

Section 8 Implementation

The Grand Park Specific Plan shall serve to implement the City's Policy Plan policies applicable to the project site and provide for development of the zoning for the project site. Approved tentative tract maps shall establish the legal lots, public dedications, and easements within for the project.

8.1 Methods and Interpretation

Development within the Grand Park Specific Plan (Specific Plan) shall be implemented through the City approval of tentative and final tract maps and through the Development Plan Review process as established in the City of Ontario Development Code. The implementation process described herein provides the mechanisms for review and approval of development projects within Grand Park.

8.2 Applicability

All development proposals within the project shall be subject to the implementation procedures established herein. Whenever the provisions and development standards contained herein conflict with those contained in the City of Ontario Development Code, the provisions of the Specific Plan shall take precedence. In instances where the Specific Plan is silent, the City of Ontario Development Code shall prevail.

8.3 Interpretation

Unless otherwise provided, any ambiguity concerning the content or application of the Specific Plan shall be resolved by the City of Ontario Planning Director, or his/her designee, in a manner consistent with the goals, policies, purpose and intent established in this Specific Plan.

8.4 Severability

If any portion of these regulations is declared to be invalid or ineffective in whole or in part, such decision shall not affect the validity of the remaining portions thereof. The legislative body hereby declares that they would have enacted these regulations and each portion thereof irrespective of the fact that any one or more portions be declared invalid or ineffective.

8.5 Implementation of Design Guidelines

Adoption of the Specific Plan by the City includes adoption of the design guidelines contained herein, which shall be the design criteria by which development within the project shall be reviewed during Development Plan Review. The design guidelines are intended to be flexible in nature while establishing basic evaluation criteria for the review of development projects as part of Development Plan Review. Any major deviation from the design guidelines shall require approval by the Planning Commission. The determination of a major deviation from the design guidelines shall be made by the Planning Director.

8.6 Development Review Process

8.6.1 Subdivision Maps

Approval of tentative subdivision maps may occur concurrently with the adoption of the Specific Plan. All tentative and final subdivision maps shall be reviewed and approved pursuant to applicable provisions of the City of Ontario Subdivision Ordinance and consistent with the applicable provisions of the Land Use, Infrastructure, Design Guidelines, and Development Regulations adopted as part of the Specific Plan.

8.6.2 Development Plan

All development projects within Grand Park shall be subject to the Development Plan Review process as established in Article 8 of the City's Development Code. Pursuant to these provisions, Development Plan Review constitutes a design review of project architecture, site plans, and landscape plans. Adoption of the Specific Plan by the City includes adoption of the design guidelines contained within the Specific Plan which provide direction for the design of development projects within Grand Park. Where the Specific Plan development regulations and design guidelines are silent, the applicable development regulations and design guidelines contained within the City's Development Code shall apply. The design guidelines are intended to be flexible in nature while establishing basic evaluation criteria for the review of development projects by the City. All development project applications shall include a landscape and irrigation plan describing plant materials and their growth habits, plant size and spacing, methods of irrigation and landscaping maintenance, as well as site plans, architectural elevations, floor plans, grading plans and other requirements as specified by the City.

8.6.3 Development Agreement

Approval of a statutory development agreement, authorized pursuant to California Government Code Sections 65864 et seq., is required as part of the approval of the Specific Plan and prior to approval of the first Final Map. The development agreement shall include, but not be limited to, methods for financing, acquisition, and construction of infrastructure, acquisition and development of adequate levels of parkland and schools, and the provision of adequate housing opportunities for various segments of the community consistent with the regional housing needs identified for the City. The Grand Park development agreement shall be fully executed prior to the issuance of the first building permits for the project.

8.7 Transfer of Residential Units

The Grand Park Community Plan allocates a maximum number of residential dwelling units to each residential Planning Area. Variations in number of residential dwelling units, per Planning Area, may occur at the time of tentative tract map approval of the Planning Area subject to approval by the City and agreement by affected property owners/developers, depending upon the residential product identified for development. Variation in allocation of residential dwelling units within the Planning Areas of the Specific Plan is permitted provided the variation does not increase the total number of residential dwelling units established, in the community plan, for each Planning Area by more than 15% and the maximum residential dwelling unit count established for the Specific Plan is not exceeded.

8.8 Specific Plan Modifications and Amendments

8.8.1 Minor Modifications

The following constitute minor modifications to the Specific Plan, not requiring a Specific Plan Amendment and are subject to review and approval by the Planning Director. The Planning Director shall have the discretion to refer any such request for modification to the Planning Commission or the City Council.

1. Change in utility and/or public service provider.
2. Collector roadway alignment when the change results in a centerline shift of less than 250 feet.
3. An increase of up to fifteen percent (15%) in the number of units established for an individual Planning Area subject to approval of the Planning Director and agreement of the property owner, provided the total number of units for the entire Specific Plan area does not exceed that established in the Specific Plan.

