entrance to network cabinet. The pedestal and network cabinet will be supplied and installed by the City. The service submittal to SCE will be coordinated by the City.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	16. Multi-family dwellings are considered commercial property.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	17. Refer to the In-tract Fiber Network Design guideline on the City's website for additional in-tract conduit guidelines.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	18. Please contact City's Fiber Team at OntarioNet@ontarioca.gov for conduit design assistance.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	19. For additional information please refer to the City's Fiber Optic Master Plan.
<input type="checkbox"/>	<input type="checkbox"/>	20. Please see attached corrections.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	21. Please provide plans in digital format (PDF) on future revisions.

DITOMMASO
A.P.N. 0218-161-13

TTM 20529

TTM 20136

LOT 1

LOT 2

E EAMES STREET

PROPOSED
TRACT
20530

TTM 20136

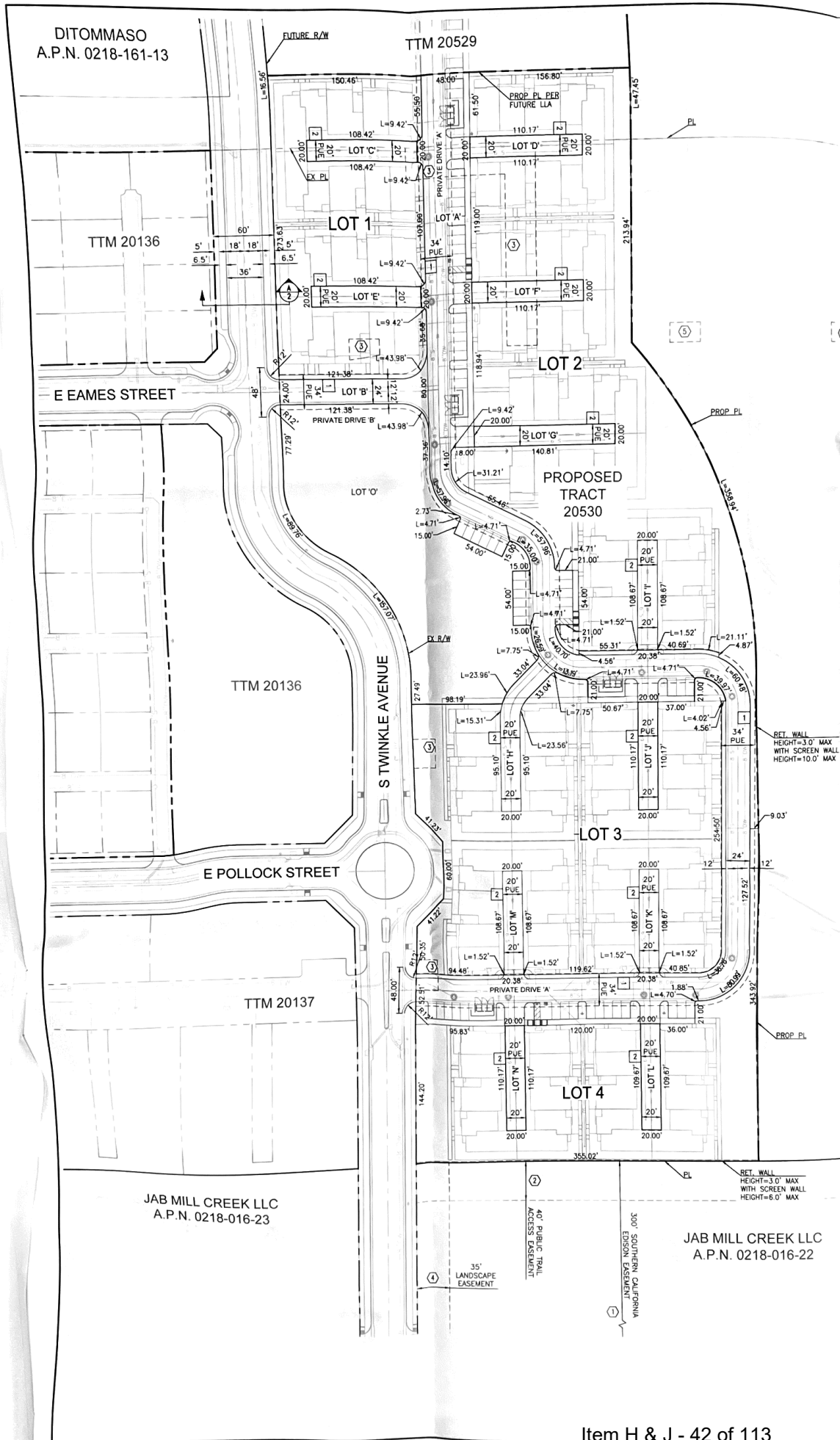
S TWINKLE AVENUE

E POLLOCK STREET

TTM 20137

JAB MILL CREEK LLC
A.P.N. 0218-016-23

JAB MILL CREEK LLC
A.P.N. 0218-016-22





CITY OF ONTARIO

MEMORANDUM

TO: Lorena Mejia, Senior Planner
Planning Department

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

DATE: March 6, 2022

SUBJECT: PMTT22-009 - A Tentative Tract Map (TT 20530) for condominium purposes, to subdivided 8.3 acres of land into 4 numbered lots and 15 lettered lots, to facilitate the development of 144 multi-family dwellings located northeast of Pollock Street and Twinkle Avenue, within PA-5 of the Rich-Haven Specific Plan (APN(s): 218-016-06, 218-016-07, 218-016-18, 218-203-08, 218-203-01, 218-203-02, 218-203-03, 218-203-04, 218-203-07, 218-203-06 & 218-203-05).

-
- 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
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): Various
- D. Number of Stories: Two Story
- E. Total Square Footage: Various
- F. 2019 CBC Occupancy Classification(s): R-3

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.

Note: Due to the length of the private drive, private fire hydrants may be required.



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
Rudy Zeledon, Planning Director (Copy of memo only)
Diane Ayala, Advanced Planning Division (Copy of memo only)
Charity Hernandez, Economic Development
James Caro, Building Department
Raymond Lee, Engineering Department
Jamie Richardson, Landscape Planning Division
Dennis Mejia, Municipal Utility Company
Jeremy Phillips, Police Department
Paul Ehrman, Deputy Fire Chief/Fire Marshal
Jay Bautista, Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Tricia Espinoza, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IT Department
Ben Mayorga, Integrated Waste

Revision #1

FROM: Lorena Mejia, Senior Planner

DATE: July 26, 2022

SUBJECT: FILE #: PMTT22-009

Finance Acct#:

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

PROJECT DESCRIPTION: A Tentative Tract Map (TT 20530) for condominium purposes, to subdivided 8.3 acres of land into 4 numbered lots and 15 lettered lots, to facilitate the development of 144 multi-family dwellings located northeast of Pollock Street and Twinkle Avenue, within PA-5 of the Rich-Haven Specific Plan (APN(s): 218-016-06, 218-016-07, 218-016-18, 218-203-08, 218-203-01, 218-203-02, 218-203-03, 218-203-04, 218-203-07, 218-203-06 & 218-203-05).

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

No comments

See previous report for Conditions

Report attached (1 copy and email 1 copy)

Standard Conditions of Approval apply

The plan does not adequately address the departmental concerns.

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

Department

Signature

Title

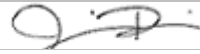
Date

Landscape Planning Division *J.R.* Sr. Landscape Planner
8/30/22

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

TRACT MAP CONDITIONS OF APPROVAL

Sign Off



Jamie Richardson, Sr. Landscape Planner

08/30/2022

Date

Reviewer's Name:
Jamie Richardson, Sr. Landscape Planner

Phone:
(909) 395-2615

D.A.B. File No.:
PMTT22-009

Related Files:

Case Planner:
Lorena Mejia

Project Name and Location:

Tentative Tract Map for Condo Purpose
Tract 20530

Applicant/Representative:

Richland Developers, Inc. – Craig Christina (949) 383-4124 ccristina@richlandcommunitieis.com
3161 Michelson Drive, Suite 425
Irvine, CA 92612



A Tentative Tract/Parcel Map (dated 07/26/2022) has been approved considering that the following conditions below be met upon submittal of the landscape construction documents.



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

CORRECTIONS REQUIRED

Provide conceptual plans that address the following items prior to the approval of the Tract Map if the Development plan is not submitted concurrently:

1. Note decorative paving for all motor courts.
2. 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 the playground. Consider Nature-inspired equipment from Landscape Structures, Play World, etc. Consider a small splash pad in the play area, if possible
3. Show conceptual grading to verify slopes and steps.
4. Note corner ramp and sidewalk per city standard drawing 1213 with max 10' or 13' of ramp and sidewalk behind at corners.
5. Corners; verify dimension and grade for required monumentation (see Specific Plan for detail). Adjacent walls shall not interfere with required monumentation.
6. Show and identify any on-site stormwater infiltration areas or stormwater infiltration devices proposed in parkways or other landscape areas.

7. New 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.
8. Parking spaces shall include end island planters for shade trees.

On Grading or Utility Construction Plans:

9. 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.
10. Note decorative paving for all motor courts, including the lots facing the parking rows aisles.
11. Note for compaction to not be greater than 85% at landscape areas; all finished grades 1 ½" below finished surfaces; landscaped slopes to be max 3:1.
12. 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. Coordinate with landscape plans. Locate on level grade.
13. 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.
14. 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.
15. Show light standards 15' away from required tree locations.
16. Wall footings shall not restrict landscape; max 12" in front of footing with 12" of cover.
17. 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.
18. AC units shall be located in areas that allow for landscape screening if visible from the street.
19. Stormwater infiltration devices located in landscape areas shall be reviewed and approved by the Landscape Planning Division before installation.
20. Provide a tree inventory for existing trees, including 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.
21. 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.
22. After a project's entitlement approval, the applicant shall pay all applicable fees at a rate established by resolution of the City Council.



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
 Rudy Zeledon, Planning Director (Copy of memo only)
 Diane Ayala, Advanced Planning Division (Copy of memo only)
 Charity Hernandez, Economic Development
 James Caro, Building Department
 Raymond Lee, Engineering Department
 Jamie Richardson, Landscape Planning Division
 Dennis Mejia, Municipal Utility Company
 Gabriel Gutierrez, Police Department *Jeremy Phillips*
 Paul Erhman, Deputy Fire Chief/Fire Marshal
 Jay Bautista, Traffic/Transportation Manager
 Lorena Mejia, Airport Planning
 Eric Woosley, Engineering/NPDES
 Angela Magana, Community Improvement (Copy of memo only)
 Jimmy Chang, IPA Department
 Ben Mayorga, Integrated Waste

FROM: Lorena Mejia, Senior Planner

DATE: March 01, 2022

SUBJECT: FILE #: PMTT22-009

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 (TT 20530) for condominium purposes, to subdivided 8.3 acres of land into 4 numbered lots and 15 lettered lots, to facilitate the development of 144 multi-family dwellings located northeast of Pollock Street and Twinkle Avenue, within PA-5 of the Rich-Haven Specific Plan (APN(s): 218-016-06, 218-016-07, 218-016-18, 218-203-08, 218-203-01, 218-203-02, 218-203-03, 218-203-04, 218-203-07, 218-203-06 & 218-203-05).

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

POLICE DEPARTMENT *ANTONIO GALBAN* *POLICE OFFICER* *3/7/22*
 Department Signature Title Date



**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-20530 RELATED FILE NO(S). PMTT22-009	
<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: October 17, 2022

PROJECT NAME / DESCRIPTION: TM-20530, a Tentative Tract Map for condominium purposes to subdivide 8.3 acres of land into three (4) numbered lots and 15 lettered lots, to facilitate the development of 144 multi-family dwellings, within PA-5 of the Rich Haven Specific Plan

LOCATION: Northeast of Pollock St and Twinkle Ave

APPLICANT: Richland Communities

REVIEWED BY: Raymond Lee 10/13/22
 Raymond Lee, P.E. Date
 Assistant City Engineer

APPROVED BY: [Signature] 10.13.22
 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 HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE CHECKED. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO FINAL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT.

1. PRIOR TO FINAL MAP APPROVAL, APPLICANT SHALL:		Check When Complete
<input type="checkbox"/>	1.01 Dedicate to the City of Ontario, the right-of-way, described below: _____ feet on _____ Property line corner 'cut-back' required at the intersection of _____ and _____.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	1.02 Dedicate to the City of Ontario, the following easement(s): A. 34-48 feet wide varies easement for public utility purposes along Private Drive 'A' B. 34 feet wide easement for public utility purposes along Private Drive 'B'	<input type="checkbox"/>
<input type="checkbox"/>	1.03 Restrict vehicular access to the site as follows: _____	<input type="checkbox"/>
<input checked="" type="checkbox"/>	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. B. E Eames St from Twinkle Ave to easterly tract boundaries C. E Pollock St from Twinkle Ave to easterly tract boundaries	<input type="checkbox"/>
<input type="checkbox"/>	1.05 Submit a copy of a recorded private reciprocal use agreement or easement. The agreement or easement shall ensure, at a minimum, common ingress and egress and joint maintenance of all common access areas and drive aisles.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	1.06 Provide (original document) Covenants, Conditions and Restrictions (CC&Rs) as applicable to the project and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&Rs shall provide for, but not be limited to, common ingress and egress, joint maintenance responsibility for all common access improvements, common facilities, parking areas, utilities, median and landscaping improvements and drive approaches, in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project. The CC&Rs shall also address the maintenance and repair responsibility for public improvements/utilities (sewer, water, storm drain, recycled water, etc.) located within open space/easements. In the event of any maintenance or repair of these facilities, the City shall only restore disturbed areas to current City Standards.	<input type="checkbox"/>
<input type="checkbox"/>	1.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at http://tceplumecleanup.com/), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658 .	<input type="checkbox"/>



- 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.ontarioca.gov) 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. Record Lot Line Adjustments 22-004, 22-005 and 22-06. Additionally, record Conforming Deeds with the County of San Bernardino within six months of the recordation of the Lot Line Adjustments to conform the new LLA legal description. Submit a copy of the recorded Conforming Deeds to the Engineering Department.
- 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. 20530.
- 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. 20530 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: _____



- 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 and the DIF rate at the time of payment.**
- 2.17 Other conditions: _____



B. PUBLIC IMPROVEMENTS

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

- 2.18 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	Twinkle Ave	All Private Drives	Street 3	Street 4
Curb and Gutter	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input checked="" type="checkbox"/> New <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 (A) <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input 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
Parkway	<input checked="" type="checkbox"/> Trees (A) <input checked="" type="checkbox"/> Landscaping (w/irrigation) (A)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Fire Hydrant	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation



Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input 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	<input type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Storm Drain (see Sec. 2G)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Fiber Optics (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input 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. East side along project frontage
- B. All utilities and infrastructure shall be designed and installed to the ultimate condition

2.19 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s): _____



- 2.20 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.
- 2.21 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.
- 2.22 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892). Developer may pay in-lieu fee, approximately _____, for undergrounding of utilities in accordance with Section 7-7.302.e of the City's Municipal Code.
- 2.23 Other conditions: _____

C. SEWER

- 2.24 **A 8 inch sewer main is available for connection by this project in Twinkle Ave. (Ref: Sewer plan bar code: S16445)**
- 2.25 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.26 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.
- 2.27 **Other conditions:**
See OMUC Conditions of Approval attached.

