

Section 5

Implementation

5.0 Introduction

The provisions contained herein are intended to regulate development within the Ontario Festival Specific Plan area. These regulations provide for the development of uses described in the Specific Plan.

5.1 Phasing Concept

Phasing of the Specific Plan will meet the following objectives:

- The orderly build-out of the community in the most efficient manner possible.
- The provision of adequate infrastructure and public facilities concurrent with development of each phase.
- The protection of public health, safety and welfare.

Development phasing within the Specific Plan will be determined by the developer based upon real estate market conditions. Phasing will occur as appropriate levels of infrastructure, community facilities and open space dedications are provided. Phasing sequencing is subject to change over time to respond to these various factors and individual phases may overlap or develop concurrently. Development will be implemented through the approval, by the City, of tentative tract / parcel maps, conditional and permitted development plan permits.

The sequencing of residential development areas will be determined by the developer based upon housing demand and the real estate market. The development of residential uses will be implemented through the approval of tentative tract maps and precise development plans for each neighborhood as developed.

There is the possibility that not all land use areas within the Specific Plan Project Site will be developed concurrently due to different ownerships. The phasing concept addresses the lack of control over these properties, identified as Non Participating (NP) parcels on the Land Use Plan, by incorporating the uncontrolled properties into conceptual site plan alternatives. These concepts are intended to show how the NP parcels can be integrated into the plan post-construction. See Exhibit 3-4, “Example of NP Parcel on Inland Empire Blvd. with Planned Residential Overlay”, and Exhibit 3-5, “Example of NP Parcel on Inland Empire Blvd. with GC-2” for a how the NP parcels may be accommodated at a later date.

It is the desire of the developer to coordinate with all the properties within the Project Site, excluding the existing Garden Commercial I site at the corner of Archibald Avenue and Inland Empire Boulevard. However, development of the controlled land use areas shall not be dependent on the acquisition or concurrent development of the uncontrolled properties. Nonetheless, to ensure consistency in land use along the Inland Empire street frontage, properties within each Planned Residential Overlay Area that are located outside of the “NP” designation shall only be developed with a residential land use (conceptually shown on Exhibit 3-4, “Example of NP Parcels on Inland Empire Blvd. with Residential Overlay”) if all property owners within the designated Planned Residential Overlay Area agree to the implementation of the Overlay. Otherwise, the Garden Commercial II land use designation shall be implemented (conceptually shown on Exhibit 3-5, “Example of NP Parcels on Inland Empire Blvd. with GC-2”).

If the entire Planned Residential land Use area cannot be developed at one time, the development that is permitted will provide viable future connections to the uncontrolled properties. By designing areas to be initially developed to accommodate future development, compliance with the goals and objectives of the Specific Plan will be assured.

It is likely that all or a portion of the Specific Plan westerly of the Village Green / Primary Inland Empire Access will comprise the initial phase of residential development and will occur concurrently with the development of the Village Green entrance and open space. Appropriate levels of infrastructure and community facilities will be installed and public services will be available to serve each phase of residential development as it occurs.

5.1.1 Concept Phasing Plan

What follows is a Conceptual Phasing Plan, based on the objectives and criteria outlined above. The phasing could change based on refinement during the tentative approval stage. The offsite improvements listed below are also conceptual, additional offsite improvements and or onsite improvements may be required by the City as determined during the development review process. If major deviations from the proposed concept phasing plan are identified as a result of market changes or other unexpected circumstances a conceptual master development plan for the entire project will be prepared with the first phase of development.

PHASE I:

- Build out of approximately a 1 acre park.
- Off site improvements, including the curb, gutter, sidewalk and parkway along Inland Empire Boulevard and Turner Avenue, as described in Section 4.9 of the OFSP, will be constructed during this initial phase. Installation of the remaining off site improvements will coincide with development. All public improvements shall be completed as part of the “A” map. Temporary landscaping and/or fencing may be installed along the property line adjacent to the NAP areas subject to approval by the Zoning Administrator
- A 14-foot wide landscaped median will be provided in Inland Empire Boulevard from Turner Avenue.

