

VII. APPROVALS,
AMENDMENTS
and
IMPLEMENTATION



The Guasti workers

photo ca 1910

A. INTRODUCTION

This section of the Specific Plan sets forth guidelines for implementing the Guasti Plaza Specific Plan, covering major and minor amendments to development guidelines, procedures for processing site development plans, and obtaining sign permits.

B. MAINTENANCE AND CODE REHABILITATION OF HISTORIC STRUCTURES

A Historic Assessment District may be established for the maintenance and code rehabilitation of the historic structures.

Until the historic structures within the Historic Core are brought up to current building codes, all property owners may contribute to the ongoing maintenance costs of the historic structures. The costs will be distributed relative to the net developable area of each property.

As part of the overall development of Guasti Plaza, all property owners may participate in the code rehabilitation of the historic structures.

C. AMENDMENTS TO THE SPECIFIC PLAN

Specific Plan amendments require the review and approval of the City of Ontario Development Advisory Board (DAB), Planning Commission and City Council. Amendments are governed by Section 65500 of the California Government Code, which specifies notification, public hearing and similar requirements. In addition, all Specific Plan amendments shall adhere to all submittal and review requirements established by the City of Ontario.

D. MINOR ADJUSTMENTS IN SUBSTANTIAL CONFORMANCE TO THE SPECIFIC PLAN

The purpose of the substantial conformance process is to provide a mechanism to allow flexibility in development of the Specific Plan area by permitting: a) minor modifications of up to

10% in the development guidelines, excepting permitted uses, building heights and maximum development intensities; and b) transfer of building square footages between Planning Areas. Adjustments in development guidelines may be permitted with further adjustments to maintain the overall maximum allowable square footage in a 'Planning Area Plan' (PPAP) area. In approving an adjustment, the Development Director of the City of Ontario shall find that there is substantial conformance with the general intent of the Guasti Plaza Specific Plan.

The purpose of this procedure is to provide a simplified means of considering minor adjustments from certain development standards set forth in the Specific Plan which are found to be in substantial conformance with the general intent of this Specific Plan, and which are not detrimental to the public health, safety or welfare. The Development Director has the authority to review and approve minor adjustments in the development guidelines if such adjustments are consistent with the goals and intent of the Specific Plan.

Transfers in building square footage between Planning Areas are subject to review and approval by the Development Advisory Board, and the required findings for approval of such transfers are as follows:

1. The transfer is in substantial conformance with the goals and intent of the Specific Plan,
2. The transfer does not create any adverse impacts on the infrastructure and all infrastructure technical master plans remain valid or have been revised so as to be able to accommodate the project, and
3. The transfer would not have an adverse effect on the traffic and circulation patterns or invalidate the prescribed traffic and circulation mitigation measures necessary to accommodate the project.
4. The transfer would not have an adverse effect on the value of historic resources.

Any owner of property in the Guasti Plaza Specific Plan area may apply in writing to the Development Director for a minor development standard adjustment. The Development Director shall review and make a determination concerning the subject item within thirty (30) days

following submittal. If no decision is made, the request shall be deemed approved. The Development Director may elect to defer action on an adjustment request to the Planning Commission. In this event the request shall be scheduled for the next regular meeting of the Development Advisory Board, and subsequently the next regular Planning Commission meeting.

E. PLANNING AREA PLANS

A Planning Area Plan (PPAP) shall be approved for each of the Planning Areas which constitute the Guasti Community. The location and boundary of each Planning Area is depicted on Exhibit 6, page 17. PPAPs may be combined for purposes of accommodating large developments.

Planning Area Plans are intended to function as master conceptual site plans, showing the ultimate development configuration of uses within the Planning Area, which may be constructed in phases. Such plans are to be consistent with the Specific Plan. Each PPAP shall address the following:

- Specific land uses proposed.
- General location and square footage of proposed buildings must be consistent with the Building Intensity as shown in Table 1, page 25.
- Proposed parcel lines.
- Utility and infrastructure plans.
- Proposed parking program.
- Roadways and access points.
- Location of public facilities.
- Site coverage calculations.
- Conceptual landscape theme.
- General architectural concepts of proposed buildings.
- Relationship to other previously approved, adjacent PPAPs.
- Conceptual grading and drainage plans.