D. WATER

- 2.28 **A 8 inch water main is available for connection by this project in Twinkle Ave. (Ref: Water plan bar code: W16594)**
- 2.29 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.30 **Other conditions:**
See OMUC Conditions of Approval attached.

E. RECYCLED WATER

- 2.31 A _____ inch recycled water main is available for connection by this project in _____. (Ref: Recycled Water plan bar code: _____)
- 2.32 Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.
- 2.33 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.
- 2.34 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.



- 2.35 Other conditions:
See OMUC Conditions of Approval attached.

F. TRAFFIC / TRANSPORTATION

- 2.36 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
- 2.37 New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.
- 2.38 Other conditions:
A. If street chokers along Twinkle Avenue have not been constructed at the time of development of PMTT22-009, Street chokers along Twinkle Avenue shall be designed and constructed in accordance with City Standard Drawing No. 1110.
B. As currently proposed, Private Drive 'A' onto Twinkle Avenue shall be restricted to right-in/right-out ingress/egress due to the raised median approaching the roundabout.
C. Parking shall be restricted with signs along chokers per City Standard Drawing No. 1110.
D. All landscaping, block walls, and other obstructions shall be compatible with the stopping sight distance requirements per City of Ontario Standard Drawing No. 1309.
E. The Applicant/Developer's engineer-of-record shall meet with City Engineering staff prior to designing and submitting for plan check the signing/stripping and street lighting design plans to define limits of improvements.

G. DRAINAGE / HYDROLOGY

- 2.39 A 72 inch storm drain main is available to accept flows from this project in Twinkle Ave. (Ref: Storm Drain plan bar code: D14257)
- 2.40 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.
- 2.41 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.
- 2.42 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.
- 2.43 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.
- 2.44 Other conditions:
A. Abandon existing 18" storm drain lateral (A-13) and catch basin (A1) on Eames St. (Ref: Storm Drain plan bar code: D14257)
B. Abandon existing 18" storm drain laterals (B-13 & B-14) and catch basins (B3, B4) on Pollock St. (Ref: Storm Drain plan bar code: D14259)
C. Install a 36" storm drain lateral at the intersection of Twinkle Ave and Private Drive 'B'



- and connect to existing 72" storm drain line.
- D. Install a 36" storm drain lateral at the intersection of Twinkle Ave and Private Drive 'A' and connect to existing 72" storm drain line.

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

- 2.45 401 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.
- 2.46 **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.sbccounty.gov/dpw/land/npdes.asp>.**
- 2.47 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.
- 2.48 Other conditions: _____

J. SPECIAL DISTRICTS

- 2.49 **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.**
- 2.50 Other conditions: _____

K. FIBER OPTIC

- 2.51 **A fiber optic line is available for connection by this project in Twinkle Ave. (Ref: Fiber Optic plan bar code: O10683)**
- 2.52 **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 located at the southeast corner of Twinkle Ave & Eames St and on Twinkle Ave s/o Pollock St. Limits of work are generally along the project frontage of Twinkle Ave and all Private Drives.**



- 2.53 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: PMTT22-009 and/or Tract Map No. 20530

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/Parcel 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



DATE: October 13, 2022
TO: Michael Bhatanawin, Engineering Department
CC: Lorena Mejia, Planning Department
 Charles Mercier, Planning Department
FROM: Heather Young, Utilities Engineering Division
 Eric Woosley, Utilities Engineering Division
SUBJECT: DPR#2 UPT#2 REV1- Utilities Conditions of Approval (COA) (#8741)
PROJECT NO.: TM-20530 (PMTT22-009)
ATTACHMENT(S): Conceptual Utility Systems Map electronically received 10/09/2022

BRIEF DESCRIPTION:

A Tentative Tract Map (TT 20530) for condominium purposes, to subdivide 8.3 acres of land into 4 numbered lots and 15 lettered lots, to facilitate the development of 144 multi-family dwellings located northeast of Pollock Street and Twinkle Avenue, within PA-5 of the Rich-Haven Specific Plan (APN(s): 218-016-06, 218-016-07, 218-016-18, 218-203-01, 218-203-02, 218-203-03, 218-203-04, 218-203-07, 218-203-06, & 218-203-05).

OMUC UTILITIES ENGINEERING DIVISION CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL: *The Ontario Municipal Utilities Company (OMUC) Utilities Engineering Division recommends this application for approval subject to the Conditions of Approval outlined below and compliance with the City's Design Development Guidelines, Specifications Design Criteria, and City Standards. The Applicant shall be responsible for the compliance with and the completion of all the following applicable Conditions of Approval prior to the following milestones and subject to compliance with City's Design Development Guidelines, Specifications Design Criteria, and City Standards:*

General Conditions:

1. Standard Conditions of Approval: Project shall comply with the requirements set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017, or as amended or superseded by Council Resolution; as well as project-specific conditions/requirements as outlined below.

Prior to Issuance of Any Permits (Grading, Building, Demolition and Encroachment), unless other timeline milestones are specified by individual conditions below, the Applicant Shall:

General Conditions (Section 2.A, Other conditions): The Applicant shall comply with the following:

2. Inherited Requirements and Conditions of Approval: This project is subject to all the Requirements and Conditions of Approval of from PSP05-004 Rich-Haven Specific Plan, PMTT17-013 (TM-20134), and PDA_18-005, as amended. For any Conditions of Approval that conflict, these Conditions shall supersede those conflicting Conditions.
3. Final Utilities Systems Map (USM): Submit a Final Utilities Systems Map (USM) as part of the precise grading plan submittal that meets all the City's USM requirements. These requirements include to show and label all existing and proposed utilities (including all appurtenances such as backflow devices, DCDAs, etc.), sizes, points of connection, and any easements. The final utility design shall comply with all Division of Drinking Water (CCR §64572) Separation Requirements. See Utility Systems Map (USM) Requirements document for details.
4. Note the following definitions and concepts for Public Utility Improvements and Private Utility Improvements: Public Improvements shall be designed per City Public Design Guidelines and City Standards and constructed

through a City Encroachment Permit; and, Private Onsite Improvements shall be designed per Building Code and Plumbing Code and constructed through a City Building Permit.

- a. Public Utility Improvements include the following: water main pipelines and sewer main pipelines; sewer laterals connecting to a Public Sewer Main up to the Cleanout (or Manhole) at PL/RoW; water services and connected appurtenances (Meters/Meter Boxes, Fire Hydrants, Airvac, Blowoffs, etc.) connecting to a Public Water Main per City Standards; and, Fire Services connecting to a Public Water Main from the Main up to the DCDA. Public Water Improvements and Public Sewer Improvements are required to be designed and constructed through Public Improvement Plans with Plan View and Profile View per City Standards, Guidelines, and Requirements.
 - b. Private Utility Improvements include the following: onsite water plumbing lines after a Public Meter, or after the Fire DCDA and including the DCDA; Backflow Devices and other Cross-Connection Prevention; onsite sewer upstream of the Public Sewer Lateral, including the Cleanout (or Manhole) at PL/RoW/PUE Edge; Monitoring Manholes and other Wastewater Pretreatment Facilities. Private Onsite Utility Improvements are required to be designed and constructed per Building and Plumbing Plans with: the Backflows, DCDAs, Cleanout (or Manhole) at PL/RoW/PUE Edge, and Monitoring Manholes being designed and constructed through a Precise Grading Plan; and, the other Pretreatment Devices (Grease Interceptor, Sand, Oil Interceptors, etc.) and the connections to the buildings and structures through a building Plumbing Plan.
5. Public Utilities and Public Right-of-Way (PRoW) including Public Utility Easements (PUE): Public Utilities shall be subject to the Minimum PRoW Requirements and PRoW Restrictions:
- a. Minimum PRoW Area Requirements: Public Utilities shall be installed within in existing PRoW in alignments/locations that meet the following minimum PRoW areas surrounding the Public Utilities, and/or additional PRoW shall be dedicated/granted to the City to provide the following minimum PRoW areas surrounding the Public Utilities:
 - i. For each main, the PRoW shall be a minimum of 20 feet wide, centered on the utility main with a minimum of 10 feet of PRoW on each side of the main and this minimum area shall extend a minimum for 10 feet past the end of a main.
 - ii. For each Service/Lateral, the PRoW shall be a minimum of 10 feet wide, centered on the service/lateral with a minimum of 5 feet of PRoW on each side of each service/lateral;
 - iii. For each water meter box, the PRoW shall be a minimum of 5 feet behind and 5 feet on each side of a water meter box;
 - iv. For each water appurtenances (fire hydrants, blowoffs, airvac, etc.), the PRoW shall be a minimum of 5 feet on each side surrounding the water appurtenances (fire hydrants, blowoffs, airvac, etc.);
 - v. The PRoW minimum areas for separate Public Utilities may overlap, provide that all minimum separations and PRoW Restrictions are met.

Sanitary Sewer Conditions (Section 2.C): The Applicant shall comply with the following:

6. Sanitary Sewer Infrastructure:
 - a. Install 8-inch sewer mains (or approved size per Final SSAMP) in Private Drive 'A' throughout TTM20530, with point of connection to the existing 8-inch sewer main in Twinkle Avenue. Public sewer mains installed in private drives shall be within a Public Utility Easement.
 - b. Onsite sewer installed in private alleys of TTM20530 shall be privately owned and maintained.
7. Sewer Sub-Area Master Plan (SSAMP): Submit a Final Sewer Sub-Area Master Plan (SSAMP) pursuant to Section 4-8 of the Sewer Master Plan (SMP) and submit it to OMUC for review and approval with the first submittal of the sewer plans and prior to issuance of any permits.
8. Unused Sewer Abandonment:
 - a. Unused existing sewer stub and manhole in Twinkle Avenue approximately 120 feet south of Pollock Street shall be abandoned back to the main connection.
 - b. Unused existing sewer stub and manhole in Twinkle Avenue about 127 feet north of the intersection of Twinkle Avenue and Pollock Street shall be abandoned back to the main connection.
 - c. Unused existing sewer stub and manhole in Eames Street shall be abandoned back to the main connection.

- d. Abandon any unused existing sewer mains and install a terminus manhole.

Potable Water Conditions (Section 2.D): The Applicant shall comply with the following:

9. Potable Water Infrastructure:

- a. Install 8-inch potable water mains in Private Drive 'B' and Private Drive 'A' throughout TTM20530, with two points of connection to the 8-inch water main at the intersection of Twinkle Avenue and Private Drive 'B' and at the intersection of Twinkle Avenue and approximately 120 feet south of Pollock Street. Public potable water mains installed in private drives shall be within a Public Utility Easement.

10. Potable Water Service:

- a. Domestic Service: Each Building shall have its own domestic potable water service and master meter connected to the Public Potable Water System. The services and meters shall be such locations so that no more than 28 units are serviced on a potable water main deadend.
- b. Backflow Prevention: Each meter connected to the Public Potable Water System that serves any use that is more than one (1) single family residential unit or any non-residential use requires a backflow prevention device.
- c. Fire Water Service: Each fire service shall have a Double Check Detector Assembly (DCDA) per current City Standards to serve the onsite private fire system. The onsite fire system and onsite domestic water plumbing system shall be separate.

11. Unused Potable Water Stub Abandonment: The unused existing potable water stub in Twinkle Avenue approximately 103 feet south of Pollock Street shall be abandoned back to the main connection.

Recycled Water Conditions (Section 2.E): The Applicant shall comply with the following:

12. City Ordinance 2689: This development shall comply with City Ordinance 2689 and make use of recycled water for all approved uses, including but not limited to landscape irrigation. Appropriately sized public and private mains shall be installed throughout the Project to meet this requirement, as approved by the City.

13. Recycled Water Infrastructure:

- a. Option 1: If the same Housing Association for TM-20134 will be used for TTM20530, tie into private onsite recycled water system from adjacent tract within TM-20134 for recycled water usage, if feasible. If not, see Option 2.
- b. Option 2: Install recycled water main (930PZ) in Twinkle Avenue from the northernly boundary of the Project to the Project's park or further south if recycled water services are needed further south within the Project. Recycled water main shall be temporarily charged by the potable water main until recycled water is available for connection per TTM20259 in Twinkle Avenue north of the Project. The temporary potable water connection shall have a backflow prevention device. Once recycled water is available for connection per TTM20529, this Project shall connect to the recycled water and this Project shall remove the temporary potable water connection and its appurtenances used to charge the recycled water main.