- Underground overhead electrical/utility lines along Inland Empire Boulevard and Turner Avenue, with the exception of power lines exceeding 66 kV.
- Internal (temporary) private street access to Turner Avenue, which will provide vehicular access for Phase I.
- Full street improvements of the primary entry street from Inland Empire Boulevard.
- Connection to existing sewer, water will be brought onsite.
- Fire Department access and hydrants shall be provided with each phase of construction to ensure access/water supply is available prior to combustibles being delivered to the site.
- Phase I build out will take approximately 6 months to one year.

PHASE II:

- Residential construction
- Full street improvements of primary east/west Private Street and shared access drive to Inland Empire Boulevard
- Fire Department access and hydrants shall be provided with each phase of construction to ensure access/water supply is available prior to combustibles being delivered to the site.
- Phase II residential development build out will take approximately thirty-six (36) months.

5.1.2 Community Facilities and Services

The timing for installation of community facilities and payment of impact fees for public services for the Specific Plan will be determined as part of the City's approval process in accordance with the provisions of the existing City fee ordinances. Community facilities, such as the bike route will be developed in conjunction with construction of the public street improvements. Those portions of the Neighborhood Parks, Paseos and Open Space areas, adjacent to individual development within each neighborhood, will be constructed to provide the amenity as development progresses.

5.2 Definition of Terms

The meaning and construction of words, phrases, titles and terms shall be the same as provided in the City of Ontario Development Code, except as otherwise specifically provided herein.

Residential, single-family detached: A development with each dwelling unit situated on a residential lot of record with no lot containing more than one dwelling unit. The design of a single-family detached development may include but is not limited to such concepts as "zero lot line" and "small lot development". In addition, a development with each lot of record containing more than one single-family detached for-sale dwelling unit shall be subject to "Multiple-Family (Attached)" development standards.

Residential, multiple family: A residential structure designed to contain three or more dwelling units on one lot under single or separate ownership.

5.3 Applicability

The development regulations contained herein provide specific standards for land use development within the Specific Plan area. The adoption of the Specific Plan by ordinance, supersedes otherwise applicable City of Ontario development regulations unless stated herein to the contrary. 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. Where the Specific Plan is silent, City codes shall apply.

5.4 Administration

The Revised Ontario Festival Specific Plan is adopted by ordinance and will serve as the implementation tool for the General Plan as well as the zoning for the Project Site. The Specific Plan addresses general provisions, permitted uses, development standards and design guidelines.

5.5 Methods of Interpretation

Development within the Specific Plan area shall be implemented through the approval by the City of Ontario of parcel maps and tentative tract maps. The administration process described below provides for the mechanisms for review and approval of development projects within the Specific Plan consistent with the Specific Plan objectives.

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

5.6 Implementation

All development proposals within the Specific Plan shall be subject to the implementation procedures established herein. Whenever the provisions contained herein conflict with those contained in the City of Ontario Development Code, the provisions of the Specific Plan shall take precedence.

5.6.1 Specific Plan Revisions

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

5.6.2 Minor Adjustments in Substantial Conformance with the Specific Plan

The purpose of the substantial conformance process is to provide a mechanism to allow flexibility in development of the Project Site by permitting minor modifications to the land use plan, project phasing, design guidelines and development regulations, with the exception of permitted uses. This procedure is intended to provide a simplified means of considering minor adjustments from certain development standards and guidelines 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 following constitute minor adjustments to the Specific Plan, not requiring a Specific Plan Revision and are subject to review and approval by the Director. The Director shall have the discretion to refer any such request for modification to the Planning Commission or the City Council.