Planning Area Plans are subject to review and approval by the Planning Commission, prior to the approval of any subdivision map or site development plan within the Planning Area, although PPAPs may be reviewed and approved concurrently with any subdivision or site development plan.

Submittal of subsequent site development plans and/or subdivision maps must be consistent with the approved PPAP for that Planning Area.

Amendments to PPAPs are subject to review and approval by the Planning Commission.

In the event that a Site Development Plan encompasses an entire Planning Area, submittal of a PPAP shall be waived.

F. SITE DEVELOPMENT PLANS, SUBDIVISIONS AND ENVIRONMENTAL REVIEW

All proposed development and rehabilitation of historic structures within Guasti Plaza shall be subject to review and approval of a Site Development Plan by the Development Advisory Board. All proposed development involving historic resources shall be subject to review and approval by the Planning/Historic Preservation Commission, upon submission of a Certificate of Appropriateness. Applications for Site Development Plans and subdivision maps shall conform to the requirements of the City of Ontario, shall be in accord with the City of Ontario Planning Department and shall include specific tree preservation and/or relocation information. Site plans and subdivision maps shall be consistent with the applicable Planning Area Plan. Table 8, page 147 depicts required steps for review and approval of Site Development Plans and Subdivisions.

Removal of more than 20% but less than 33% of stone warehouses #50 and #54 and/or the removal and relocation of any of the gable end walls shall require Planning/Historic Preservation Commission approval of a Certificate of Appropriateness. A public hearing by the Planning/Historic Preservation Commission will be required.

Each project within the Guasti Plaza Specific Plan area shall be subject to environmental review per the requirements of the California Environmental Quality Act (CEQA). A notice of intent shall be filed with each application submitted to the City of Ontario and an initial study shall be prepared if required by CEQA. All applicable mitigation measures from EIR 90-4, which was prepared for the Guasti Plaza Specific Plan, are to be made conditions of project approval.

In addition, a Traffic Impact Analysis (TIA) may be required for individual development projects. This will be determined on a case-by-case basis by the Ontario Engineering Department.

G. Design Review Procedures

Review Procedures

The following shall be proposed treatments and shall be approved with the Conservation Plan approval from the Historic Preservation Commission:

- Interim Repairs or Protection
- Conservation of Historic Fabric, if the treatment is consistent with the recommendation.
- Waterproofing of Building Envelope.
- Hazardous Material removal.
- Treatment for Termites, Mold, or Dryrot.
- Future rehabilitation of historic structures that do not result in any alteration of the existing exterior.

The following proposed treatments shall require staff review and issuance of a “Waiver” by staff or a Certificate of Appropriateness approval from the Historic Preservation Subcommittee as deemed appropriate by the City Planner.

- Relocation of buildings provided that the locations are consistent with those identified in the Planned Area Plan (File No. PPAP06-001). Relocation of any buildings elsewhere will require approval of a Development Plan.
- Treatment of Existing Additions with regards to removal of identified non-historic construction additions.
- Future rehabilitation of historic structures that result in minor alterations of the existing exterior (for example, exterior ramps for Accessibility related alterations and window and doors alterations to meet egress as determined by the Building Official).

The following proposed treatments shall require staff review and a Certificate of Appropriateness approval from the Historic Preservation Subcommittee.

- Relocation of buildings that are not consistent with the sites identified in the Planned Area Plan (File No. PPAP06-001). Adaptive Reuse that requires rehabilitation and may include demolition of non-historic additions, all new additions that are visible from public view and for those additions that are 500 square feet or more, and size alteration of windows

and doors, Section VI, k. Match Original Windows, Page 122.