14. RW Program Requirements: In order to receive RW service, the applicant shall comply with each of the following:

- a. Prior to Precise Grading Plan Approval and Building Permits Issuance:
 - i. Provide two hard copies and the digital files (in PDF and AutoCAD format) for both on-site and off-site utility plans, including landscape and irrigation improvements.
 - ii. Submit an **Engineering Report (ER)** to the City detailing recycled water usage for review and approval by the City and the State. The review process for the ER is typically 3 months. City will coordinate the State's approval of the ER.
 - iii. For details, contact Cynthia Heredia-Torres at (909) 395-2647 or ctorres@ontarioca.gov.
- b. Prior to Occupancy Release/Finalizing:
 - i. Pass start-up and cross-connection test successfully.
 - ii. Provide evidence demonstrating the training of on-site supervisor or designee as determined in the ER.

Date Prepared: 10/17/2022
File No: PMTT22-010 (TTM 20529)
Related Files: PMTT22-009

Project Description: A Tentative Tract Map No. 20529 for condominium purposes, subdividing 11.11 gross acres of land into 3 numbered lots and 15 lettered lots for residential uses, drive aisles, utility easement and common open space purposes for a property generally located on the east side of Twinkle Avenue approximately 350 feet south of future Chino Avenue, within Planning Areas 4A, 4B and 4C (Residential – SFD/Attached) of the Rich Haven Specific Plan; (APN: 0218-161-14) **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. Tentative Tract Map approval shall become null and void 2 years following the effective date of application approval, unless the final parcel/tract map has been recorded, or a time extension has been approved by the Planning Commission pursuant to Development Code Section 2.02.025 (Time Limits and Extensions). This Permit does not supersede any individual time limits specified herein for performance of specific conditions or improvements.

2.2 Subdivision Map.

(a) The Final 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.

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

2.5 Parking, Circulation and Access.

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

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

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

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

2.6 Signs.

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

2.7 Covenants, Conditions and Restrictions (CC&Rs)/Mutual Access and Maintenance Agreements.

(a) CC&Rs shall be prepared for the Project and shall be recorded prior to the issuance of a building permit.

(b) The CC&Rs shall be in a form and contain provisions satisfactory to the City. The articles of incorporation for the property owners association and the CC&Rs shall be reviewed and approved by the City.

(c) CC&Rs shall ensure reciprocal parking and access between parcels.

(d) CC&Rs shall ensure reciprocal parking and access between parcels, and common maintenance of:

(i) Landscaping and irrigation systems within common areas;

(ii) Landscaping and irrigation systems within parkways adjacent to the project site, including that portion of any public highway right-of-way between the property line or right-of-way boundary line and the curb line and also the area enclosed within the curb lines of a median divider (Ontario Municipal Code Section 7-3.03), pursuant to Ontario Municipal Code Section 5-22-02;

(iii) Shared parking facilities and access drives; and

(iv) Utility and drainage easements.

(e) CC&Rs shall include authorization for the City's local law enforcement officers to enforce City and State traffic and penal codes within the project area.

(f) The CC&Rs shall grant the City of Ontario the right of enforcement of the CC&R provisions.

(g) A specific methodology/procedure shall be established within the CC&Rs for enforcement of its provisions by the City of Ontario, if adequate maintenance of the development does not occur, such as, but not limited to, provisions that would grant the City the right of access to correct maintenance issues and assess the property owners association for all costs incurred.

2.8 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.

2.9 Environmental Requirements.

(a) 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).

(b) 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.

2.10 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.

2.11 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.

2.12 Related Applications. Tentative Tract Map approval shall not be final and complete until such time that related Development Agreement, File No. PDA22-001, has been approved by the City Council.

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 Requirements.

(a) All applicable conditions of approval of Development Agreement (File No. PDA22-001) 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.

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PMTT22-010

Address: east side of Twinkle Avenue approximately 350 feet south of future Chino Avenue

APN: 0218-161-14

Existing Land Use: Vacant

Proposed Land Use: Tentative Tract Map to subdivide 11.11 gross acres of land into 3 numbered lots and 15 lettered lots for residential uses

Site Acreage: 11.11 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: 10/11/22

CD No.: 2022-036

PALU No.: n/a

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

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

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

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

Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

Real Estate Transaction Disclosure required.

Airport Planner Signature: _____

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT

CD No.: 2022-036
PALU No.: _____

PROJECT CONDITIONS

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the Airport Land Use Compatibility Plan (ALUCP) for ONT. The applicant is required to meet the Real Estate Transaction Disclosure in accordance with California Codes (Business and Professions Code Section 11010-11024). New residential subdivisions within an Airport Influence Area are required to file an application for a Public Report consisting of a Notice of Intention (NOI) and a completed questionnaire with the Department of Real Estate and include the following language within the NOI:

NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.



CITY OF ONTARIO

MEMORANDUM

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

FROM: Lorena Mejia, Senior Planner

DATE: March 01, 2022

SUBJECT: FILE #: PMTT22-010 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 (TT 20529) for condominium purposes, to subdivided 11.11 acres of land into 3 numbered lots and 15 lettered lots, to facilitate the development of 120 multi-family dwellings located generally 400 feet southwest of Chino Avenue and Mill Creek Avenue, within PA-5 of the Rich-Haven Specific Plan (APNs: 0218-161-14).

- 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.

Broadband Operations
Department

Cameron Chadwick
Signature

Title

03/29/2022
Date

CITY OF ONTARIO
BROADBAND OPERATIONS
 303 East "B" Street, Ontario, CA 91764

CONDITIONS OF APPROVAL	
Sign Off	
Broadband Operations	3/08/22

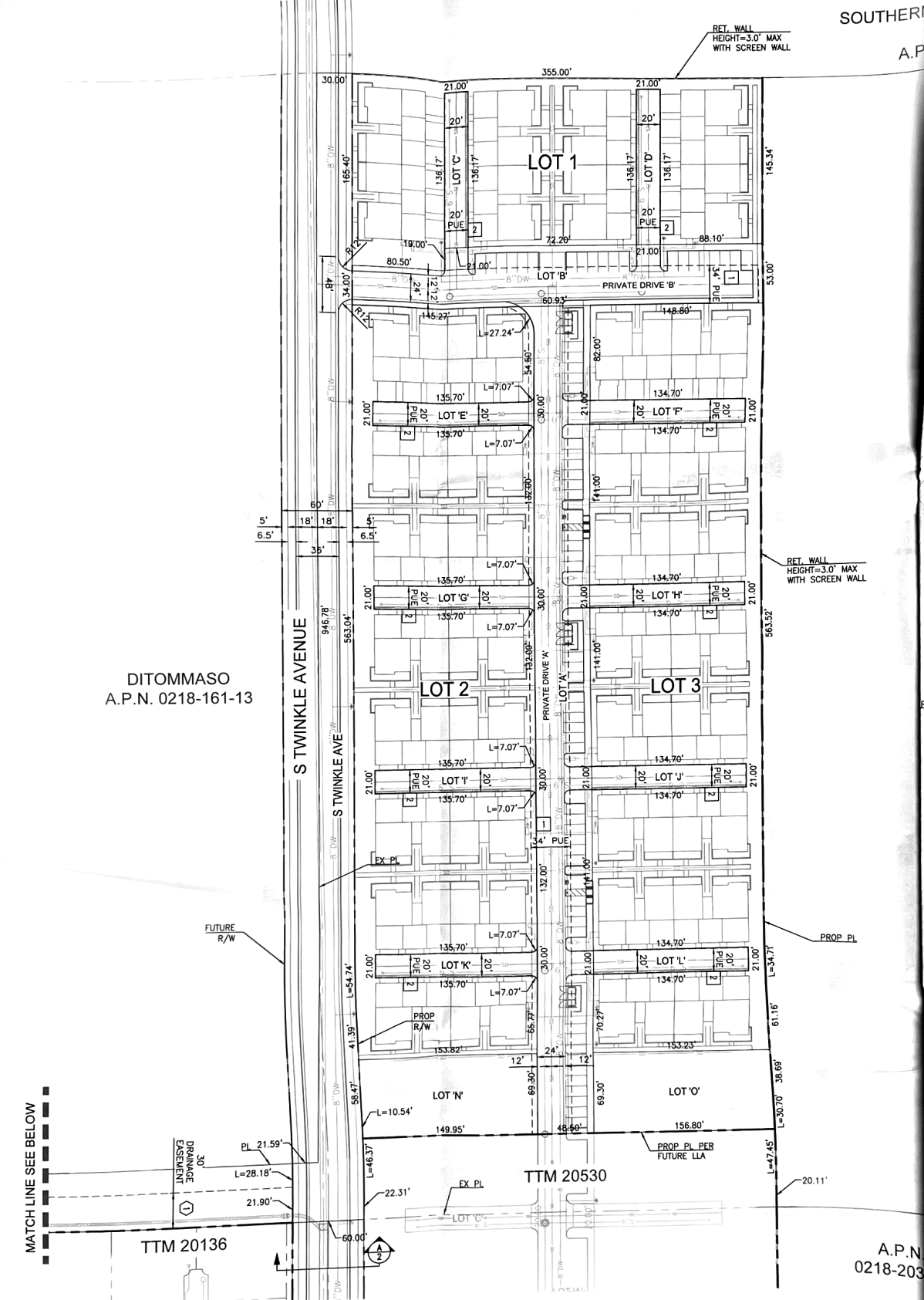
Reviewer's Name Cameron Chadwick	Phone 909-395-2090
File #	Project Engineer:
Project Name and Location:	
Sent to:	

<input type="checkbox"/>	Plan does adequately address the departmental concerns at this time. No Comments.
<input checked="" type="checkbox"/>	Plan does adequately address the departmental concerns at this time. Report below.
<input type="checkbox"/>	Plan does not adequately address the departmental concerns. The conditions contained below must be met prior to scheduling for Development Advisory Board.

Req'd for Project	CONDITIONS OF APPROVAL -	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. Project shall be designed and constructed 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 in the Right-of-Way (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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. Contractor is responsible for locating and connecting conduit to existing OntarioNet hand holes on adjacent properties within a reasonable distance. There should be no "Gaps" in conduit between the contractor's development and the adjacent property. OntarioNet hand holes are typically located in the ROW at the extreme edge of a property.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. Where a joint telcom or street light street crossing is required, include (2) 2" hdpe sdr-11 conduits or (1) 4" schedule 80 conduit sleeve. Terminate the street crossing conduit(s) in a new HH-3/22 ontarionet hand hole in the right of way
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4. The City requires a public utility easement for fiber optics on all private aisles/alley ways.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5. Hand holes - Design and install OntarioNet fiber optic hand hole HH-2 (17x30x24), HH-2A (24x36x30), HH-3 (30x48x36) and/or HH-4 (36x60x36) as needed. Respectively Newbasis Part # PCA-173024-90116, PCA-243630-90064, PCA-304836-90244 and PCA-366036-90146 per City Standard 1316. Conduits sweeping into hand holes shall enter in flush with the cut-out mouse holes aligned parallel to the bottom of the box and come in perpendicular to the wall of the box. Conduits shall not enter at any angle other than parallel. Provide 5 foot minimum clearance from existing/proposed utilities. All hand holes will have ¼-inch galvanized wire between the hand holes and the gravel it is placed on.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6. ROW Conduit – Design and install fiber optic conduit at a minimum depth of 36-inch. Trenching shall be per City Standard 1306. Install (1) 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct and (1) 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange with Black Stripe) duct. Conduit(s) between ROW hand holes and hand holes on private property shall be 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct.
<input type="checkbox"/>	<input type="checkbox"/>	7. Building Entrance (Single Family) – Design and install 0.75-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct from hand holes on property or hand holes in the ROW. Consult City's Fiber Team for design assistance.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8. Building Entrance (Multi-family and Commercial) - From the nearest handhole to the building entrance, design and install fiber optic conduit at a minimum depth of 36-inches. Trenching shall be per City Standard for Commercial Buildings. (1) 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct. Install locate/tracer wires minimum 12AWG within conduit bank and fiber warning tape 18-inch above the uppermost duct

Req'd for Project	CONDITIONS OF APPROVAL -	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9. Multi-family and commercial properties shall terminate conduit in an electrical room adjacent to the wall no less than five inches above the finished floor. A 20" width X length 36" space shall be reserved on the plywood wall for OntarioNet equipment. This space shall be labeled "OntarioNet Only". Ontario Conduit shall be labeled "OntarioNet"
<input checked="" type="checkbox"/>	<input type="checkbox"/>	10. A minimum 1.5-inch joint use telecommunications conduit with pull-rope from the multi-family or commercial building communal telecomm/electrical room/closet to each multi-family or commercial building unit shall be installed. See Structured Wiring Checklist on City's website for additional details.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11. Warning Tape - Contractor shall supply and install an approved non-detectable warning tape 18-inch above the uppermost conduit when backfilling trenches, pits or excavations greater than 10' in length. Warning Tape shall be non-detectable, Orange in color, 4-inch minimum width, 4 mil, 500% minimum elongation, with bold printed black letters "CAUTION - BURIED FIBER OPTIC CABLE BELOW" printed in bold black lettering no less than 2-inch high.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12. All hand holes, conduits, conduit banks, materials and installations are per the City's Fiber Optic Master Plan and City Fiber Optic Cable and Duct Standards. All hand holes, conduits and ducts shall be placed in the public right of way.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13. All unused conduits/ducts/microducts shall be protected with duct plugs that provide a positive seal. Ducts that are occupied shall be protected with industry accepted duct seal compound.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14. Locate/Tracer Wire - Conduit bank requires (1) 12AWG high strength (minimum break load 452#) copper-clad steel with 30mil HDPE orange insulation for locate/tracer wire. Contact City's Fiber Team for tracer wire specifications and see note 8.
<input type="checkbox"/>	<input type="checkbox"/>	15. Developer to install 3 inch SCE conduit stub for future City fiber optic meter pedestal within an 8-foot wide, 5-foot deep reserved area for City fiber optic network cabinet. A 3-foot clearance must be maintained around the cabinet and the meter. HH4 shall be placed near the reserved area for cable entrance to network cabinet. The pedestal and network cabinet will be supplied and installed by the City. The service submittal to SCE will be coordinated by the City.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	16. Multi-family dwellings are considered commercial property.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	17. Refer to the In-tract Fiber Network Design guideline on the City's website for additional in-tract conduit guidelines.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	18. Please contact City's Fiber Team at OntarioNet@ontarioca.gov for conduit design assistance.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	19. For additional information please refer to the City's Fiber Optic Master Plan.
<input type="checkbox"/>	<input type="checkbox"/>	20. Please see attached corrections.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	21. Please provide plans in digital format (PDF) on future revisions.