- a) Change in utility and/or public service provider.
- b) Roadway alignment when the changes results in a centerline shift of less than 400 feet.
- c) An increase of more than 20 percent to the number of units within an individual phase provided the total number of units for the entire Specific Plan area does not exceed that established in the Specific Plan.
- d) Adjustment of a phase boundary provided the total acreage of the affected phase area does not increase or decrease by more than 20 percent of the total stated in the approved Specific Plan.
- e) 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 with the Specific Plan.
- f) Minor changes to the design guidelines, which are intended to be conceptual in nature only, and are intended to be flexible in implementation.
- g) Other modifications of a similar nature to those listed above, which are deemed minor by the Director, which are in keeping with the purpose and intent of the approved Specific Plan and which are in conformance with the General Plan.

See Exhibit 5-1, for the “Project Review and Approval Chart”.

5.6.3 Appeals

Appeals from any determination of the Director shall be made to the Planning Commission. The applicant(s) or any other entity shall have the right to appeal the decision of the Planning Commission on any determination by filing an application on forms provided by the City of Ontario within 10 calendar days following the final date of action for which an appeal is made. Appeals shall be processed consistent with the provisions of the City of Ontario Development Code.

5.6.4 Development Permits

All development within the Project Site shall be subject to the Development Plan Review Process as established in Article 8 of the City of Ontario Development Code. Adoption of the Specific Plan by the City includes adoption of the design guidelines contained herein, which shall provide direction for the design of development projects within the Project Site. Where the Specific Plan design guidelines are silent, the applicable 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 by the City of developer projects during design review.

5.6.5 Subdivision Maps

Approval of one or more subdivision maps will occur concurrently with or subsequent to the adoption of the Specific Plan creating parcels for development. All future subdivision maps will be reviewed and approved pursuant to applicable provisions of the City of Ontario Subdivision Ordinance and consistent with the applicable provisions contained within the Specific Plan.

5.7 Maintenance Responsibilities

The public and private improvements constructed within the Project Site will be maintained through a combination of public and private entities. Generally, all facilities located within public rights-of-way or on public property will be maintained by the public jurisdiction having a controlling interest in the property or right-of-way, except as indicated below.

A Property Owner Association(s) will be established for the maintenance of both public street improvements, common area and private area improvements. Public street improvements to be maintained by the Property Owner Association(s) are:

- Parkway Landscaping/Hardscaping
- Landscaped median
- Street lights

Common area improvements to be maintained by the Property Owner Association(s) include:

- Landscaping
- Theme entries

- Paseos
- Open Space
- Recreational Areas
- Private Street Lights

Private improvements to be maintained by the Property Owner Association(s) may include but are not limited to:

- Designated private access roadways, parkway landscaping and sidewalks.
- Vehicular parking courts and landscaping within paired home neighborhoods.
- Parkways, walkways, recreational facilities and common areas distinct to individual neighborhoods.
- Internal slopes fronting streets and slope areas in the rear of homes above five feet in height.
- All internal open space areas, recreation areas, parks, entries and common areas internal to the planning area.
- Perimeter walls
- Internal walls