4. Adjustment of a Planning Area boundary or acreage designated for a Planning Area provided the total acreage of the affected planning area does not increase by more than 15%.
5. Minor changes to landscape materials, wall materials, wall alignment, entry design, and streetscape design which are consistent with the conceptual design set forth in the design guidelines contained within the Specific Plan.
6. Minor changes to the design guidelines, which are intended to be conceptual in nature, and are intended to be flexible in implementation.
7. Minor changes of up to ten percent (10%) of any quantifiable development standard or design guideline subject to approval of the Planning Director.
8. Other modifications of a similar nature to those listed above, which are deemed minor by the Planning Director, which are in keeping with the purpose and intent of the approved Specific Plan and which are in conformance with the Policy Plan.

8.8.2 Specific Plan Amendments

Amendments to the Specific Plan may be requested by the applicant or the City pursuant to Section 65453(a) of the Government Code. Amendments shall be processed pursuant to the provisions of the Government Code for Specific Plan Amendments. In the event the proposed amendment requires supplemental environmental analysis pursuant to the California Environmental Quality Act (CEQA), the applicant(s) are responsible for preparing the necessary CEQA documentation.

8.9 Variances

Variances and Administrative Exceptions to the development regulations contained in the Specific Plan with respect to landscaping, screening, site area, site dimensions, yards and projects into yards, heights of structures, distances between buildings, open space and off-street parking and loading shall

be reviewed pursuant to Article 10, “Variances and Administrative Exceptions” of the City of Ontario Development Code.

8.10 Conditional Use Permits

Uses specified as conditionally permitted uses within *Section 6, “Development Regulations,”* of the Specific Plan shall be reviewed and approved by the City pursuant to the requirements of Article 9, “Conditional Use Permits.”

8.11 Compliance with Mitigation Monitoring Plan

Certification of an Environmental Impact Report (EIR) shall be required prior to approval of the Specific Plan. Development within the project site shall comply with all approved mitigation measures as described in the Mitigation Monitoring Program included as part of the EIR.

8.12 Project Phasing

Phasing of development within the Specific Plan shall meet the following objectives:

- Orderly build-out of the community based upon market and economic conditions.
- Provision of adequate infrastructure and public facilities as determined and deemed necessary by the City Engineer concurrent with development of each phase.
- Protection of public health, safety and welfare.

8.12.1 Residential Development

The phasing of residential development areas shall be determined through the approval of tentative and final tract maps and development permits for each Planning Area as developed. Appropriate levels of infrastructure and community facilities shall be subject to the review and approval of the City Engineer and shall be installed and available to serve each subsequent phase of residential development as it occurs.

8.12.2 Infrastructure

Backbone infrastructure within Grand Park shall be installed by the developer in accordance with the City's adopted Master Plan or approved by the City Engineer. Infill service mains shall be constructed in phases as development proceeds and as conditioned by the City Engineer's office to support individual phases of development, which may require installation of off-site infrastructure improvements beyond a given phase boundary.

Grading and installation of infrastructure to serve Grand Park is anticipated to be completed in three phases. Following completion of grading and infrastructure installation, the construction models for each product type within each neighborhood shall be permitted pursuant to the approval of a temporary use permit. Phase I may include installation of infrastructure adequate to serve Planning Areas 4, 5, and 6 located north of Park Street. Phase II may include installation of infrastructure adequate to serve Planning Areas 1, 2, and 3, as well as the elementary school site. Phase III may include installation of infrastructure adequate to serve Planning Areas 7 and 8 as well as the high school site.

8.12.3 Parks

In the event the City determines that the construction of a pocket park is required within a Planning Area, the timing for completion of each pocket park shall be determined as part of the City's approval of tentative maps or development plans. Facilities shall be constructed and services made available in a timely manner as development progresses.

8.12.4 Community Facilities and Services

The timing for installation of community facilities and payment of impact fees for public improvements and services for the project shall be determined as part of the City's approval of tentative tract maps in accordance with the provisions of the existing City

development impact fee ordinances. Community facilities such as bike trails shall be constructed in conjunction with construction of the public street improvements.

8.13 Appeals

Appeals from any determination of the City Planning Director, Zoning Administrator or the Planning Commission, may be made by the applicant or any other aggrieved party by filing an application on forms provided by the City of Ontario and accompanied by the appropriate filing fee, where applicable, within ten (10) days following the final date of action for which an appeal is made. Appeals shall be processed consistent with the provisions of Article 5, "Appeals" of the City of Ontario Development Code.

8.14 Project Financing

The financing of construction, operation, and maintenance of public improvements and facilities (the "facilities"), and public services shall include funding through a combination of financing mechanisms. Final determination as to the facilities to be constructed and as to maintenance responsibilities, whether publicly or privately maintained, shall be made prior to recordation of final maps. In order for the project to be fiscally self sufficient, the following, but not limited to, financing options can be considered for implementation:

8.14.1 Facilities and Services

- Private capital investment for the construction of facilities.
- 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 a variety of public facilities and the provision of public services.