RET. WALL
HEIGHT=3.0' MAX
WITH SCREEN WALL



DITOMMASO
A.P.N. 0218-161-13

S TWINKLE AVENUE

S TWINKLE AVE

TTM 20530

TTM 20136

A.P.N.
0218-203

MATCH LINE SEE BELOW

FUTURE
R/W

PROP. PL

PROPOSED
EASEMENT

PROP. PL PER
FUTURE LLA

HAVEN AVENUE

DITOMMASO
A.P.N. 0218-161-13

TTM 20135

1084.60'

LOT M

1085.01'



CITY OF ONTARIO

MEMORANDUM

TO: Lorena Mejia, Senior Planner
Planning Department

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

DATE: March 6, 2022

SUBJECT: PMTT22-010 - A Tentative Tract Map (TT 20529) for condominium purposes, to subdivided 11.11 acres of land into 3 numbered lots and 15 lettered lots, to facilitate the development of 120 multi-family dwellings located generally 400 feet southwest of Chino Avenue and Mill Creek Avenue, within PA-5 of the Rich-Haven Specific Plan (APNs: 0218-161-14).

-
- 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
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): Various
- D. Number of Stories: Two Story
- E. Total Square Footage: Various
- F. 2019 CBC Occupancy Classification(s): R-3

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.

Note: Due to the length of the private drive, private fire hydrants may be required.



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
Rudy Zeledon, Planning Director (Copy of memo only)
Diane Ayala, Advanced Planning Division (Copy of memo only)
Charity Hernandez, Economic Development
James Caro, Building Department
Raymond Lee, Engineering Department
Jamie Richardson, Landscape Planning Division
Dennis Mejia, Municipal Utility Company
~~Gabriel Gutierrez, Police Department~~ *Jeremy Phillips*
Paul Erhman, Deputy Fire Chief/Fire Marshal
Jay Bautista, Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Eric Woosley, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Ben Mayorga, Integrated Waste

FROM: Lorena Mejia, Senior Planner

DATE: March 01, 2022

SUBJECT: FILE #: PMTT22-010

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 (TT 20529) for condominium purposes, to subdivided 11.11 acres of land into 3 numbered lots and 15 lettered lots, to facilitate the development of 120 multi-family dwellings located generally 400 feet southwest of Chino Avenue and Mill Creek Avenue, within PA-5 of the Rich-Haven Specific Plan (APNs: 0218-161-14).

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

POLICE DEPARTMENT
Department

ANTONIO GALBAN
Signature

POLICE OFFICER
Title

3/7/22
Date



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
Rudy Zeledon, Planning Director (Copy of memo only)
Diane Ayala, Advanced Planning Division (Copy of memo only)
Charity Hernandez, Economic Development
James Caro, Building Department
Raymond Lee, Engineering Department
Jamie Richardson, Landscape Planning Division
Dennis Mejia, Municipal Utility Company
Jeremy Phillips, Police Department
Paul Ehrman, Deputy Fire Chief/Fire Marshal
Jay Bautista, Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Tricia Espinoza, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IT Department
Ben Mayorga, Integrated Waste

REVISION #1

FROM: Lorena Mejia, Senior Planner

DATE: July 26, 2022

SUBJECT: FILE #: PMTT22-010

Finance Acct#:

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

PROJECT DESCRIPTION: A Tentative Tract Map (TT 20529) for condominium purposes, to subdivide 11.11 acres of land into 3 numbered lots and 15 lettered lots, to facilitate the development of 120 multi-family dwellings located generally 400 feet southwest of Chino Avenue and Mill Creek Avenue, within PA-5 of the Rich-Haven Specific Plan (APNs: 0218-161-14).

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

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

The plan does not adequately address the departmental concerns.

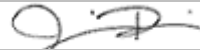
- The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Department: Landscape Planning Division Signature: [Handwritten Signature] Title: landscape Planner Date: 8/16/2022

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

**PRELIMINARY TRACT MAP
 CONDITIONS OF APPROVAL**

Sign Off



Jamie Richardson, Sr. Landscape Planner

08/16/2022

Date

Reviewer's Name: Jamie Richardson, Sr. Landscape Planner	Phone: (909) 395-2615
--	---------------------------------

D.A.B. File No.: PMTT22-010	Related Files:	Case Planner: Lorena Mejia
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Project Name and Location: Tentative Tract Map for Condo Purpose Tract 20529
--

Applicant/Representative: BrookCal Ontario, LLC – Tim Roberts Tim.Roberts@brookfieldrp.com (714) 200-1550 3200 Park Center Drive, Suite 1000 Costa Mesa, CA 92626
--

<input checked="" type="checkbox"/>	A Tentative Tract/Parcel Map (dated 07/26/2022) has been approved considering that the following conditions below are met upon the landscape construction documents submittal.
<input type="checkbox"/>	A Tentative Tract Map/Parcel (dated) has not been approved. Corrections noted below are required before DAB approval.

CORRECTIONS REQUIRED

Provide conceptual plans that address the following items before the approval of the Tract Map if the Development plan is not submitted concurrently:

1. 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. Park space shall include amenities; consider spaces for family gatherings and games such as permanent table tennis, bocce ball, shade structures, fire pits, and BBQ. Incorporate with play areas. For playground recreational areas, provide unique, challenging play equipment for the playground. Consider Nature-inspired equipment from Landscape Structures, Play World, etc. Consider a small splash pad in the play area, if possible
2. Show conceptual grading to verify slopes and steps.
3. Note corner ramp and sidewalk per city standard drawing 1213 with max 10' or 13' of ramp and sidewalk behind at corners.
4. Corners; verify dimension and grade for required monumentation (see Specific Plan for detail). Adjacent walls shall not interfere with required monumentation.
5. New 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.
6. Parking spaces shall include end island planters for shade trees.

On Grading or Utility Construction Plans:

7. 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.
8. Note decorative paving for all motor courts, including the lots facing the parking rows aisles.
9. Note for compaction to not be greater than 85% at landscape areas; all finished grades 1 ½" below finished surfaces; landscaped slopes to be max 3:1.
10. 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. Coordinate with landscape plans. Locate on level grade.
11. 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.
12. Provide a utility clear space 8' wide in parkways and 30' apart for street trees. Move water meters, drain lines, and light standards to the minimum spacing to allow space for street trees.
13. Show light standards 15' away from required tree locations.
14. Wall footings shall not restrict landscape; max 12" in front of footing with 12" cover.
15. 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.
16. AC units shall be located in areas that allow for landscape screening if visible from the street.
17. Stormwater infiltration devices located in landscape areas shall be reviewed and approved by the Landscape Planning Division before installation.
18. Provide a tree inventory for existing trees, including 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.
19. 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.
20. After a project's entitlement approval, the applicant shall pay all applicable fees at a rate established by resolution of the City Council.



**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-20529 RELATED FILE NO(S). PMTT22-010	
<input type="checkbox"/> ORIGINAL <input checked="" type="checkbox"/> REVISED: 10/17/2022	

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: October 17, 2022

PROJECT NAME / DESCRIPTION: TM-20529, a Tentative Tract Map for condominium purposes to subdivide 11.11 acres of land into three (3) numbered lots and 15 lettered lots, to facilitate the development of 120 multi-family dwellings, within PA-5 of the Rich Haven Specific Plan

LOCATION: Generally 400 feet southwest of Chino Avenue and Mill Creek Avenue

APPLICANT: Brookfield Residential

REVIEWED BY: Raymond Lee 10/17/22
 Raymond Lee, P.E. Date
 Assistant City Engineer

APPROVED BY: [Signature] 10-17-22
 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 HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE CHECKED. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO FINAL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT.

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

- 1.01 Dedicate to the City of Ontario, the right-of-way, described below:
 - A. An additional 14 feet from the ultimate right-of-way of Haven Ave along Lot 'M' for a 40 feet neighborhood edge
 - B. Twinkle Ave to the ultimate east half street right-of-way width of 30 feet from northerly tract boundary to Lot 'M'
 - C. An additional 9 feet (varies) for the west half street right-of-way of Twinkle Ave from approximately 145' n/o Lot 'M' to Lot 'M'
 - D. Twinkle Ave to the ultimate full street right-of-way width of 60 feet along Lot 'M' frontage

- 1.02 Dedicate to the City of Ontario, the following easement(s):
 - A. 48 feet wide easement for public utility purposes along Private Drive 'A'
 - B. 50 feet wide easement for public utility purposes along Private Drive 'B'

- 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.ontarioca.gov) 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. Record Lot Line Adjustments 22-004, 22-005 and 22-006. Additionally, record Conforming Deeds with the County of San Bernardino within six months of the recordation of the Lot Line Adjustments to conform the new LLA legal description. Submit a copy of the recorded Conforming Deeds to the Engineering Department.
- B. Legalize the remnant gore parcel that is contiguous to the property of APN 0218-161-13, including the ownership of the parcel, to the satisfaction of the City Engineer. **This condition shall be consistent with the timing and requirements of the Development Agreement.**
- C. 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. 20529.
- D. 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. **This condition shall be consistent with the timing and requirements of the Development Agreement.**



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

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

- 2.01 Record Tract Map No. 20529 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). This condition shall be consistent with the timing and requirements of the Development Agreement.



2.10 Dedicate to the City of Ontario the right-of-way described below:

- A. The applicant/developer shall acquire ultimate west half street right-of-way width of 22-30 feet varies for Twinkle Ave along project frontage from the adjacent westerly property (APN: 0218-161-13).
- B. The applicant/developer shall acquire ultimate full street right-of-way width of 60 feet for Twinkle Ave from northerly tract boundary to Chino Ave from adjacent SCE property (APN: 0218-161-09). The applicant/developer shall pursue "grant out" process with SCE for said right-of-way. **This condition shall be consistent with the timing and requirements of the Development Agreement.**
- C. The applicant/developer shall acquire the ultimate north half street right-of-way width of 44 feet for Chino Ave from Haven Ave to Twinkle Ave from the following property (APN: 0218-161-10).
- D. The applicant/developer shall acquire ultimate south half street right-of-way width of 44 feet for Chino Ave from Haven Ave to Twinkle Ave from the following property owned by SCE (APN: 0218-161-09). The applicant/developer shall pursue "grant out" process with SCE for said right-of-way.
- E. The applicant/developer shall **pursue** an additional 18' from the ultimate right-of-way of Chino Ave from Haven Ave to Twinkle Ave for a 30 feet neighborhood edge from the following property owned by SCE (APN: 0218-161-09). The applicant/developer shall pursue "grant out" process with SCE for said right-of-way. **This condition is considered to be non-developer frontage and DIF eligible.**

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

- F. Twinkle Ave & Chino Ave (north half) from the following property (APN: 0218-161-10)
- G. Twinkle Ave & Chino Ave (south half) from the following property owned by SCE (APN: 0218-161-09)
- H. Haven Ave & Chino Ave (northeast corner) from the following property (APN: 0218-161-10)
- I. Haven Ave & Chino Ave (southeast corner) from the following property owned by SCE (APN: 0218-161-09)

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 and the DIF rate at the time of payment.
- 2.17** Other conditions: _____



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

- 2.18 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	Twinkle Ave	Chino Ave	All Private Drives	
Curb and Gutter	<input checked="" type="checkbox"/> New; 18 ft. from C/L (A) <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 32 ft. from C/L (D) <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 (A)	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> New (D, E)	<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 (B, C) <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New (D) <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 (B, C) <input checked="" type="checkbox"/> Landscaping (w/irrigation) (B, C)	<input checked="" type="checkbox"/> Trees (D) <input checked="" type="checkbox"/> Landscaping (w/irrigation) (D) <input checked="" type="checkbox"/> Neighborhood edge (D)	<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 type="checkbox"/> New / Upgrade <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 type="checkbox"/> Lateral	<input checked="" 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 type="checkbox"/> Main <input type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input 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 checked="" type="checkbox"/> New, at Haven Ave <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input checked="" type="checkbox"/> New (A) <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New (F) <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 (B, C) <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New (D) <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 checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Fiber Optics (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	_____	_____	_____
Other Improvements	_____	<input checked="" type="checkbox"/> Bike Lane (D)	_____	_____

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

- A. Both west and east sides from Chino Ave to southerly tract boundary
- B. East side along project frontage
- C. Both west and east sides from Chino Ave to northerly tract boundary



- D. South side from Haven Ave to Twinkle Ave
- E. A 14' circulation lane and a 5' paved shoulder are required on the north side from Haven Ave to Twinkle Ave
- F. Both north and south sides from Haven Ave to Twinkle Ave
- G. All utilities and infrastructure shall be designed and installed to the ultimate condition

- 2.19 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s): _____
- 2.20 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.
- 2.21 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.
- 2.22 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892). Developer may pay in-lieu fee, approximately _____, for undergrounding of utilities in accordance with Section 7-7.302.e of the City's Municipal Code.
- 2.23 Other conditions: _____

C. SEWER

- 2.24 A 8 inch sewer main is available for connection by this project in Twinkle Ave. (Ref: Sewer plan bar code: S16445)
- 2.25 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.26 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.
- 2.27 Other conditions:
See OMUC Conditions of Approval attached.

