

6. SPECIFIC PLAN IMPLEMENTATION

This section of the Specific Plan summarizes the process for implementation of the Euclid Mixed-Use Specific Plan and provides for the orderly development of the Specific Plan area.

6.1 Applicability

The provisions, guidelines, and regulations contained within this Specific Plan provide the standards for land uses and development within Euclid Mixed-Use Specific Plan area. The Specific Plan supersedes the development standards and regulations of the Ontario Development Code, unless stated otherwise in this document. Whenever the provisions development standards and regulations of the Specific Plan conflict with those of the Ontario Development Code, the Specific Plan shall take precedence. Where the Specific Plan is silent, the Ontario Development Code shall apply.

6.1.1 Definition of Terms

The definitions of terms used within the Specific Plan shall mean the same as the Ontario Development Code, unless otherwise noted.

6.2 Severability

The Specific Plan serves as the implementation tool for the City's Policy Plan (The Ontario Plan). In the event that any provision of this Specific Plan or its application to any person or circumstance is held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent, and shall not affect the validity of the remaining provisions of this Specific Plan or applications thereof, which can be implemented without the invalid provision or application.

6.3 Interpretation

If a condition or situation occurs that is not sufficiently covered or provided for in this Specific Plan, those that are applicable for the most similar issue, condition, or situation shall be used. Any interpretation of a condition or situation concerning the content or application of the Specific Plan shall be resolved by the City Planning Director in a manner consistent with the goals, policies, objectives, and intent established in the Specific Plan.

6.4 Consistency with Other Plans and Regulations

This sub-section discusses consistency of the Specific Plan with other relevant plans and regulations including The Ontario Plan, Ontario International and Chino Airport Compatibility Plans, State of California building Codes and CEQA.

6.4.1 Consistency with The Ontario Plan

No land use, activity, or facility shall be permitted that is inconsistent with the objectives, policies, general land uses, and programs of The Ontario Plan, as amended. The Euclid Mixed-Use Specific Plan entitlement application proposes land use designations of Business Park and Mixed-Use development consistent with The Ontario Plan 2050.

6.4.2 Consistency with Airport Land Use Compatibility Plans

Projects located within the Specific Plan area are subject to the restrictions and provisions of the Airport Land Use Compatibility Plans prepared for Ontario International Airport and Chino Airport.

6.4.3 Consistency with California Building Code

Projects located within the Specific Plan area must comply with the State of California Building Code as adopted and implemented by the City of Ontario.

6.4.4 Consistency with CEQA

The City of Ontario is defined as the lead agency under the California Environmental Quality Act (CEQA) based upon its authority to approve this Specific Plan. Concurrent with approval of this Specific Plan, the City Council will be required to certify the associated Environmental Impact Report (EIR), including a Mitigation Monitoring and Reporting Program to ensure that all approved EIR mitigation measures are implemented. The Planning Director shall be responsible for confirming that mitigation measures have been implemented through each project's approved plans.

6.5 Specific Plan Revisions

It is recognized that modifications to the text or exhibits of this Specific Plan may be warranted in the future to accommodate unforeseen conditions or events. Revisions shall be processed in a manner prescribed by the City of Ontario Planning Department pursuant to the provisions in this section.

6.5.1 Minor Modifications

Minor modifications to the Specific Plan will be processed administratively without the submission of a formal Specific Plan Amendment application and will not require a public hearing or review by the Planning Commission. The Planning Director shall have the authority to review and make a determination of approval, approval with conditions, or denial of a request for minor modification to the Specific Plan. The Planning Director may, at his/her discretion, refer any such request to the Planning Commission or the City Council.

Minor modifications are defined as:

1. Expansions or reductions to a Planning Area boundary or acreage, provided that the total acreage within each affected Planning Area is not modified by more than 20 percent.
2. An increase in maximum building area for single- and multi-tenant buildings of up to 15 percent, provided that the maximum square footage for the Planning Area established by this Specific Plan is not exceeded.
3. A modification of up to 20 percent of a project's required minimum lot area, minimum lot dimensions, or setback if compatible with the surrounding land uses and consistent with the overall design character of the Euclid Mixed-Use Specific Plan.
4. Additions, deletions, or modifications to **Table 4.1**, Allowable Uses, which lists the permitted and conditionally permitted uses in the Specific Plan area, provided the Planning Director determines the changes to be consistent with the objectives and intent of the Specific Plan.

