

## 6.0 IMPLEMENTATION

This chapter summarizes the development process for implementation of the Ontario Ranch Business Park 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 Ontario Ranch Business Park. The Specific Plan supersedes the development standards and regulations of the Ontario Development Code unless stated otherwise in this document. Whenever the provisions and development standards 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 terms used within the Specific Plan shall mean the same as defined in the Ontario Development Code, unless otherwise noted.

### 6.2 Severability

The Specific Plan serves as the implementation tool for the City's Policy Plan (General 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 an issue, 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. Unless otherwise provided, any ambiguity 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 subsection discusses consistency of the Specific Plan with The Ontario Plan, Airport Land Use Compatibility Plans, the California Building Code, 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 Ontario Ranch Business Park entitlement application includes a General Plan Amendment to change the site's land use designations to Business Park and General Industrial to be consistent with this Specific Plan.

### **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 to the Specific Plan**

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 20 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 Ontario Ranch Business Park.
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 feet.
7. Revisions to infrastructure facility sizing and precise location for dry utilities, water, sewer, and storm drainage 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.
10. Modifications of a similar nature 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.

### 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 Section 4.01.035 of the Ontario Development Code and California Government Code Section 65450, et seq.

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 Section 4.02.085 of the Ontario Development Code and other applicable City codes and regulations, California Government Code Section 66410 et seq. (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 Section 4.02.025 of 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 Section 4.02.015 of 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 Section 4.03.015 of 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 three phases, as discussed in Chapter 3.11, Phasing Plan (Figure 3.19):

- Phase 1: Construction of the storage, warehousing, and/or industrial uses in Planning Area 2.
- Phase 2: Construction of the business park uses in Planning Area 1.
- Phase 3: Construction of the storage, warehousing, and/or industrial uses in Planning Area 4 and construction of the business park uses in Planning Area 3.

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

All of the Specific Plan required infrastructure by Section 3.4 (Figure 3.9) for Potable Water, Section 3.5 (Figure 3.11) for Recycled Water, and Section 3.6 (Figure 3.13) 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 (General 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 Financing of Public Improvements

The financing of the construction, operation, and maintenance of public infrastructure improvements, facilities, and services within the Specific Plan area shall be provided through a combination of mechanisms. Final determination of the scope of improvements, maintenance responsibilities, and funding sources shall be specified in the approved Development Agreement, executed prior to recordation of the first Final Map.

Financing options may include, but are not limited to, the following:

1. Private capital investment by the project developer, the property owner(s), or a Property Owners Association.
2. Private capital investment by a consortium of property owners and/or developers of the project and/or surrounding area.
3. Community Facilities District (CFD) established pursuant to the Mello-Roos Community Facilities District Act of 1982, or other special district, to provide funding for the construction of public facilities or the provision of public services. City Council approval is a prerequisite for use of special district financing mechanisms.
4. Development Impact Fee (DIF) credits to be applied for infrastructure completed by the project developer. The City does not issue DIF credits unless the developer has entered into a separate DIF credit agreement after approval of the Development Agreement.
5. Enhanced Infrastructure Financing District to fund infrastructure development through tax increment financing pursuant to Senate Bill 628.
6. Community Revitalization and Investment Authorities (CRIA) to fund infrastructure development through tax increment financing pursuant to Assembly Bill 2.

## 6.1.1 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.

### 6.11.1 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 within the Specific Plan area (Euclid Avenue, Eucalyptus Avenue, Merrill Avenue, Campus Avenue, and Sultana Avenue) shall be dedicated to the City of Ontario per the provisions of this Specific Plan (Chapter 3, Development Plan) and as approved by the City Engineer.
2. Landscape improvements and public streetlights 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, and storm drainage facilities 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 stormwater runoff source control and treatment control Best Management Practices shall be identified in the approved Water Quality Management Plan for the project.

### 6.11.2 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 Ontario Ranch Business Park. 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 Avenue;
4. NPDES facilities within landscape setbacks and on-site common areas;
5. Property identification signage and architectural elements located within the landscaped buffer;
6. Fencing and walls, including graffiti removal; and
7. Water, sewer, recycled water facilities and storm drainage facilities located on-site shall be constructed by the developer 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 or Special District	Property Owners Association	Utility
<b>Master Planned Roadways: Euclid Avenue, Eucalyptus Avenue, Merrill Avenue, Sultana Avenue and Campus Avenue</b>			
Curb-to-curb improvements	◆		
Behind the curb improvements - landscaping within the public right-of-way (parkways), sidewalks and neighborhood edge	◆		
<b>Other Improvements</b>			
Traffic Signals and Traffic Control Signs on public streets	◆		
Streetlights in the public right-of-way	◆		
Drive aisles		◆	
On-site parking areas		◆	
Common open space		◆	
Landscaping within setback/landscape buffer areas (Sultana Ave)		◆	
Monument signage		◆	
Walls and fences		◆	
Stormwater drainage/water quality control facilities within the curb-to-curb area of public streets	◆		
Stormwater drainage/water quality control facilities behind the curb		◆	
Water, recycled water, and sewer infrastructure in the public right-of-way	◆		
Dry utilities: electricity, natural gas, communication systems			◆