D. WATER

- 2.28 A 12 inch and 8 inch water main are available for connection by this project in Chino Ave and Twinkle Ave, respectively. (Ref: Water plan bar code: W16575, W16594)
- 2.29 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.30 Other conditions:
See OMUC Conditions of Approval attached.

E. RECYCLED WATER

- 2.31 A 8 inch and 24 inch recycled water main are available for connection by this project in Haven Ave. (Ref: Recycled Water plan bar code: P11435)
- 2.32 Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.



2.33 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.

2.34 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.

2.35 **Other conditions:**
See OMUC Conditions of Approval attached.

F. TRAFFIC / TRANSPORTATION

2.36 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

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

2.38 **Other conditions:**
A. **If at the time of development of TM-20529 (PMTT22-010), Phase 2 improvements on Twinkle Ave have not been completed, the Applicant/Developer shall install a temporary dead end just north of the intersection of Twinkle Avenue and Private Drive 'B' per City Std. No. 1310 and 1311. Refer to phase limits per the Development Agreement.**
B. **The roundabout at Chino Avenue and Twinkle Avenue shall be fully constructed and designed in accordance with the Traffic and Transportation Guidelines Figure 1: Roundabout Layout Detail and Figure 2: Roundabout Landscape Detail, other applicable standards, and to the satisfaction of the City Engineer. The following apply to the design:**
i. **Parking shall be restricted on Chino Avenue and Twinkle Avenue approaching the roundabout per the Traffic and Transportation Guidelines.**
ii. **Provide detailed roundabout exhibit to verify lane widths and ROW requirements.**
C. **The Applicant/Developer shall be responsible to design and construct a traffic signal at the intersection of Haven Avenue and Chino Avenue. The new traffic signal shall include video detection, fiber optic communication conduit, cable and equipment, 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**
D. **The Applicant/Developer shall be responsible to design and construct the necessary pavement and striping transitions on Haven Avenue at Chino Avenue necessary to accommodate the traffic signal installation.**
E. **If at the time of development of TM-20529 (PMTT22-010), Twinkle Avenue has not been constructed south of this development to the roundabout south of Eames Street, the Applicant/Developer shall construct ultimate curb-to-curb width street improvements on Twinkle Avenue to the roundabout, including ultimate curb-to-curb width street improvements on Private Drive 'A' and the connection of Lot 'B' (TM-20530/PMTT22-009)/Eames Street to Twinkle Avenue to provide 2 points of access for the tract.**
F. **The Applicant/Developer shall be responsible to install street chokers and ADA ramps for pedestrians at the north east and south east corners of the intersection of Twinkle Avenue and Eames Street/Lot 'B' (TM-20530/PMTT22-009). Street chokers along Twinkle**



- Avenue shall be designed and constructed in accordance with City Standard Drawing No. 1110.
- G. Parking shall be restricted with signs along chokers per City Standard Drawing No. 1110.
- H. All landscaping, block walls, and other obstructions shall be compatible with the stopping sight distance requirements per City of Ontario Standard Drawing No. 1309.
- I. The Applicant/Developer's engineer-of-record shall meet with City Engineering staff prior to designing and submitting for plan check the traffic signal, signing/stripping and street lighting design plans to define limits of improvements.

G. DRAINAGE / HYDROLOGY

- 2.39 A 72 inch storm drain main is available to accept flows from this project in Twinkle Ave. (Ref: Storm Drain plan bar code: D14257, D14259)
- 2.40 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.
- 2.41 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.
- 2.42 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.
- 2.43 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.
- 2.44 Other conditions:
 - A. Install a 48-inch storm drain main in Chino Ave from Haven Ave to Twinkle Ave.
 - B. Install a 72-inch storm drain main in Twinkle Ave from Chino Ave to point of connection at southerly tract boundary.
 - C. If at the time of development of TM-20529 (PMTT22-010), the private in-tract storm drain improvements in TM-20530 (PMTT22-009) have not been constructed south of this development, the Applicant/Developer shall construct the necessary improvements to connect to the nearest public storm drain main in Twinkle Ave.

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

- 2.45 401 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.



- 2.46 **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>.**
- 2.47 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.
- 2.48 Other conditions: _____

J. SPECIAL DISTRICTS

- 2.49 **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.**
- 2.50 Other conditions: _____

K. FIBER OPTIC

- 2.51 **A fiber optic line is available for connection by this project in Haven Ave & Twinkle Ave. (Ref: Fiber Optic plan bar code: O10626, O10683)**
- 2.52 **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 located at the southwest corner of Haven Ave & Chino Ave and the southeast corner of Twinkle Ave & Eames St. Limits of work are generally on Chino Ave from Haven Ave to Twinkle Ave, Twinkle Ave from Chino Ave to Eames St and along project frontage of all Private Drives.**
- 2.53 **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. **If Phase 2 improvements (as delineated in the Development Agreement) are delayed, the remainder of the project (Phase 1) can be accepted by the City at the discretion of the City Engineer.**
- 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: PMTT22-010 and/or Tract Map No. 20529

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/Parcel 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. **Two (2) copies of prepared legal description and plat. (Original signed & wet stamped copies are not needed until after the City has completed the plan checking of the documents.)**
28. **Two (2) copies of completely filled out "Easement Deed of Right-of-Way Dedication". (Original signed certificate and original acknowledgement(s) are not needed until after the City has completed the plan checking of the documents.)**



CITY OF ONTARIO MEMORANDUM



DATE: October 13, 2022
TO: Michael Bhatanawin, Engineering Department
CC: Lorena Mejia, Planning Department
Charles Mercier, Planning Department
FROM: Heather Young, Utilities Engineering Division
Eric Woosley, Utilities Engineering Division
SUBJECT: DPR#2 UPT#2 REV2 - Utilities Conditions of Approval (COA) (#8731)
PROJECT NO.: TM-20529 (PMTT22-010)
ATTACHMENT(S): Conceptual Utility Systems Map electronically received 10/04/2022

BRIEF DESCRIPTION:

A Tentative Tract Map (TT 20259) for condominium purposes, to subdivide 11.11 acres of land into 3 numbered lots and 15 lettered lots, to facilitate the development of 120 multi-family dwellings located generally 400 feet southwest of Chino Avenue and Mill Creek Avenue, within PA-5 of the Rich-Haven Specific Plan (APN(s): 0218-161-14).

OMUC UTILITIES ENGINEERING DIVISION CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL: *The Ontario Municipal Utilities Company (OMUC) Utilities Engineering Division recommends this application for approval subject to the Conditions of Approval outlined below and compliance with the City's Design Development Guidelines, Specifications Design Criteria, and City Standards. The Applicant shall be responsible for the compliance with and the completion of all the following applicable Conditions of Approval prior to the following milestones and subject to compliance with City's Design Development Guidelines, Specifications Design Criteria, and City Standards:*

General Conditions:

1. **Standard Conditions of Approval:** Project shall comply with the requirements set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017, or as amended or superseded by Council Resolution; as well as project-specific conditions/requirements as outlined below.

Prior to Issuance of Any Permits (Grading, Building, Demolition and Encroachment), unless other timeline milestones are specified by individual conditions below, the Applicant Shall:

General Conditions (Section 2.A, Other conditions): The Applicant shall comply with the following:

2. **Inherited Requirements and Conditions of Approval:** This project is subject to all the Requirements and Conditions of Approval of from PSP05-004 Rich-Haven Specific Plan and PDA_22-001, as amended. For any Conditions of Approval that conflict, these Conditions shall supersede those conflicting Conditions.
3. **Final Utilities Systems Map (USM):** Submit a Final Utilities Systems Map (USM) as part of the precise grading plan submittal that meets all the City's USM requirements. These requirements include to show and label all existing and proposed utilities (including all appurtenances such as backflow devices, DCDAs, etc.), sizes, points of connection, and any easements. The final utility design shall comply with all Division of Drinking Water (CCR §64572) Separation Requirements. See Utility Systems Map (USM) Requirements document for details.
4. **Note the following definitions and concepts for Public Utility Improvements and Private Utility Improvements:** Public Improvements shall be designed per City Public Design Guidelines and City Standards and constructed through a City Encroachment Permit; and, Private Onsite Improvements shall be designed per Building Code and Plumbing Code and constructed through a City Building Permit.

- a. Public Utility Improvements include the following: water main pipelines and sewer main pipelines; sewer laterals connecting to a Public Sewer Main up to the Cleanout (or Manhole) at PL/RoW; water services and connected appurtenances (Meters/Meter Boxes, Fire Hydrants, Airvacs, Blowoffs, etc.) connecting to a Public Water Main per City Standards; and, Fire Services connecting to a Public Water Main from the Main up to the DCDA. Public Water Improvements and Public Sewer Improvements are required to be designed and constructed through Public Improvement Plans with Plan View and Profile View per City Standards, Guidelines, and Requirements.
 - b. Private Utility Improvements include the following: onsite water plumbing lines after a Public Meter, or after the Fire DCDA and including the DCDA; Backflow Devices and other Cross-Connection Prevention; onsite sewer upstream of the Public Sewer Lateral, including the Cleanout (or Manhole) at PL/RoW/PUE Edge; Monitoring Manholes and other Wastewater Pretreatment Facilities. Private Onsite Utility Improvements are required to be designed and constructed per Building and Plumbing Plans with: the Backflows, DCDAs, Cleanout (or Manhole) at PL/RoW/PUE Edge, and Monitoring Manholes being designed and constructed through a Precise Grading Plan; and, the other Pretreatment Devices (Grease Interceptor, Sand, Oil Interceptors, etc.) and the connections to the buildings and structures through a building Plumbing Plan.
5. Public Utilities and Public Right-of-Way (PRoW) including Public Utility Easements (PUE): Public Utilities shall be subject to the Minimum PRoW Requirements and PRoW Restrictions:
- a. Minimum PRoW Area Requirements: Public Utilities shall be installed within in existing PRoW in alignments/locations that meet the following minimum PRoW areas surrounding the Public Utilities, and/or additional PRoW shall be dedicated/granted to the City to provide the following minimum PRoW areas surrounding the Public Utilities:
 - i. For each main, the PRoW shall be a minimum of 20 feet wide, centered on the utility main with a minimum of 10 feet of PRoW on each side of the main and this minimum area shall extend a minimum for 10 feet past the end of a main.
 - ii. For each Service/Lateral, the PRoW shall be a minimum of 10 feet wide, centered on the service/lateral with a minimum of 5 feet of PRoW on each side of each service/lateral;
 - iii. For each water meter box, the PRoW shall be a minimum of 5 feet behind and 5 feet on each side of a water meter box;
 - iv. For each water appurtenances (fire hydrants, blowoffs, airvacs, etc.), the PRoW shall be a minimum of 5 feet on each side surrounding the water appurtenances (fire hydrants, blowoffs, airvacs, etc.);
 - v. The PRoW minimum areas for separate Public Utilities may overlap, provide that all minimum separations and PRoW Restrictions are met.

Sanitary Sewer Conditions (Section 2.C): The Applicant shall comply with the following:

6. Sanitary Sewer Infrastructure: Sanitary sewer infrastructure in TM20134 (PMTT17-013) is required to support this development. If the sanitary sewer infrastructure is not completed by TM20134, this development is subject to the improvements required.
 - a. Install Master Planned 15-inch sewer main (or approved size as determined by SSAMP) in Chino Avenue from point of connection in Haven Avenue to Twinkle Avenue.
 - b. Install 8-inch sewer mains (or approved size per Final SSAMP) in Private Drive 'B' and Private Drive 'A' throughout TTM20529 and TTM20530, with point of connection to the existing 8-inch sewer main in Twinkle Avenue. Public sewer mains installed in private drives shall be within a Public Utility Easement.
 - c. Onsite sewer installed in private alleys of TTM20529 shall be privately owned and maintained.
7. Sewer Sub-Area Master Plan (SSAMP): Submit a Final Sewer Sub-Area Master Plan (SSAMP) pursuant to Section 4-8 of the Sewer Master Plan (SMP) and submit it to OMUC for review and approval with the first submittal of the sewer plans and prior to issuance of any permits.
8. Unused Sewer Stub Abandonment: Unused existing sewer stub in Twinkle Avenue approximately 120 feet south of Pollock Street shall be abandoned back to the main connection.

Potable Water Conditions (Section 2.D): The Applicant shall comply with the following:

9. Potable Water Infrastructure: Potable water infrastructure in TM20134 (PMTT17-013) is required to support this development. If the potable water infrastructure is not completed by TM20134, this development is subject to the improvements required.

- a. Install 8-inch potable water mains in Private Drive 'B' and Private Drive 'A' throughout TTM20529 and TTM20530, with two points of connection to the 8-inch water main at the intersection of Twinkle Avenue and Private Drive 'B' and at the intersection of Twinkle Avenue and approximately 120 feet south of Pollock Street. Public potable water mains installed in private drives shall be within a Public Utility Easement.
- b. Install 8-inch potable water main in Twinkle Avenue with two points of connection by connecting from the end stub of the potable water main in Twinkle Avenue and connecting to the 12-inch potable water main in Chino Avenue.

10. Potable Water Service:

- a. Domestic Service: Each Rowtown building shall have its own domestic potable water service and master meter connected to the Public Potable Water System.
- b. Backflow Prevention: Each meter connected to the Public Potable Water System that serves any use that is more than one (1) single family residential unit or any non-residential use requires a backflow prevention device.
- c. Fire Water Service: Each fire service shall have a Double Check Detector Assembly (DCDA) per current City Standards to serve the onsite private fire system. The onsite fire system and onsite domestic water plumbing system shall be separate.

11. Unused Potable Water Stub Abandonment: The unused existing potable water stub in Twinkle Avenue approximately 103 feet south of Pollock Street shall be abandoned back to the main connection.