H. FINANCING OF INFRASTRUCTURE IMPROVEMENTS

Because of its proximity to the proposed airport site, the subject property is being called upon to deal with impacts created by the airport as well as nearby developments. The establishment of a redevelopment area including the area subject to the Guasti Plaza Specific Plan is viewed as an important tool which will make feasible the achievement of the development objectives encompassed by the Guasti Plaza Specific Plan. It is urged that the processes of Specific Plan review and redevelopment plan study and adoption proceed in tandem to address present constraints on development and to maximize the potential public/private benefits.

In addition, participation by property owners outside of the Guasti Plaza Specific Plan area in funding major infrastructure improvements is required. Details of the funding mechanism or mechanisms will be determined by the City of Ontario and could include such financing tools as Mello-Roos Community Facility Districts and benefit assessment districts.

I. SIGN PERMITS

Permits as required by the City of Ontario shall be obtained prior to placing, erecting, moving, reconstructing, altering or the displaying of any new sign within the project area. Signs existing as of the date of approval of this Specific Plan shall be allowed to remain indefinitely, but shall be brought into compliance with Specific Plan standards if voluntarily moved, altered, enlarged or otherwise changed from conditions existing as of the date of Specific Plan approval.

J. MAINTENANCE RESPONSIBILITIES

Specific maintenance responsibilities are assigned to various legal entities within the community. Generally, all facilities located within public right-of-ways or on public property will be maintained by the public jurisdiction having a controlling interest in the property or right-of-way. Facilities located on private property are to be maintained by the individual property owner or property owners' association. One exception to this general rule is that private owners and/or an owners'

association will be responsible for maintaining improvements and facilities constructed on public property which exceeds the normal standard of construction for that particular public area. The maintenance responsibilities of property owners' associations shall be specified as per Table 9, page 153.

K. APPEALS

An appeal from any determination, decision or requirement of City staff, DAB, or Planning Commission may be made to the appropriate decision-making body as specified by City ordinance. Appeals shall conform to standards established by the City of Ontario.

L. ENFORCEMENT

Enforcement of these provisions shall be as stated below:

- Any use of a building or structure hereafter erected, built, maintained or used contrary to provisions of the Specific Plan, shall constitute a public nuisance.
- The City Planning Director shall have the duty to interpret the provisions of this Specific Plan. All such interpretations shall be reduced to written form and be permanently maintained. Any person aggrieved by such an interpretation may request that such interpretation be reviewed by the Planning Commission.