8.14.2 Operation and Maintenance

- By individual private property owner.
- By private Home Owners Association.
- By Community Facilities District (CFD) established pursuant to the Mello-Roos Community Facilities District Act of 1982, or other special district. City Council approval is a prerequisite for the implementation of any and all special district-financing mechanisms. The use of the Mello-Roos Community Facilities District Act of 1982 (the “Act”) to finance public facilities and services shall be at the City’s sole discretion. Moreover, the use of the Act shall be consistent with the City’s adopted goals and policies concerning the use of the Act.

8.15 Maintenance Responsibilities

The public and private improvements constructed within Grand Park shall be maintained through a combination of public and private entities as described below and in *Table 8-1, “Maintenance Responsibilities.”*

8.15.1 Public Maintenance

1. All Master Plan streets, Park Street, and sidewalks serving residential Planning Areas shall be dedicated as public streets to the City of Ontario.
2. Landscape improvements within the public right-of-way of Master Plan streets, neighborhood edges, community and neighborhood entries, and public street lights within Grand Park shall be maintained through a landscape and lighting district or other special maintenance district established by the City.
3. All on-site water, sewer, and storm drains within the public streets or easements dedicated to the City shall be constructed by the developer and, upon acceptance, shall be maintained by the City.
4. Off-site infrastructure improvements such as water, sewer and storm drain facilities shall be maintained by the City. The City intends to

participate in a Regional Water Quality Basin. In the event permanent on-site basins are developed within Grand Park as an alternative to a regional water quality basin, such facilities shall be maintained by either the HOA or the City/CFD in accordance with Table 8-1.

5. NPDES facilities within public streets and/or easements shall be maintained by the City. Operation and Maintenance (O&M) requirements for all NPDES stormwater runoff source control and treatment control Best Management Practices (BMP’s) shall be identified in the approved Water Quality Management Plan for the project. An O&M Plan shall be created to ensure ongoing long-term maintenance of all structural and non-structure BMP’s.

8.15.2 Homeowner Association

A Homeowner Association shall be established for the maintenance of common area landscape improvements and private roadways within residential areas of Grand Park. Improvements to be maintained by the Homeowner Association include:

- Designated private drives, alleys, and adjacent landscaping.
- Designated private streets and landscaping. During the course of maintenance of public utilities within public streets, private streets, private drive aisles, or alleys, the City will restore the streets to City standards for trench backfill, pavement repair, and hardscape or landscape, as applicable. Restoration of any enhancements above and beyond City standards, including but not limited to architectural paving, hardscape and landscape enhancements shall be the responsibility of the HOA or other entity maintaining those enhancements.
- Courts, parkways and landscaping within the residential areas.
- Parkway of Interior Local Streets including sidewalks, landscaping and street lights as well as common areas distinct to individual residential types and neighborhoods.

- Maintenance of interior local street landscaping and associated architectural monument elements required to restore these areas to their condition as originally installed.
- Internal slopes fronting streets and slope areas in the rear of homes.
- All internal open spaces, parks, and common areas including any pools and/or tot lots.
- NPDES facilities within private streets and/or common areas.

	City/CFD	HOA	Home owner	Public Utility
Master Plan Roadways (Haven Avenue, Archibald Avenue, Eucalyptus Avenue, and Park Street)	•			
Interior Public Project Streets (curb to curb for primary entry streets, secondary entry streets, and neighborhood streets)	•			
Parkways of Master Plan Roadways and Neighborhood Edges (curb to perimeter walls, including landscape, sidewalks and street lights)	•			
Parkways of Interior Project Streets (landscaping and sidewalks)		•		
Traffic Signals and Public Street Lights (in the public right-of-way)	•			
Private Street Lights (not in the public right-of-way)		•		
Public Traffic Control Signs (in the public right-of-way)	•			
Private Traffic Control Signs (not in the public right-of-way)		•		
Alleys and Drive Aisles		•		
Interior Streets within Multi-Family Residential Developments		•		
Off-site and On-site Public Water, Sewer, and Storm Drain Improvements excluding Laterals ⁽¹⁾	•			
Grand Park	•			
Pocket Parks		•		
Linear Parks		•		
Private Recreation Areas		•		
Front Yard and Corner Streetside Landscaping (conventional SFD only)			•	
Community Theme Wall on Master Planned Roadways (outside face for graffiti removal and paint)	•			
Community Theme Wall on Master Planned Roadways: Surface (interior) opposite streetside (structural integrity and face repair)		•		
Private Interior Yard Walls		•	•	
Alley Landscaping and Lighting		•		
Police and Fire	•			
Electricity and Natural Gas				•
Communication Systems				•
Fiber Optic Infrastructure	•			
NPDES Facilities (on-site) W.Q.M.P. (1)	•			
NPDES Facilities w/in public ROW	•			

Footnote 1. Only those facilities in public roads and/or easements including restoration work following public street repair.

Table 8-1
MAINTENANCE RESPONSIBILITY

Grand Park Specific Plan