Recycled Water Conditions (Section 2.E): The Applicant shall comply with the following:

12. Recycled Water Infrastructure:

- a. Install Master Planned 8-inch recycled water main (1050PZ) in Chino Avenue from point of connection in Haven Avenue to Twinkle Avenue.
- b. Install Master Planned 24-inch recycled water main (930PZ) in Chino Avenue from point of connection in Haven Avenue to Twinkle Avenue.
- c. Install 8-inch recycled water main (930PZ) in Twinkle Avenue from Chino Avenue to southern boundary of the Project.
 - i. Phase 1: Recycled water main installed per Phase 1 shall be temporarily charged with potable water until Phase 2 recycled water main is installed and connect the Phase 1 recycled water main. The temporary potable water connection shall have a backflow prevention device. (Refer to PDA_22-001 for the phasing limits.)
 - ii. Phase 2: Once the recycled water main per Phase 2 is installed, the temporary potable water connection and its appurtenances used to charge the Phase 1 recycled water main shall be removed. (Refer to PDA_22-001 for the phasing limits.)

13. City Ordinance 2689: This development shall comply with City Ordinance 2689 and make use of recycled water for all approved uses, including but not limited to landscape irrigation. Appropriately sized public and private mains shall be installed throughout the Project to meet this requirement, as approved by the City.

14. RW Program Requirements: In order to receive RW service, the applicant shall comply with each of the following:

- a. Prior to Precise Grading Plan Approval and Building Permits Issuance:
 - i. Provide two hard copies and the digital files (in PDF and AutoCAD format) for both on-site and off-site utility plans, including landscape and irrigation improvements.
 - ii. Submit an **Engineering Report (ER)** to the City detailing recycled water usage for review and approval by the City and the State. The review process for the ER is typically 3 months. City will coordinate the State's approval of the ER.
 - iii. For details, contact Cynthia Heredia-Torres at (909) 395-2647 or ctorres@ontarioca.gov.
- b. Prior to Occupancy Release/Finalizing:
 - i. Pass start-up and cross-connection test successfully.
 - ii. Provide evidence demonstrating the training of on-site supervisor or designee as determined in the ER.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 20529 (FILE NO. PMTT22-010), SUBDIVIDING 11.11 GROSS ACRES OF LAND FOR RESIDENTIAL CONDOMINIUM PURPOSES, INTO 3 NUMBERED LOTS AND 15 LETTERED LOTS FOR MULTIPLE-FAMILY RESIDENTIAL USES, COMMON DRIVE AISLES, AND COMMON OPEN SPACE PURPOSES FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF TWINKLE AVENUE, APPROXIMATELY 350 FEET SOUTH OF FUTURE CHINO AVENUE, WITHIN PLANNING AREAS 4A, 4B, AND 4C (RESIDENTIAL – SFD/ATTACHED) OF THE RICH HAVEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—
APN 0218-161-14

WHEREAS, BROOKCAL ONTARIO LLC (hereinafter referred to as "Applicant") has filed an Application for the approval of a Tentative Tract Map, File No. PMTT22-010, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 11.11 acres of land generally located on the east side of Twinkle Avenue, approximately 350 feet south of future Chino Avenue, within Planning Areas 4A, 4B, and 4C (Residential – SFD/Attached) of the Rich Haven Specific Plan, and is presently vacant; and

WHEREAS, the property to the north of the Project site is within Planning Area 2 (Open Space – Non Recreation) of the Rich Haven Specific Plan and is developed with SCE transmission towers and power lines. The property to the east is within Planning Areas 4A, 4B, and 4C (Residential – SFD/Attached) of the Rich Haven Specific Plan and is presently vacant. The property to the south is within Planning Areas 5B and 5D (Residential – SFD/Attached) of the Rich Haven Specific Plan and is presently vacant. The property to the west is within Planning Area 3 (Public Park) of the Rich Haven Specific Plan and is presently vacant; and

WHEREAS, on February 23, 2022, two Tentative Tract Maps adjacent to each other were filed concurrently. Haven Ontario NMC 1 LLC and Haven Ontario NMC 2 LLC submitted Tentative Tract Map No. 20530 (File No. PMTT22-009) and BrookCal Ontario LLC, submitted Tentative Tract Map No. 20529 (File No. PMTT22-010). Although, there are two proposed separate maps, both maps were designed to function as one community, sharing pedestrian access, parking, circulation, and open space/park amenities; and

WHEREAS, the Project site is being subdivided for residential condominium purposes to accommodate the future development of twenty, six-unit Row Townhome

buildings, for a total of 120 units. The Rich Haven Specific Plan requires row townhomes to maintain a minimum unit size of 1,800 square feet. A minimum lot size is not specified for this product type. The proposed lot sizes range from 46,941 to 91,915 square feet, exceeding the minimum requirement; and

WHEREAS, the Policy Plan Land Use Map designates the subject site as Medium Density Residential (11.1 to 25 du/ac). The total number of units of Tentative Tract Map No. 20530 and Tentative Tract Map No. 20529 is 264 units, which have a combined overall density of 13.0 du/ac, which is consistent with the Rich Haven Specific Plan and the Policy Plan (general plan); and

WHEREAS, the Project site will have one access point from Twinkle Avenue, which runs north and south along the western frontage of the site. The Tentative Tract Map will facilitate the construction of the private drive aisles/lanes that will serve the Project site. The Tentative 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; and

WHEREAS, a parking plan was completed for the proposed Tentative Tract Map Nos. 20529 and 20530 to demonstrate that sufficient parking has been provided throughout the Project site. The Tentative Tract Map's proposed product types would require a total of 649 parking spaces, in which 504 of those parking spaces would be provided within a garage. The parking plan demonstrates that a total of 756 spaces will be provided, exceeding the minimum requirements by 107 parking spaces. The additional parking spaces are provided throughout the site as on-street parking and off-street parking spaces distributed throughout the site along private drive aisle. The parking plan demonstrates that there will be an average of 2.9 parking spaces per unit, which is 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; and

WHEREAS, Tentative Tract Map Nos. 20529 and 20530 will share in the construction of two neighborhood parks, sidewalks, parkways, and open space areas. TOP Policy PR1-1 requires new developments to provide a minimum of 2 acres of Private Park per 1,000 residents. The tentative tract maps are required to provide a total of 1.78 acres of parkland to meet the minimum TOP private park requirement, while a total of 2.08 acres of parkland have been provided, exceeding the overall minimum requirement. To satisfy the park requirement, the applicant is constructing a 1/2-acre neighborhood park centrally located between the two Tentative Tract Maps and a 0.9-acre park centrally located within Tract 20530. The proposed pedestrian circulation system provides connectivity to the parks, residential neighborhoods within the Project site, 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; and

WHEREAS, all major backbone improvements and interior site improvements will be constructed consistent with the proposed Tentative Tract Map and related Development Agreement (File No. PDA22-001). Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan ("PWQMP"), which establishes the Project's compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces and maximizes low impact development ("LID") best management practices ("BMPs"), such as retention and infiltration, biotreatment, and evapotranspiration; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with File No. PSP05-004, the Rich Haven Specific Plan, for which an Environmental Impact Report (State Clearinghouse No. 2006051081) — (hereinafter referred to as "Certified EIR") was certified by the City Council on December 4, 2007. 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 (hereinafter referred to as "ONT ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on October 17, 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. DAB22-042 recommending the Planning Commission approve the Application; and

WHEREAS, on October 25, 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 EIR" and supporting documentation. Based upon the facts and information contained in the previous "Certified EIR" and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were previously reviewed in conjunction with File No. PSP05-004, the Rich Haven Specific Plan, for which a "Certified EIR" was adopted by the City Council on December 4, 2007; and

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3: Housing Element Compliance. Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making authority for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation,

at the time of Project implementation, the Project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Housing Element Sites Inventory contained in Figure B-1 of the Housing Element Technical Report Appendix.

SECTION 4: *Ontario International Airport Land Use Compatibility Plan (“ONT 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 ONT 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 ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT 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 ONT 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 (MDR) Medium Density Residential (11.1 – 25 DU/AC) land use district of the Policy Plan Land Use Map, and Planning Areas 4A, 4B and 4C (Residential – SFD/Attached) 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 Map is located within the (MDR) Medium Density Residential (11.1 – 25 DU/AC) land use district of the Policy Plan Land Use Map, and the Planning Areas 4A, 4B and 4C (Residential – SFD/Attached) 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 Planning Areas 4A, 4B and 4C (Residential – SFD/Attached) of the Rich Haven Specific Plan and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.

(4) ***The site is physically suitable for the density/intensity of development proposed.*** The Project site is proposed for residential development at a density of 10.8 du/ac. The Project site meets the minimum lot area and dimensions of Planning Areas

4A, 4B and 4C (Residential – SFD/Attached) 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 right-of-way improvements proposed on the Project site, are not likely to cause serious public health problems, as the Project is not anticipated to involve the transport, use, or disposal of hazardous materials during either construction or Project implementation, include the use of hazardous materials or volatile fuels, nor are there any known stationary commercial or industrial land uses within close proximity to the subject site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the Project site.

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

SECTION 6: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 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 25th day of October 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 October 25, 2022, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PMTT22-010 (TTM 20529)
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)




PLANNING DEPARTMENT ACTIVITY REPORT

Month of August 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 

DATE: October 25, 2022

Attached, you will find the Planning Department Monthly Activity Report for the month of August 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 August 2022

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

DEVELOPMENT ADVISORY BOARD MEETING August 1, 2022

Meeting Cancelled

ZONING ADMINISTRATOR MEETING August 1, 2022

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP22-009: A public hearing to consider a Conditional Use Permit to establish a 1,940-square-foot garage for recreational vehicle storage on 0.48-acre of land located at 1223 South Almond Avenue, within the AR-2 (Residential – Agricultural - 0 to 2.0 DU/Acre) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1011-521-38) **submitted by Paul Dietrich.**

Action: The Zoning Administrator adopted the Decision approving File No. PCUP22-009.

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP22-010: A public hearing to consider a modification to a previously approved Conditional Use Permit (File No. PCUP06-002), upgrading an existing Type 20 ABC License (Off-Sale Beer and Wine) to a Type 21 ABC License (Off-Sale General), which would allow for the retail sales of distilled spirits in addition to the retail sales of beer and wine that is currently permitted on 9.64 acres of land located at 4200 East Fourth Street, within the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan; (APNs: 0210-204-41) **submitted by Target Corporation.**

Action: The Zoning Administrator is currently considering the Conditional Use Permit.

CITY COUNCIL/HOUSING AUTHORITY MEETING August 2, 2022

No Planning Department Items Scheduled



Monthly Activity Report: Actions

Month of August 2022

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

DEVELOPMENT ADVISORY BOARD MEETING August 15, 2022

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV22-020: A hearing to consider a Development Plan to construct a 28,000-square-foot addition and extensive exterior remodel to an existing commercial building on 19.23 acres of land located at 4105 East Inland Empire Boulevard, within the Garden Commercial land use district of The Ontario Center Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with The Ontario Center Environmental Impact Report - No. 88-2 (State Clearinghouse No. 1989041009), certified by the City Council on March 19, 1991. 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; (APN: 0210-205-12) **submitted by Steve La Bruna, Right Structures, Inc.**

Action: The Development Advisory Board adopted the Decision approving File No. PDEV22-020, subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV22-001: A hearing to consider a Development Plan to construct a 1,003,918-square-foot industrial building on 54.28 acres of land generally located at the northwest corner of Hamner Avenue and Ontario Ranch Road, within Planning Area 7A (Light Industrial and Open Space-Non recreation) of the Rich Haven Specific Plan. The environmental impacts of this project were previously analyzed in an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), which was approved for use by the City Council on May 18, 2021, in conjunction with File Nos. PGPA19-005 and PSPA19-006. 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; (APN: 0218-211-31) **submitted by DP1F3 CA 36 Ontario Ranch, LLC C/O Dermody Properties.**

Action: The Development Advisory Board adopted the Decision approving File No. PDEV22-001, subject to conditions.

ENVIRONMENTAL ASSESSMENT, TENTATIVE TRACT MAP AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PMTT21-020 AND PDEV22-032: A hearing to consider a Tentative Tract Map (TT 20524) for condominium purposes, subdividing 6.43 acres of land into 4 numbered lots and 4 lettered lots for residential uses, private drives, parking, landscape edges and common open space purposes, in conjunction with a Development Plan to construct 108 multiple-family residential units located at the northeast corner of Mill Creek Avenue and Chino Avenue, within PA-8 (garden court/rowtown) of the Edenglen Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Edenglen Specific Plan (File No. PSP03-005), for which an Environmental Impact Report (State Clearinghouse No. 2004051108) was certified by the City Council on November 1, 2005. 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 August 2022

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

International Airport Land Use Compatibility Plan; (APNs: 0218-921-19 and 0218-921-22) **submitted by Brookcal Ontario, LLC. Planning Commission action is required.**

Action: The Development Advisory Board adopted the Decision recommending the Planning Commission approve File Nos. PMTT21-020 and PDEV22-032, subject to conditions.

ENVIRONMENTAL ASSESSMENT, VARIANCE, AND DEVELOPMENT PLAN REVIEW FOR FILE NOS.

PVAR19-004 AND PDEV19-028: A hearing to consider a Variance (File No. PVAR19-004) request to deviate from the maximum Development Code standard for percentage of tandem parking spaces, from 12 percent to 46 percent, to facilitate a Development Plan (File No. PDEV19-028) to construct five multiple-family residential units on 0.28 acres of land, located at 1063 East Elma Street. The environmental impacts of this project were previously reviewed in conjunction with File No. PGPA20-002, a General Plan update for which an Environmental Impact Report (State Clearinghouse No. 2021070364) is scheduled for review and certification by the City Council on August 16, 2022. 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; (APNs: 1048-461-17 and 1048-491-23) **submitted by Maria G. Oseguera. Planning Commission action is required**

Action: The Development Advisory Board adopted the Decision recommending the Planning Commission approve File Nos. PVAR19-004 and PDEV19-028, subject to conditions.