5. Minor modification of conceptual design criteria for architectural features and materials, landscape treatments, lighting, signage, and sustainable design strategies.
6. Revisions to roadway alignment when the change results in centerline shift of less than 250 ft.
7. Revisions to infrastructure facility sizing and precise location for dry utilities, water, sewer, and Storm Drain improvements subject to approval of the City Engineer.
8. Changes to the Phasing Plan, provided infrastructure is available to serve the phase as determined by the City Engineer.
9. Revisions to exhibits in the Specific Plan that do not substantially change its intent or character and modifications to the Specific Plan text to those listed above, which are deemed minor by the Planning Director and conform to the purpose and intent of this Specific Plan and The Ontario Plan 2050.
10. Any modifications to land use, planning areas, densities, or infrastructure that does not result in an increase to water demands in any single water pressure zone or an increase in sewer wastewater generation in any single sewer tributary subarea.
11. Revisions to Land Uses within the Specific Plan area to allow consistency with TOP Land Use Plan updates.

6.5.2 Specific Plan Amendments

Proposed changes to this Specific Plan that do not meet the criteria for a Minor Modification will be subject to a formal Specific Plan Amendment application process pursuant to the Ontario Development Code and California Government Code Section 65450. If the proposed amendment requires supplemental environmental analysis pursuant to CEQA, the applicant will adhere to the City's adopted procedures and CEQA Guidelines.

6.6 Subdivision Maps

Development within the Specific Plan area may require the processing of tentative and final tract or parcel maps and/or lot line adjustments or mergers. Subdivision maps and lot changes shall be reviewed and approved pursuant to the Ontario Development Code and other applicable City codes and regulations, California Government Code Section 66410 (Subdivision Map Act), as well as the provisions of this Specific Plan.

6.7 Development and Land Use Review Procedures

Review procedures for development and land use within the Specific Plan area shall be as provided in this Specific Plan and in accordance with the Ontario Development Code.

6.7.1 Development Plan Review

Development proposed within the Specific Plan area will be subject to Development Plan review pursuant to the Ontario Development Code. The review is intended to ensure compliance with the provisions of this Specific Plan, protect the integrity and character of the physical composition of the City, and encourage high quality development.

6.7.2 Conditional Use Permit

A Conditional Use Permit is required for uses deemed “conditionally permitted” in **Table 4.1** (Allowable Uses). Applications for a Conditional Use Permit will be processed pursuant to the Ontario Development Code.

6.7.3 Administrative Use Permit

An Administrative Use Permit is required for uses deemed “administratively permitted” in **Table 4.1** (Allowable Uses). Applications for an Administrative Use Permit will be processed pursuant to the Ontario Development Code.

6.7.4 Appeals

Appeals of decisions of the Development Advisory Board, Zoning Administrator, Planning Director or the Planning Commission regarding implementation of this Specific Plan may be made by the applicant or other aggrieved party pursuant to Division 2.04 of the Ontario Development Code.

6.8 Development Agreement

Approval of a statutory development agreement authorized pursuant to California Government Code Section 65864 et seq. is required by this Specific Plan. The Development Agreement shall include, but not be limited to, methods for financing, acquisition, and construction of necessary infrastructure. The Development Agreement shall be fully executed prior to recordation of the first Final Map.

6.9 Specific Plan Phasing

Implementation of this Specific Plan is anticipated to occur in two phases, as discussed in Section 3.11, Phasing Plan:

- Phase 1: Construction of Planning Areas 1, 2 and 3A.
- Phase 2: Construction of Planning Area 3B.

These phases may be developed as sub-phases and/or occur sequentially/concurrently with one another.

All of the Specific Plan required infrastructure by Section 3.3 (**Figure 3.10**) for Potable Water, Section 3.4 (**Figure 3.12**) for Recycled Water, and Section 3.5 (**Figure 3.14**) for Sewer Phasing will be determined per separate Development Agreement.