## 6.12 Additional Entitlement Requirements

Currently, there are no existing City utilities, nor any improvement plans for City Utilities in the vicinity of the Specific Plan area. Several miles of new infrastructure are required to provide City utility services to the Specific Plan area. To ensure orderly expansion of the City Utility Systems and other City Infrastructure, the following Additional Entitlement Requirements are imposed upon all Subdivision Maps and Developments within the Specific Plan area.

### 6.12.1 Conceptual Design Report

Prior to approval of any entitlement application (e.g., subdivision maps, Development Plan Reviews), a conceptual design report shall be prepared and submitted to the Development Agency Engineering Department and the Utilities Engineering Department for review and approval for the established extent of all public improvements required for the project. The study shall identify existing and future rights-of-ways (ROW) and infrastructure improvements and establish all vertical and horizontal alignments for each utility. The report shall include cross-sections, profiles, and any supporting details needed to demonstrate that utilities can be adequately accommodated in the public ROW. The study shall account for all utility conflicts, right-of-way variations, existing obstructions, and the timing of utility installation. Utilities cannot be located along an alignment that conflicts with existing conditions (e.g., electrical poles, private property) unless that applicant is accepting the responsibility of modifying the existing conditions (e.g., undergrounding, relocation, ROW acquisition).

Western Trunk Sewershed Scope: In order to assure that the Western Trunk Sewer (WTS) is designed to serve its entire Sewer Master Plan Tributary Area, all the Master Plan Trunk Sewers connecting to the WTS and the WTS shall be included in the Conceptual Design Report. This shall include: the Western Trunk Sewer from the Inland Empire Utility Agency's Kimball Interceptor to the Whispering Lakes Pump Station Riverside Drive and Carpenter Avenue; the Euclid Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Bon View Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Grove Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Walker Trunk Sewer from the Western Trunk Sewer in Schaeffer Avenue to Chino Avenue.

### 6.12.2 Preliminary Design Report

As a condition of entitlements (subdivision maps, Development Plan Reviews, etc.) within the Specific Plan and prior to submittal of Infrastructure Improvements Plans, a Preliminary Design Report (PDR) for all public infrastructure shall be submitted and approved by the Development Agency Engineering Department and the Utilities Engineering Department. The PDR shall include the following:

Conceptual Design Compliance: A discussion modifying or confirming the conceptual design established with the Project's Conceptual Design Report. The study shall confirm all rights-of-ways (ROW), infrastructure improvements, and vertical and horizontal alignments for each utility.

Street Cross Sections and Profiles shall be provided for each public street, private street and Public Utility Easement (PUE) containing a public utility and at any points along the alignments where the ROW varies. The cross sections shall show the location and size of each utility and shall annotate the property/ROW lines, the type of finished surface material, the distance of each utility from centerline, the depth from finished surface to top of pipe, and the distance between utilities (outside wall to outside wall).

Constructability Review: The report shall include a discussion of the constructability issues along the proposed alignment and identify the recommended construction methods that may be utilized. The study shall perform field investigation (field survey and potholing) in order to identify potential utility conflicts, right-of-way variations, existing obstructions, and constructability issues created by the timing of utility installation.

Supporting Details: The PDR shall include any supporting details needed to demonstrate that utilities can be adequately accommodated in the public ROW, such as the placement of large appurtenances and clearance from existing obstructions.

30% Design Drawings: The PDR findings shall be incorporated into a 30% design plan set and included in the PDR.

Western Trunk Sewershed Scope: In order to qualify for Development Impact Fees (DIF) and to assure that the Western Trunk Sewer (WTS) is designed to serve its entire Sewer Master Plan Tributary Area,



the PDR shall include all the Master Plan Trunk Sewers connecting to the WTS and the WTS. The PDR shall include: the Western Trunk Sewer from the Kimball Interceptor to the Whispering Lakes Pump Station Riverside Drive and Carpenter Avenue; the Euclid Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Bon View Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Grove Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Walker Trunk Sewer from the Western Trunk Sewer in Schaeffer Avenue to Chino Avenue. At minimum, the PDRs shall include:

Horizontal and vertical alignment studies assuring that the entire sewershed and subsewersheds can be sewerred.

Sewer sizing hydraulic calculations assuring the Trunk Sewer, with the proposed designs, can accommodate the Master Plan Flows meeting Master Plan Design Criteria.

As it relates to Ontario Ranch Business Park, this requirement has already been completed by the developer and no additional reports are required.