ENVIRONMENTAL ASSESSMENT, VARIANCE AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PVAR21-

005 AND PDEV21-028: A hearing to consider a Variance (File No. PVAR21-005) to reduce the building setback along an arterial street from 20 feet to 2.67 feet, in conjunction with a Development Plan (File No. PDEV21-028) to construct one industrial building totaling 32,165 square feet on 1.3 acres of land located at 1108 and 1120 East California Street, within the IL (Light Industrial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15305 (Class 5, Minor Alteration in Land Use Limitations) and 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; (APNs: 1049-382-01 and 1049-382-02) **submitted by Phelan Development Company. Planning Commission action is required.**

Action: The Development Advisory Board adopted the Decision recommending the Planning Commission approve File Nos. PVAR21-005 and PDEV21-028, subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV22-004:

A hearing to consider a Development Plan to construct a stealth wireless telecommunications facility consisting of a 65-foot-tall monopine antenna and ancillary ground-mounted equipment on 1.75 acres of land located at 1259 East D Street (Veteran's Memorial Park), within the OS-R (Open Space – Recreation) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility

Plan. (APN: 0110-013-04) **submitted by Coastal Business Group. Planning Commission action is required.**

Action: The Development Advisory Board adopted the Decision recommending the Planning Commission approve File No. PDEV22-004, subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV21-039: A hearing to consider a Development Plan to construct 113 single-family homes on 22.42 acres of land generally located at the southeast corner of Mill Creek Avenue and Old Edison Road, within PA-2 (RD-4 / SFD Cottages and RD-6 / 6 Pack Courtyard) of the Esperanza Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with File No. PSP05-002, an Environmental Impact Report for which the Esperanza Specific Plan (State Clearinghouse No. 2002061047) was approved by the City Council on January 16, 2007. 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; (APNs: 0218-252-08 and 0218-252-38) **submitted by KB Home Coastal, Inc. Planning Commission action is required.**

Action: The Development Advisory Board adopted the Decision recommending the Planning Commission approve File No. PDEV21-039, subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV21-042: A hearing to consider a Development Plan to construct 174 multiple-family residential units on 15.11 acres of land generally located at the southeast corner of Mill Creek Avenue and Old Edison Road, within PA-1 (RD-7/Row Townhomes and RD-8/Motorcourt Townhomes) of the Esperanza Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with File No. PSP05-002, an Environmental Impact Report for which the Esperanza Specific Plan (State Clearinghouse No. 2002061047) was approved by the City Council on January 16, 2007. 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; (APNs: 0218-252-08 and 0218-252-38) **submitted by submitted by KB Home Coastal, Inc. Planning Commission action is required.**

Action: The Development Advisory Board adopted the Decision recommending the Planning Commission approve File No. PDEV21-042, subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV21-043: A hearing to consider a Development Plan to construct 145 multiple-family motorcourt townhomes on 13.86 acres of land generally located at the southeast corner of Mill Creek Avenue and Old Edison Road, within PA-1 (RD-7/Row Townhomes and RD-8/Motorcourt Townhomes) of the Esperanza Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with File No. PSP05-002, an Environmental Impact Report for which the Esperanza Specific Plan (State Clearinghouse No. 2002061047) was approved by the City Council on January 16, 2007. 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



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Airport Land Use Compatibility Plan; (APNs: 0218-252-08 and 0218-252-38) **submitted by submitted by KB Home Coastal, Inc. Planning Commission action is required.**

Action: The Development Advisory Board adopted the Decision recommending the Planning Commission approve File No. PDEV21-043, subject to conditions.

ZONING ADMINISTRATOR MEETING August 15, 2022

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP22-004: A public hearing to consider a modification to previously-approved Conditional Use Permits establishing a green waste composting facility (File Nos. PCUP19-020 and PCUP13-022), to allow up to two percent of green waste to be substituted with food waste processing, on approximately 37 acres of land located at 7325 E. Edison Avenue, within the SP/AG (Specific Plan/Agricultural Overlay) zoning district. The environmental impacts of this project were previously reviewed in conjunction with File No. PCUP13-022, for which a Mitigated Negative Declaration was adopted by the Planning Commission on October 22, 2013. 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. 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: 1053-39-101 and 1053-40-100) **submitted by AgConcepts, Inc.**

Action: The Zoning Administrator is currently considering the Conditional Use Permit.

ENVIRONMENTAL ASSESSMENT AND VARIANCE REVIEW FOR FILE NO. PVAR22-001: A public hearing to consider a Variance to reduce the rear yard, first floor setback from 10 feet to 3.17 feet, to facilitate the addition of a laundry enclosure to an existing 700 square foot artist's studio, a historically designated local landmark located at 456 Carriage Alley, within the MDR-11 (Low-Medium Density Residential-5.1 to 11.0 DU/Acre) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Class 5, Minor Alterations in Land Use Limitations) 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.; (APN: 1048-342-12) **submitted by Nicholas Brethorst.**

Action: The Zoning Administrator is currently considering the Conditional Use Permit.



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CITY COUNCIL/HOUSING AUTHORITY MEETING August 16, 2022

ENVIRONMENTAL ASSESSMENT, GENERAL PLAN AMENDMENT, AND COMMUNITY CLIMATE ACTION PLAN UPDATE FOR FILE NOS. PGPA20-002 AND PADV22-002:

A public hearing to consider certification of a Supplemental Environmental Impact Report (SEIR) (State Clearinghouse No. 2021070364), including the adoption of a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations, in conjunction with the following: [1] The Ontario Plan (TOP) 2050 update General Plan Amendment (File No. PGPA20-002) to the Vision, Governance Manual, and Policy Plan components of TOP, and [2] an update to the Community Climate Action Plan (File No. PADV22-002). 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 proposed project site is also located within the Airport Influence Area of Chino Airport and was evaluated and found to be consistent with the policies and criteria of the Chino Airport Land Use Compatibility Plan (Chino ALUCP); **City initiated. Planning Commission recommended approval of this item on July 26, 2022, with a (7-0) vote.**

Action: The City Council adopted: [1] the resolution certifying Final Supplemental Environmental Impact Report (SEIR) (State Clearinghouse No. 2021070364), including the adoption of a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations; [2] the resolution approving File No. PGPA20-002 (The Ontario Plan 2050 General Plan Update); and [3] the resolution approving File No. PADV22-002 (Community Climate Action Plan Update).

PLANNING/HISTORIC PRESERVATION COMMISSION MEETING August 23, 2022

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV21-039: A hearing to consider a Development Plan to construct 113 single-family homes on 22.42 acres of land generally located at the southeast corner of Mill Creek Avenue and Old Edison Road, within PA-2 (RD-4 / SFD Cottages and RD-6 / 6 Pack Courtyard) of the Esperanza Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Esperanza Specific Plan (File No. PSP05-002), for which an Environmental Impact Report (State Clearinghouse No. 2002061047) was approved by the City Council on January 16, 2007. 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; (APNs: 0218-252-07 and 0218-252-38) **submitted by KB Home Coastal, Inc.**

Action: The Planning Commission adopted the Resolution approving File No. PDEV21-039, subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV21-042: A hearing to consider a Development Plan to construct 174 multiple-family residential units on 15.11 acres of land generally located at the southeast corner of Mill Creek Avenue and Old Edison

Road, within PA-1 (RD-7/Row Townhomes and RD-8/Motorcourt Townhomes) of the Esperanza Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Esperanza Specific Plan (File No. PSP05-002), for which an Environmental Impact Report (State Clearinghouse No. 2002061047) was approved by the City Council on January 16, 2007. 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; (APNs: 0218-252-07 and 0218-252-38) **submitted by submitted by KB Home Coastal, Inc.**

Action: The Planning Commission adopted the Resolution approving File No. PDEV21-042, subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV21-043: A hearing to consider a Development Plan to construct 145 multiple-family motorcourt townhomes on 13.86 acres of land generally located at the southeast corner of Mill Creek Avenue and Old Edison Road, within PA-1 (RD-7/Row Townhomes and RD-8/Motorcourt Townhomes) of the Esperanza Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Esperanza Specific Plan (File No. PSP05-002), for which an Environmental Impact Report (State Clearinghouse No. 2002061047) was approved by the City Council on January 16, 2007. 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; (APNs: 0218-252-07 and 0218-252-38) **submitted by submitted by KB Home Coastal, Inc.**

Action: The Planning Commission adopted the Resolution approving File No. PDEV21-043, subject to conditions.

ENVIRONMENTAL ASSESSMENT, TENTATIVE TRACT MAP AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PMT21-020 AND PDEV22-032: A public hearing to consider a Tentative Tract Map (TT 20524) for condominium purposes, subdividing 6.43 acres of land into 4 numbered lots and 4 lettered lots for residential uses, private drives, parking, landscape edges and common open space purposes, in conjunction with a Development Plan to construct 108 multiple-family residential units located at the northeast corner of Mill Creek Avenue and Chino Avenue, within PA-8 (garden court/rowtown) of the Edenglen Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Edenglen Specific Plan (File No. PSP03-005), for which an Environmental Impact Report (State Clearinghouse No. 2004051108) was certified by the City Council on November 1, 2005. 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; (APNs: 0218-921-19 and 0218-921-22) **submitted by Edenglen Ontario, LLC.**

Action: The Planning Commission adopted the Resolutions approving File Nos. PMT21-020 and PDEV22-032, subject to conditions.

ENVIRONMENTAL ASSESSMENT, VARIANCE AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PVAR21-005 AND PDEV21-028: A public hearing to consider a Variance (File No. PVAR21-005) to reduce the building setback along an arterial street from 20 feet to 2.67 feet, in conjunction with a Development Plan (File No. PDEV21-028) to construct one industrial building totaling 32,165 square feet on 1.3 acres of land located at 1108 and 1120 East California Street, within the IL (Light Industrial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15305 (Class 5, Minor Alteration in Land Use Limitations) and 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; (APNs: 1049-382-01 and 1049-382-02) **submitted by Phelan Development Company.**

Action: Continued to the September 27, 2022, Planning Commission meeting.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV22-004: A hearing to consider a Development Plan to construct a stealth wireless telecommunications facility consisting of a 65-foot-tall monopine antenna and ancillary ground-mounted equipment on 1.75 acres of land located at 1259 East D Street (Veteran's Memorial Park), within the OS-R (Open Space – Recreation) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan. (APN: 0110-013-04) **submitted by Coastal Business Group.**

Action: Continued to the August 30, 2022, Special Planning Commission meeting.

ENVIRONMENTAL ASSESSMENT, ZONE CHANGE, VARIANCE, AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PZC19-001, PVAR19-004, AND PDEV19-028: A public hearing to consider a Zone Change (File No. PZC19-001) amending the zoning designation on 0.07-acre of land from MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 du/ac) to MDR-18 (Medium Density Residential – 11.1 to 18.0 du/ac), to enable development of a 0.28-acre project site, in conjunction with a Variance to deviate from the maximum Development Code standard for percentage of tandem parking spaces, from 12 percent to 23 percent, and a Development Plan (File No. PDEV19-028) to construct five multiple-family residential units located at 1063 East Elma Street, within the MDR-18 (Medium Density Residential – 11.1 to 18.0 du/ac) zoning district. The environmental impacts of this project were reviewed in conjunction with File No. PGPA20-002, a General Plan Amendment for The Ontario Plan 2050 Update, for which a Supplemental Environmental Impact Report (State Clearinghouse No. 2021070364) was certified by the City Council on August 16, 2022. 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; (APNs: 1048-461-17 and 1048-491-23) **submitted by Maria G. Oseguera. City Council action is required for File No. PZC19-001.**

Action: The Planning Commission adopted: [1] the Resolution recommending the City Council approve File No. PZC19-001; and [2] the Resolutions approving File Nos. PVAR19-004 and PDEV19-028, subject to conditions.



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ENVIRONMENTAL ASSESSMENT AND SPECIFIC PLAN AMENDMENT REVIEW FOR FILE NO. PSPA21-002:

A public hearing to consider certification of the Final Ontario Ranch Business Park Specific Plan Amendment Subsequent Environmental Impact Report (State Clearinghouse No. 2019050018), including the adoption of a revised Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations, for an amendment to the Ontario Ranch Business Park Specific Plan, incorporating property adjacent to the existing Specific Plan area and establishing the land use designations, development standards, and guidelines which will govern the development of 71.69 acres of land generally bordered by Eucalyptus Avenue to the north, Sultana Avenue to the east, Merrill Avenue to the south, and Campus Avenue to the west. 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. 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: 1054-041-01, 1054-041-02, 1054-031-01, 1054-031-02, 1054-261-01, 1054-261-02, 1054-291-01, and 1054-291-02) **submitted by Euclid Land Venture LLC. City Council action is required.**

Action: Continued to the September 30, 2022, Planning Commission meeting.

SPECIAL PLANNING/HISTORIC PRESERVATION COMMISSION MEETING
August 30, 2022

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV22-004: A hearing to consider a Development Plan to construct a stealth wireless telecommunications facility consisting of a 65-foot-tall monopine antenna and ancillary ground-mounted equipment on 1.75 acres of land located at 1259 East D Street (Veteran's Memorial Park), within the OS-R (Open Space – Recreation) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan. (APN: 0110-013-04) **submitted by Coastal Business Group.**

Action: The Planning Commission adopted the Resolution approving File No. PDEV22-004, subject to conditions.

ENVIRONMENTAL ASSESSMENT AND SPECIFIC PLAN AMENDMENT REVIEW FOR FILE NO. PSPA21-002:

A public hearing to consider certification of the Final Ontario Ranch Business Park Specific Plan Amendment Subsequent Environmental Impact Report (State Clearinghouse No. 2019050018), including the adoption of a revised Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations, for an amendment to the Ontario Ranch Business Park Specific Plan, incorporating property adjacent to the existing Specific Plan area and establishing the land use designations, development standards, and guidelines which will govern the development of 71.69 acres of land generally bordered by Eucalyptus Avenue to the north,



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Sultana Avenue to the east, Merrill Avenue to the south, and Campus Avenue to the west. 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. 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: 1054-041-01, 1054-041-02, 1054-031-01, 1054-031-02, 1054-261-01, 1054-261-02, 1054-291-01, and 1054-291-02) **submitted by Euclid Land Venture LLC. City Council action is required.**

Action: The Planning Commission adopted the Resolution recommending the City Council approve File No. PSPA21-002.