6.9.1 Phasing Objectives

Development phasing shall meet the following objectives:

1. The orderly build-out of the project based upon market and economic conditions;
2. The provision of adequate parking, infrastructure, and public facilities concurrent with the development of each phase; and
3. The protection of the public health, safety, and welfare.

6.9.2 Findings for Modification of the Phasing Plan

The Planning Director shall have the authority to approve modification of the Phasing Plan, subject to the following findings:

1. The modification is consistent with the Policy Plan (The Ontario Plan);
2. The modification will not adversely affect the implementation of the Specific Plan;
3. The modification will not be detrimental to public health, safety, and general welfare; and
4. The modification will not delay the construction of infrastructure improvements necessary to serve the development.

6.10 Maintenance Plan

Final determination of maintenance responsibilities for the public and private improvements constructed in association with this Specific Plan shall be specified in the approved Development Agreement, which shall be executed prior to recordation of the first Final Map. However, it is anticipated that maintenance shall be generally shared by three entities as described below and outlined in **Table 6.1**, Maintenance Responsibilities.

6.10.1 City of Ontario, Community Facilities District & other Special District

The establishment of a community facilities district, landscape and lighting district, or other special district to fund the maintenance of public facilities shall be at the City's discretion. It is anticipated that public maintenance shall include the following:

1. Right-of-way for public streets, sidewalk, landscape, and traffic signals within the Specific Plan area (Euclid Avenue, Schaefer Avenue, Edison Avenue and Sultana Avenue) shall be dedicated to the City of Ontario per the provisions of this Specific Plan (Section 3, Development Plan) and as approved by the City Engineer.
2. Landscape improvements and public street lights within the public right-of-way and neighborhood edge shall be maintained through a landscape and lighting district or other special maintenance district established by the City.
3. The City shall maintain off-site infrastructure improvements, including water, recycled water, sewer, Storm Drain facilities and city broadband communications after they are accepted by the City.
4. The City shall maintain NPDES facilities located within the curb-to-curb area of public streets after they are accepted by the City. Operation and maintenance requirements for NPDES storm water runoff source control and treatment control Best Management Practices shall be identified in the approved Water Quality Management Plan for the project.

6.10.2 Property Owners Association

A Property Owners Association (POA) shall be established for the maintenance of common areas, including such improvements as on-site landscape areas and parking and drive aisles within Euclid Mixed-Use. It is anticipated that improvements maintained by the POA will include the following:

1. Driveways;
2. On-site open spaces, on-site landscape areas, common areas, parking lots, and walkways;
3. Landscaping within setback/landscape buffer areas along Sultana Ave;
4. NPDES facilities within landscape setbacks and on-site common areas;
5. Property identification signage and architectural elements located within the landscaped buffer; and
6. Fencing and walls, including graffiti removal.
7. Water, sewer, recycled water facilities and Storm Drain facilities located on-site shall be constructed by the developer and are considered privately owned and maintained by property owners or Property Owners Association, however the Property Owners Association shall maintain permanent on-site water quality basins, trenches, swales and biotreatment filters required by the San Bernardino County MS4 Permit and Water Quality Management Plan.

TABLE 6.1 MAINTENANCE RESPONSIBILITIES

AREA OF RESPONSIBILITY	CITY OF SPECIAL DISTRICT	PROPERTY OWNERS ASSOCIATION	UTILITY
Master Planned Roadways: Euclid Avenue, Schaefer Avenue and Edison Avenue			
Curb-to-curb improvements	X		
Behind the curb improvements - landscaping within the public right-of-way (parkways), sidewalks and neighborhood edge	X		
Other Improvements			
Traffic Signals and Traffic Control Signs on public streets	X		
Streetlights in the public right-of-way	X		
Drive aisles		X	
On-site parking areas		X	
Common open space		X	
Landscaping within setback/landscape buffer areas		X	
Monument signage		X	
Walls and fences		X	
Stormwater drainage/water quality control facilities within the curb-to-curb area of public streets	X		
Stormwater drainage/water quality control facilities behind the curb		X	
Water, recycled water, and sewer infrastructure in the public right-of-way	X		
Dry utilities: electricity, natural gas, communication systems			X