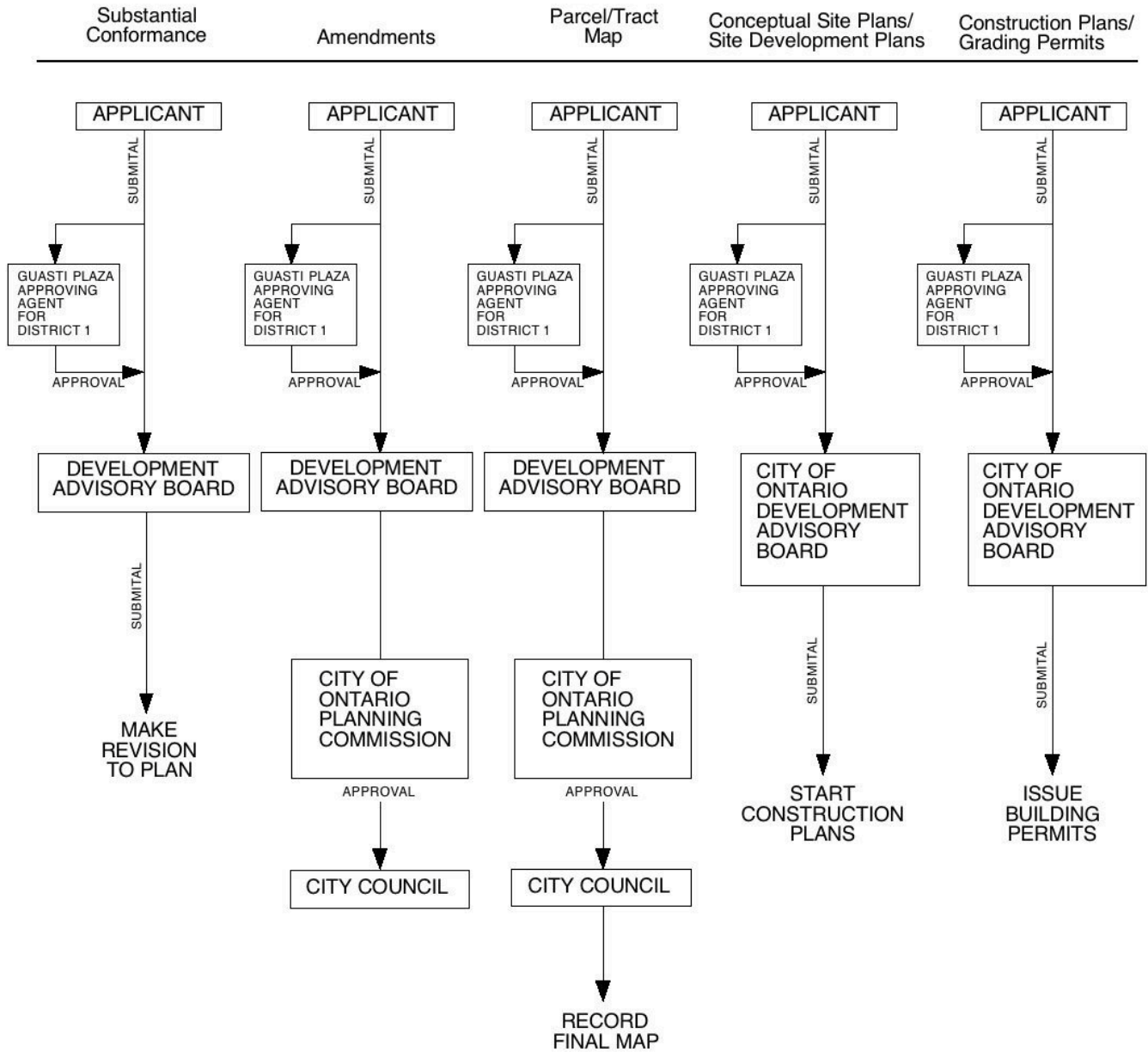


TABLE 8
PLAN SUBMITTAL GUIDELINE
FLOW CHART

Area	City of Ontario	Private Owners	Other
A. Streets Median areas_(public right-of-way) Curb and Gutters			
Median areas	X		
Street paving and striping	X		
Traffic control devices and signs	X		
Street signs	X		
Street lights	X		
Landscaped parkways and median landscaped areas		X	
Sidewalks	X		
B. Major utilities			
Water /sewer facilities, public	X		
Water /sewer facilities, private		X	
Storm drain, public	X		
Storm drain, private		X	
Natural gas			X
Electric			X
Telephone			X
C. Open Space/Plazas			
Community identification, freeway identification, street identification signs		X	
Landscape setback area		X	
Landscape freeway edge		X	
Lighting		X	

TABLE 9
MAINTENANCE RESPONSIBILITIES

REFERENCE SOURCES

Arborist Report,
prepared by Richard Johnson & Associates,
February 11, 1993.

Arborist Report,
prepared by Cy Carlberg
2008

Arborist Report,
prepared by Dane Shota
April 2011

**Background Studies and Guidelines for Development Standards
for the Guasti Specific Plan,**
prepared by Thirtieth Street Architects, Inc. and Zephyr Urban Management Associates,
September 10, 1987.

The Ontario Plan,
City of Ontario.

Guasti Plaza Traffic Impact Study,
prepared by Kimley - Horn & Associates,
October 9, 1992.