Monthly Activity Report: New Applications

Month of August 2022

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PCUP22-018:

Submitted by Dhaval Patel

A modification to a previously approved Conditional Use Permit (File No. PCUP05-050) for the sale of alcoholic beverages for consumption off the premises, limited to beer and wine (Type 21 ABC License), removing a condition of approval prohibiting the sale of beer or malt beverages in quantities of less than six per sale for an existing convenience market on 0.23-acre of land located at 1442 South Euclid Avenue, within the CS (Corner Store) zoning district (APN: 1050-051-05). Related Files: PCUP05-050 and PCUP08-001. **Zoning Administrator action is required.**

PCUP22-019:

Submitted by Moises Larios

A Conditional Use Permit to construct one 690-square-foot Accessory Dwelling Unit on the second floor of an existing 1,543-square-foot single-family residence located at 523 East Yale Street, within the LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac) zoning district (APN 1047-521-69). **Zoning Administrator action is required.**

PDEV22-037:

Submitted by James Kim

A Development Plan to construct 508 multiple-family dwellings on approximately 33.05-acres of land located at [insert project address or general location], located at the southwest corner of Haven Avenue and Ontario Ranch Road, within Planning Areas 17, 18, 19, 21 and 23 of the Parkside Specific Plan Zoning District (APNs: 0218-231-09, 0218-231-10, 0218-231-11, 0218-231-13, 0218-231-15, 0218-231-16, 0218-231-31, 0218-231-32, 0218-231-34, 0218-231-38 and a portion of 0218-073-06). Related File: PMTT22-024 (TT 20487). **Planning Commission action is required.**

PDEV22-038:

Submitted by KB Homes

A Development Plan to construct 36 single-family, 4-pack dwellings on approximately 11.05 acres of land located near the southwest corner of Archibald and Chino Avenues, within the RD – Alley Loaded land use district of the Countryside Specific Plan (APN: 0218-131-34). Related File: PMTT21-011. **Planning Commission action is required.**

PDEV22-039:

Submitted by Prologis, L.P

A Development Plan to construct two industrial buildings totaling 217,348 square feet on 11.53 acres of land located at 1580 and 1660 East Eucalyptus Avenue, within PA-1 (Business Park) land use district of the Ontario Ranch Business Park Specific Plan (APNs: 1054-161-03 & 1054-161-01). **Development Advisory Board action is required.**

PDFR22-001:

Submitted by Lennar Homes of California, Inc.

A Development Impact Fee ("DIF") Deferral Agreement with Lennar Homes of CA, to defer the DIF for Tract Map Nos. 17749 (97 units) and 17750 (138 units), located at the southwest corner of Archibald and Chino Avenues, within the Countryside Specific Plan. **City Council action is required.**

PHP-22-014:

Submitted by GRAY R MCMINN

A Tier Determination for an Eligible Historic Resource located at 409 North San Antonio Avenue, within the LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac) zoning district (APN: 1048-314-11). **Historic Preservation Commission action is required.**



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PPA22-0002:

Submitted by James Kim

A Preliminary Review of a proposed residential and neighborhood commercial development on 32.98 acres located at the southwest corner of Ontario Ranch Road and Archibald Avenue. The proposed improvements include: [1] 508 luxury rental homes with a 9,500-square-foot clubhouse, swimming pool and spa, playground, dog park, various green belts, BBQ areas; [2] two stand-alone retail buildings totaling 9,500 square feet; and [3] street improvements, including the extension of McCarren Place and the construction of Main Street. **Staff action is required.**

PSGN22-077:

Submitted by Sureteck Commercial & Industrial Services

A Sign Plan to relocate one legal non-conforming pole sign for SHELL, due to the San Bernardino County Transit Authority ("SBCTA") Holt Boulevard street widening project on property located at 601 East Holt Boulevard, within the NCN (Neighborhood Commercial) zoning district (APN: 10-48-524-17). **Staff action is required.**

PSGN22-078:

Submitted by Promotion Plus Sign Co.

A Sign Plan to reface fuel station canopy signs and 2 monument signs for HAVEN FUEL gas station, located at 2200 South Haven Avenue, within the California Commerce Center South Specific Plan (APN: 1083-151-08). **Staff action is required.**

PSGN22-079:

Submitted by First United Methodist Church

A Sign Plan for a temporary ground-mounted promotional banner from August 3, 2022 to September 26, 2022 for First United Methodist Church of Ontario, located at 918 North Euclid Avenue, within the LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac) zoning district (APN: 1048-072-01). **Staff action is required.**

PSGN22-080:

Submitted by Signtech Electrical Advertising

A Sign Plan to install one wall-mounted sign for POTTERY BARN/WEST ELM OUTLET, located at 4646 East Mills Circle within the Ontario Mills Specific Plan (APN: 0238-014-36). **Staff action is required.**

PSGN22-081:

Submitted by Evies International, Inc.

A Sign Plan to install 2 wall-mounted signs and building address identification sign for EURO OAK FLOOR AND EVIES INTL. INC., located at 800 South Wineville Avenue, within the IH (Heavy Industrial) zoning district (APN: 0238-081-98). **Staff action is required.**

PSGN22-082:

Submitted by PVL Signs & Graphics Inc.

A sign plan for San Antonio Regional Hospital to install one wall-mounted "URGENT CARE" sign on the building located at 970 North Mountain Avenue, within the CN (Neighborhood Commercial) zoning district (APN: 1010-141-09). **Staff action is required.**

PSGN22-083:

Submitted by Maria Oseguera

A Sign Plan for a temporary large public noticing sign for a project to be heard by the Planning Commission and City Council (File Nos. PDEV19-028, PVAR19-004, and PZC19-001), located at 1063 East Elma Street, within the MDR-18 (Medium Density Residential – 11.1 to 18.0 du/ac) zoning district (APN: 1048-461-17). **Staff action is required.**



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PSGN22-084: Submitted by Art Signs and Printing Inc

A Sign Plan to install one non illuminated wall-mounted sign for YAHEETECH, located at 1532 South Vineyard Avenue, within the IG (General Industrial) zoning district (APN: 0113-415-74). **Staff action is required.**

PSGN22-085: Submitted by Inland Signs Inc

A Sign Plan to install one illuminated wall-mounted sign for CENTERPOINT, located at 4250 East Greystone Drive, within the Milliken Industrial Park Specific Plan (APN: 1083-361-13). **Staff action is required.**

PSGN22-086: Submitted by Inland Signs Inc

A Sign Plan to install two illuminated wall-mounted signs for RUBY'S FASHION on a building located at 1520 North Mountain Avenue, A-104, within the Mountain Village Specific Plan (APN: 1008-272-08). **Staff action is required.**

PSGN22-087: Submitted by Fastsigns

A Sign Plan to install 2 wall-mounted signs and 4 monument signs for AMAZON, located at 4707 South Baker Avenue, within the Merrill Commerce Center Specific Plan (APN: 1054-191-03). **Staff action is required.**

PSGN22-088: Submitted by Orange County Signs

A Sign Plan to install one wall-mounted wall sign for NRI, located at 1950 South Vintage Avenue, within the IH (Heavy Industrial) zoning district (APN: 0238-161-50). **Staff action is required.**

PSGN22-089: Submitted by Architecturadesign & Signs, Inc.

A Sign Plan to install one primary wall-mounted sign and two wall-mounted descriptor signs for Stater Brothers, located at 1105 West Philadelphia Street, CN (Neighborhood Commercial) zoning district (APN: 1015-131-12). **Staff action is required.**

PSGN22-090: Submitted by Friends of Family Health Center

A Sign Plan for a temporary wall-mounted banner sign for FRIENDS OF FAMILY HEALTH CENTER, located at 1129 West Fourth Street, within the CC (Community Commercial) zoning district (APN: 1010-132-05). **Staff action is required.**

PSGN22-091: Submitted by True Jesus Church in Chino Valley

A Sign Plan for a temporary wall-mounted banner sign for TRUE JESUS CHURCH, located at 1429 North Euclid Avenue, within the RE-4 (Residential Estate – 2.1 to 4.0 du/ac) zoning district (APN: 1047-345-01). To be displayed from 9/7/2022 thru 9/11/ 2022. **Staff action is required.**

PSPA22-007: Submitted by First Industrial Realty Trust

A Specific Plan Amendment to change the land use designation on 4.12 acres of land located at 2042 South Grove Avenue, within the Grove Avenue Specific Plan, from Office/Commercial to Business Park (APN: 1050-491-11). **Staff action is required.**



Monthly Activity Report: New Applications

Month of August 2022

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

PTUP22-071:

Submitted by Luis Lopez

A Temporary Use Permit for a dog show at Cucamonga-Guasti Regional Park, located at 800 North Archibald Avenue (APN: 0110-451-01). Event to be held on September 17, 2022. **Staff action is required.**

PTUP22-072:

Submitted by Bee Imagine LLC

A Special Event Permit to hold a private event at the Ontario Soccer Park, located at 2200 East Philadelphia Street (APN: 0113-281-13). Event to be held on September 10, 2022. **Staff action is required.**

PTUP22-073:

Submitted by Happiness of Pursuit Arts Foundation

A Temporary Use Permit for a fund raising event at Firewater Bar for the non-profit Happiness of Pursuit Arts Foundation, located at 1528 West Holt Boulevard (APN: 1010-552-12). Event to be held on October 1, 2022, 10:00AM to 11:00PM. **Staff action is required.**

PTUP22-074:

Submitted by The Home Depot

A Temporary Use Permit for Home Depot to host an annual employee picnic at Cucamonga-Guasti Regional Park, located at 800 North Archibald Avenue (APN: 0110-451-01). Event to be held on August 27, 2022. **Staff action is required.**

PTUP22-075:

Submitted by City of Ontario Recreation & Community Services

A Special Event Permit for the Ontario Recreation & Community Services Department to host a "hush" party located at Ontario Town Square, 224 North Euclid Avenue (APN: 1048-552-24). Event to be held on August 26, 2022, 7:00PM to 10:00PM. **Staff action is required.**

PTUP22-076:

Submitted by Ontario City Library, Library Director

A Special Event Permit submitted by Ontario Community Library (Ovitt Family Community Library) for Job and Resource Fair for veterans, to be held outdoors between Ovitt Family Community Library and Ontario Senior Center. Event to be held on November 10, 2022. **Staff action is required.**

PTUP22-077:

Submitted by RWT Preserve Holdings, LLC

A Temporary Use Permit submitted for a model home sales office (KB Home) for Tract No. 20158, generally located at the southeast corner of Millcreek Avenue and Ontario Ranch Road. **Staff action is required.**

PTUP22-078:

Submitted by RWT Preserve Holdings, LLC

A Temporary Use Permit submitted for a model home sales office (KB Home) for Tract No. 20159, generally located along Millcreek Avenue, approximately 600 feet south of Ontario Ranch Road. **Staff action is required.**

PTUP22-079:

Submitted by RWT Preserve Holdings, LLC

A Temporary Use Permit submitted for a model home sales office (KB Home) for Tract No. 20160, generally located along Millcreek Avenue, approximately 550 feet north of Eucalyptus Avenue. **Staff action is required.**



Monthly Activity Report: New Applications

Month of August 2022

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PTUP22-080: Submitted by Lennar Homes of California, Inc.

A Temporary Use Permit submitted for a model home sales office (Lennar Homes) for Tract No. 20389, located at 5020 East Ferguson Privado (temporary garage conversion). **Staff action is required.**

PTUP22-081: Submitted by Ontario Eastern Little League

A Special Event Permit to have an Ontario Eastern Little League opening day event at Lattimer Field, located at 1211 East I Street (APN: 1048-141-04). Event to be held on September 10, 2022. **Staff action is required.**

PTUP22-082: Submitted by D'Andre D. Lampkin Foundation

A Temporary Use Permit to hold a mobile blood drive hosted by the D'Andre D. Lampkin Foundation, located at 2151 East Convention Center Way (APN: 0110-321-43). Event to be held on October 1, 2022. **Staff action is required.**

PVER22-052: Submitted by Global Zoning

A Zoning Verification for property located at 1643 South Grove Avenue (APN: 0113-361-26). **Staff action is required.**

PVER22-053: Submitted by The Planning & Zoning Resource Company

A Zoning Verification for property located at 4815 South Hellman Avenue (APN: 1073-111-18). **Staff action is required.**

PVER22-054: Submitted by The Planning and Zoning Resource Company

A Zoning Verification for property located at 4810 South Hellman Avenue (APN:1073-111-24). **Staff action is required.**

PVER22-055: Submitted by Aaliyah Endsley

A Zoning Verification for property located at 1720 East D Street (APN: 0110-521-01). **Staff action is required.**

PVER22-056: Submitted by Partner ESI

A Zoning Verification for 207 and 225 West State Street (APNs: 1049-275-11 and 1049-275-01). **Staff action is required.**

PVER22-057: Submitted by The Planning & Zoning Resource Company

A Zoning Verification for property located at 1600 East Francis Street (APNs: 0113-381-03, 0113-381-04, 0113-381-05, and 0113-381-06). **Staff action is required.**

PVER22-058: Submitted by TA Realty LLC

A Zoning Verification for property located at 4050 East Greystone Drive (APN: 1083-361-16). **Staff action is required.**



Monthly Activity Report: New Applications

Month of August 2022

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

PVER22-059: Submitted by **Vogel Properties, Inc. c/o Bellwether Enterprise**
A Zoning Verification for property located at 3555 East Airport Drive (APN: 0211-222-66). **Staff action is required.**