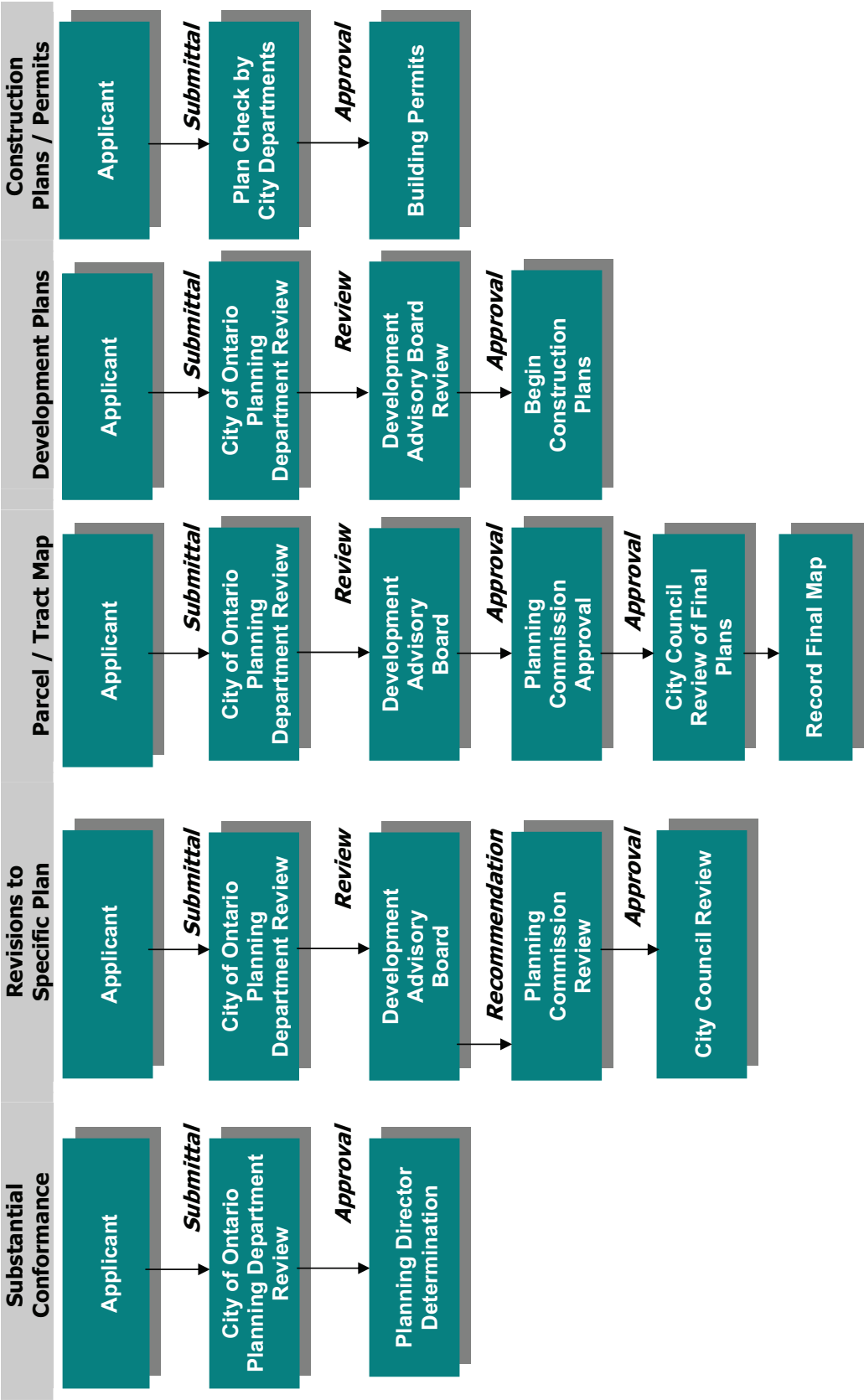
Maintenance of the driveway and adjacent landscape improvements shall be the responsibility of the property owner whose property contains those existing and/or proposed improvements, except as described below if mutually agreed upon by the property owners.

A portion of the existing one-way access lane currently serving as a circulation drive from the northwest portion of the commercial center to the rear parking area is located on the proposed Planned Residential property. The owner of the Planned Residential property shall provide an access easement to the existing commercial center to allow for its continued use.

5.8 General Plan Consistency

California Government Code (Title 7, Division 1, Chapter 3, Article 8, Section 65450-65457) permits adoption and administration of specific plans as an implementation tool for elements contained in the local general plan. Specific plans must demonstrate consistency in regulations, guidelines and programs with the goals and policies set forth in the general plan.

The Ontario Festival Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario General Plan designation of Mixed-Use: Inland Empire Corridor. An analysis of conformance is provided in the Appendix.



Project Review and Approval Chart

Exhibit 5-1